

**COMPILATION OF SAMPLE BACKGROUND PAPERS  
PREPARED FOR USE DURING THE COMMONWEALTH  
PARLIAMENTARY ASSOCIATION (CPA) CONFERENCES  
AND THE INTER-PARLIAMENTARY UNION (IPU) MEETINGS**

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***RESEARCH  
DEPARTMENT***

***2019 - 2022***



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**BACKGROUND PAPER ON:  
THE USE OF SOCIAL MEDIA IN ENHANCING PARLIAMENTARIANS'  
CONSTITUENCY ENGAGEMENTS**

**PREPARED FOR**

**THE 50<sup>TH</sup> COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA)  
AFRICA REGION CONFERENCE ON THE THEME "E-PARLIAMENT:  
SEAMLESS PLATFORM FOR FACILITATING DEMOCRACY, 2<sup>ND</sup> TO 3<sup>RD</sup>  
SEPTEMBER, 2019, ZANZIBAR, TANZANIA**

**RESEARCH DEPARTMENT  
AUGUST, 2019**

## INTRODUCTION

In the past few years, the proliferation in the use of social media has begun to transform the ways in which elected representatives communicate and share information with their electorate and vice versa. Many political analysts have argued that, if politicians do not embrace and effectively use social media in their work, particularly as a tool to foster political engagement, they risk failing to deliver on the ever changing expectations and aspirations of society.<sup>1</sup> Further, it is now generally accepted, in participatory democracy circles, that social media can be a highly effective means for re-engaging public interest in democratic institutions and strengthening representation, especially in societies where significant constraints over traditional media and participation still exist. For legislatures, which are representative institutions, it means that parliamentarians are expected to use social media to effectively engage with their constituents on various developmental issues and promote accountability and transparency in the discharge of their responsibilities.

This paper, therefore, discusses parliamentarians' use of social media to enhance their constituency engagements, using Zambia as a case study. In discussing this subject, the paper explores the potential of social media as a tool to foster parliamentarians' engagement with citizens, and promote greater accountability, in the face of declining levels of public confidence in politicians.

### Definition of concepts

For purposes of this paper, the concepts 'digital divide', social media', and 'constituency or citizen engagement', are defined as follows:

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<sup>1</sup> Sefora, M. M (2017). Public Participation in Parliament– Perspectives on Social Media Technology (SMT); Dalhousie Journal of Interdisciplinary Management (2017) Evaluating the uses and realizing the benefits of social media use in politics; and Duffy, B & Foley, M. (2011) Social media, community engagement and perceptions of parliament: a case study from the NSW Legislative Council

- i) **digital divide** refers to the gap between individuals, households, businesses and geographic areas at different socio-economic levels with regard both to their opportunities to access ICTs and to their use of the Internet for a wide variety of activities;<sup>2</sup>
- ii) **social media** is any form of online publication or presence that allows end users to engage in multi-directional conversations in or around the content on the website. Social media can take many different forms, including internet forums, weblogs, social blogs, microblogging, wikis and podcasts. Some of the common social media platforms include Facebook, MySpace, YouTube, Flickr, Twitter and WeChat;<sup>3</sup> and
- iii) **constituency or citizen engagement** is a means by which citizens play an effective role in the decision-making process through involvement in defining issues affecting them, identifying solutions and developing priorities for action and resource allocation. It includes social capital, civic engagement, and political participation aimed at addressing community issues and pursuing common interests.

## THE USE OF SOCIAL MEDIA TO ENHANCE PARLIAMENTARIANS' CONSTITUENCY ENGAGEMENTS

### a. Understanding parliamentarians' constituency engagements

To discuss how the use of social media can enhance parliamentarians' constituency engagements, it is important to understand the responsibilities of parliamentarians towards their constituents. By and large, the responsibilities of parliamentarians to the constituency revolve around their key roles of enacting

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<sup>2</sup> OECD (Organisation for Economic Co-operation and Development). (2001). Understanding the digital divide. R

<sup>3</sup> Skoric, M M and Zhu, Q. (2016) Social media and citizen engagement: A meta-analytic review  
City University of Hong Kong, China

and amending legislation; scrutinising the actions of government, through their oversight functions; and representing their constituencies. More importantly, parliamentarians' constituency engagements are part of or meant to actualise the representative function of a Member of Parliament (MPs). This means that MPs are expected to be abreast with and responsive to the needs and expectations of their constituents and provide necessary feedback on issues affecting their constituents.

As part of their constituency engagements, MPs undertake various activities, including, but not limited to:

(i) ***attending to Individual constituent problems (cases)***

In attending to constituent cases, MPs receive, respond and track progress on solving constituents' problems. MPs do this by meeting relevant government offices and seeking clarifications and feedback on issues affecting constituents;

(ii) ***running a constituency office***

MPs run constituency offices to help streamline constituency services and improve the efficiency of outreach activities. These offices provide citizens with a platform to meet with their representatives to share their needs and concerns. The office also provides a physical location for dealing with matters affecting the community;

(iii) ***conducting constituency communication and outreach activities***

MPs facilitate the flow of information to constituents regarding their work in Parliament. They use various methods such as road shows, open days and constituent questionnaires. The goal of outreach activities is to create an ongoing dialogue between MPs and the constituents. MPs can also hold meetings in constituency offices to get views from constituents

and expert advise and input into the work of Parliament (such as legislating, participating in debates, asking questions to Ministers etc.) to voice the resulting ideas.

Using such initiatives, constituents seek solutions to specific problems in the public sector by engaging constructively with their MP. The initiatives also increase the level of public confidence in Parliament and bridge the gap between constituents and the government.

#### **b. Enhancing parliamentarians' constituency engagements through social media**

Given the important role that parliamentarians play in their respective constituencies, it is vital to discuss how communication through social media can enhance their constituency engagements. Social media platforms offer multi-modal communicative options that parliamentarians can use to supplement their traditional methods of information gathering, political discussion and participation. Based on its openness and connectedness, social media can boost citizen engagement and participation by attracting hard-to-engage constituents such as the youth.

Parliamentarians can, thus, use social media to facilitate more direct social discourse without being restricted by geography, time or political interests, thereby allowing users to create their own content and communicate with each other anytime anywhere. For instance, virtual communities such as Facebook or WhatsApp groups may facilitate and offer new ways to stimulate political engagement with many people across the constituency without organising a physical meeting. This not only lowers the cost of collective action, but also allows MPs to widen audiences and increase the visibility of issues affecting their constituencies.

In a nutshell, Parliamentarians can take advantage of new opportunities for communication and engagement that social media offers to:

- (i) enhance their accessibility and visibility, thereby allowing citizens to reach out to them through different channels;
- (ii) facilitate the quick dissemination of information for decision-making and transfer of knowledge to citizens;
- (iii) provide wider platforms for discussing pertinent issues with and among citizens with potential for the users to create their own content and communicate with each other anytime anywhere;
- (iv) provide additional and reliable avenues for more participatory, inclusive and deliberative processes of decision-making;
- (v) increase engagement with youth and raise youth related problems, needs and aspirations; and
- (vi) educate their constituents about various governance issues such as the role and operations of Parliament and the dangers of electoral violence, without much cost.

Given that it is a new area for some MPs, experts have come up with basic guidelines to help parliamentarians navigate the realms of use social media for purposes of enhancing their constituency engagements. The guidelines include:<sup>4</sup>

1. ***Parliamentarians' pre-engagement with constituents.*** This can involve, among others:
  - a. defining the issue or topic on which to engage the constituents on social media;
  - b. examining the various forms of social media and choosing the best platform for engaging constituents on the issue; and

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<sup>4</sup> Andy Williamson (2013) Social Media Guidelines for Parliaments

- c. ensuring that all material to be disseminated is available in all official languages without leaving anyone behind.

2. ***Parliamentarians' conversation with constituents.*** This can involve:

- a. ensuring that constituents can make all submissions electronically (including audio and video);
- b. ensuring that submissions can be made in any officially recognised language;
- c. recognising that there might be times when conversations are best taken offline and facilitated as such; and
- d. enforcing standards of conduct and moderation in an impartial and equal manner.

3. ***Parliamentarians' post-engagement with constituents.*** This might involve:

- a. evaluating whether the issue or problem was effectively addressed based on the criteria that were defined at the initial stage; and
- b. publishing the outcome and summary of contributions, which could involve sending feedback directly to participants.

Despite the potential of social media to enhance constituency engagements, parliamentarians still face challenges in accessing and using it. These include, among others:

- (i) the digital divide, in Africa and other developing regions, as a result of inadequate internet access and ICT skills, compounded by low literacy levels in constituencies;
- (ii) social media has increasingly become a channel for different forms of vices such as cyber-crime, cyber-bullying, stalking, defamation, spread



- of false information and inciting messages, hence discouraging its use by some parliamentarians;
- (iii) social media has increased the trend of “information explosion” which makes it harder to filter out relevant and useful information with the possibility of leading to “social fragmentation” and “digital isolation”; and
  - (iv) there is also uncertainty surrounding the application of parliamentary privilege on social media and the need to protect MPs and constituents from the possible negative consequences.

## THE ZAMBIAN SITUATION

The National Assembly has identified social media as an important public engagement tool and enabler of parliamentary democracy. For this reason, Parliament has undertaken several measures aimed at promoting the use of social media by both MPs and the public. These include the enactment of ***the Information Technology Act No 15 of 2009*** to provide for, among other things, access to ICTs such as social media, and facilitated the re-naming of the Communications Authority of Zambia (CAZ) to the Zambia Information Communications Technology Authority (ZICTA). The mandate of ZICTA is to, among other things, regulate the provision of electronic communication services and products such as social media and monitor the performance of the sector in terms of levels of investment, availability, costs and standards of electronic services in Zambia.

Further, Parliament also enacted ***the Electronic Communications and Transactions Act No. 21 of 2009*** to provide for the development of a safe, secure and effective environment for consumers, business sector and Government in the provision and use of electronic communications, and to facilitate the creation of secure communication systems and network, among other things. The purpose is to ensure that electronic communication platforms

such as social media are safe and regulated to curb cybercrime which social media is prone to.

Apart from the above, the National Assembly established the Committee on Media, Information and Communication Technologies whose mandate is to, inter alia, study, report and make appropriate recommendations to the government on the mandate, management and operations of ministries responsible for Information and Broadcasting and Transport and Communication, including ZICTA; and carry out detailed scrutiny of activities, including the use of ICTs such as social media being undertaken by the relevant government ministries and departments and make appropriate recommendations to the House for ultimate consideration by government. For example, in 2017, the Committee considered a topic: *Review of the Information and Media Policy in Zambia*. In its report<sup>5</sup> to the House on the topic, the Committee recommended that government should quickly develop a legislative framework that will guide the effective use of new media and guarantee the safety and security in the use of social media platforms.

At institutional level, the National Assembly has been implementing the Parliamentary Reform Programme (PRP) to make the functions of the Institution more efficient and effective. The reforms are aimed at taking Parliament closer to the people and thereby enhance engagement with the constituents. To this end, Parliament developed the 2017-2021 National Assembly of Zambia Communication Strategy (NAZCS) to provide for innovative communication methods, including the use of social media.

Under “**Objective 2: to improve access to information and create awareness and understanding of the National Assembly among members of the public**” of the Strategy, the National Assembly has revealed its intention to

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<sup>5</sup> Report of The Committee On Media, Information And Communication Technologies For The Second Session Of The Twelfth National Assembly, Appointed On Thursday, 21st September, 2017

create an integrated social media platform. The platform will link the National Assembly of Zambia Facebook page, Twitter handle and Website to ensure that everything posted on the website is also seen on the Institution's social media pages. This will give the institution the much-needed social media presence and enhance engagement with constituents. Further, under “**Objective 3: to enhance the participation of citizens in Parliamentary Committees and other parliamentary activities**”, the Institution will work to promote Parliament Radio and TV using social media.

### **Parliamentarians' use of social media in the Zambian Parliament**

Regarding the use of social media in the Zambian Parliament, it is important to note that social media has not yet been officially incorporated in the Communication Strategy for the exchange of information between MPs and the public. Despite this, MPs are not prevented from using social media in their individual capacity as people's representatives to engage with their constituents. In fact, because of the enabling legislative environment that Parliament has provided, MPs are able to access social media in their individual capacities in the internet café, at Parliament Buildings and using their internet-enabled phones and tablets.

Currently, there are two ways in which the Zambian MPs are utilising social media to engage their constituents. Some MPs have been using constituency office Facebook pages which are created and run by constituency office staff, while others are using personal Facebook accounts to engage with their constituents. However, MPs using social media to enhance their constituency engagements are mainly from urban and peri-urban constituencies.

Despite these positive efforts, the Zambian MPs, like their counterparts in other developing countries, still contend with a number of challenges in the use of social media to engage their constituents. The major ones being internet

inaccessibility and unaffordability, and inadequate ICT skills. This has created a digital divide, especially between urban and rural constituencies.

## CONCLUSION

The need for parliamentarians to embrace and use social media to enhance sharing, collaboration, and engagement with their constituents cannot be overstated. MPs should, therefore, leverage on the many social media communication channels and their ability to mobilise people anytime anywhere to enhance their engagement with constituents.<sup>6</sup> However, given the fact that social media is a new thing to many parliamentarians, especially those in African legislatures, Parliaments should ensure that Parliamentarians are resourced with the knowledge and equipment to actively and effectively use social media to enhance their constituency engagements.<sup>7</sup>

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<sup>6</sup> Inter-Parliamentary Union (IPU). (2016). *World e-Parliament Report (WEPR) 2016*. Geneva: IPU

<sup>7</sup> Andy Williamson (2013) Report on Social Media Guidelines for Parliaments, Inter-Parliamentary Union,



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**BACKGROUND PAPER ON:  
STRATEGIES TO DEAL WITH YOUTH UNEMPLOYMENT**

**PREPARED FOR  
THE 64<sup>TH</sup> COMMONWEALTH PARLIAMENTARY CONFERENCE, 22<sup>ND</sup> -  
29<sup>TH</sup> SEPTEMBER, 2019, KAMPALA, UGANDA**

**RESEARCH DEPARTMENT  
SEPTEMBER, 2019**

## INTRODUCTION

Globally, young people are said to be three times more likely than adults to be out of employment, while those in employment, their quality of jobs is often compromised. Statistics show a growing global youth population of approximately 1.8 billion, with Africa taking a share of 41 per cent of unemployed youths below 15 years, and 19 per cent aged between 15 – 24 years.<sup>1</sup> For this reason, the United Nations (UN) has prioritised youth employment as espoused in the Sustainable Development Goals (SDGs).

In this regard, governments across the world continue to formulate and implement appropriate youth empowerment and employment strategies to alleviate the problem. The paper, therefore, discusses some of the strategies to deal with youth unemployment, with a focus on Zambia.

## DEFINITIONS

**Youth.** While there are no universally accepted definitions of adolescence and youth, the UN understands adolescents to include persons aged 10-19 years and youths as those between 15 - 24 years.<sup>2</sup> In Zambia, a youth is defined as a person that has attained the age of 19, but is below the age of 35.<sup>3</sup>

**Unemployment** is defined as the share of the labour force without work but available for, and seeking employment.

Based on this definition, youth unemployment refers to young people who are looking for work but cannot find a job, with the age range being that defined by the UN as 15 – 24 years. The International Labour Organisation (ILO), Convention No.

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<sup>1</sup>United Nations, Department of Economic and Social Affairs, Population Division: World Population Prospects; The 2017 Revision, New York 2017, Page 1

<sup>2</sup> Report of the Advisory Committee for the International Youth Year (A/36/215 annex)

<sup>3</sup> The Constitution of Zambia Act No. 2 of 2016

138, has set the minimum age for employment at 15 years<sup>4</sup> for a child to look for work on a full-time basis with the possibility to temporarily set the general minimum age at 14 for countries whose economy and education facilities are insufficiently developed.

## **EFFECTS OF YOUTH UNEMPLOYMENT**

In September, 2015, the 193 member States of the UN adopted a broad universal development agenda, the SDGs which include commitments to tackle unemployment. For example, Goal No 4 seeks to ensure inclusive and equitable quality education and promote lifelong learning opportunities in order to increase employability levels among the youth. The target is to substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship by 2030. Further, Goal No 8 seeks to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. The target is that by 2030, full and productive employment and decent work for all women and men will be achieved, including for young people and persons with disabilities, and equal pay for work of equal value. This will substantially reduce the proportion of youth not in employment, education or training.

Despite these commitments, youth unemployment remains a challenge. Unemployment has social and economic consequences for young people. At individual level, youth unemployment can lead to frustration; low self-esteem; and increased vulnerability and violence. Youth unemployment is further exacerbated by rural-urban migration. Young people migrate believing that more jobs are available in urban areas but once in the cities they find themselves without a job and with

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<sup>4</sup> United Nations, Department of Economic and Social Affairs, Population Division: World Population Prospects; The Phillips S, Sandstrom K. Parental attitudes toward "youthwork. Youth and Society. 1990;22:160–183 2017 Revision, New York 2017, Page 1

limited social networks. Trapped and discouraged by bleak job prospects, some turn to prostitution, alcohol and drug abuse.

Youth unemployment at national level leads to marginalisation and exclusion of young people in national development, and thus lower income levels due to narrow revenue tax base and subsequently low Gross Domestic Product (GDP); high dependency burden on parents and guardians; corruption; poverty; and domestic violence, among others. Further, youth unemployment weakens and destabilises productivity and investment, hence stunting national growth. In view of this, unemployment and a failure to address growing inequalities are part of the reasons for the recent wave of xenophobia attacks in South Africa.<sup>5</sup>

### **GENERAL STRATEGIES FOR DEALING WITH YOUTH UNEMPLOYMENT**

Some of the common strategies relating to employment, entrepreneurship and employability include the following:

- i. re-engineering and revision of the education system, including infrastructure, so that education becomes more accessible to all young persons, and further focusing attention on the education needs of special groups (physically challenged, at risk youth, out of school youth and the rural youth). This helps to address the diverse needs of youths and supports their varied aspirations;
- ii. making entrepreneurship more accessible to special youth cohorts, which also promotes self-employment as a viable alternative to traditional employment;
- iii. providing the foundation for business and economic infrastructure to attract greater investment and enhanced opportunities for youth employment;
- iv. equipping the youth with necessary social, life and technical skills for the job market;

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<sup>5</sup><https://www.news24.com/SouthAfrica/News/Unemployment-anger-over-inequality-drives-xenophobic-attacks-report-20150417>



- v. intensifying culture and technology-based approaches to learning and skills development, while facilitating the training in ICTs for youth income generation;
- vi. promoting other sectors as mechanisms for employment and income generation, such as culture, sport and agriculture;
- vii. promoting and providing on-the-job training opportunities, apprenticeships, work experience and placement programmes;
- viii. encouraging research and planning for training, skills and qualifications that are needed on the job market; and
- ix. fostering direct linkages between education and employment sectors.

## **STATUS OF YOUTH UNEMPLOYMENT IN ZAMBIA**

Zambia's population is predominantly youthful constituting 36.7 per cent of the total population.<sup>6</sup> According to the 2017 Labour Force Survey, the youth unemployment rate was estimated at 17.4 per cent. The male youth unemployment rate at 16.2 per cent and that of females at 19.1 percent. The rate of youth unemployment was higher in urban areas at 18.5 per cent than in rural areas at 15.7 per cent. However, females accounted for a higher rate of unemployment compared to their male counterpart in urban areas at 22.5 per cent and 15.7 per cent respectively, while males accounted for higher unemployment rates in rural areas than females at 17 per cent and 13.8 per cent respectively.<sup>7</sup> These statistics show that the opportunity cost of not fighting youth unemployment is extremely high to the young Zambians.

## **POLICY AND LEGAL FRAMEWORK ON YOUTH UNEMPLOYMENT**

To mitigate the growing challenge of youth unemployment, there are a number of labour market policies that have been formulated to include the participation of young people in the mainstream economy. Among the policies that seek to address

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<sup>6</sup> 2010 census report, Page 13

<sup>7</sup> 2017 Labour Force Survey Report, Ministry of Labour and Social Security (Zambia), December 2018

youth unemployment are the 2015 National Youth Policy and Action Plan for Youth Empowerment and Employment. The two policy documents were developed as a result of a study that was conducted by the Ministry of Youth and Sport in collaboration with other stakeholders. The study revealed among other things that unemployment and under-empowerment were high among the Zambian youth. The study also found that there was a mismatch between the skills possessed by the youth and what was demanded by the industry.

The 2015 Youth Policy emphasises responsive youth programming by all stakeholders for more employment and empowerment opportunities, while the Action Plan on Youth Empowerment and Employment provides instruments and strategies for addressing youth unemployment and under-empowerment comprehensively through a multi-sectoral approach. The formulation process of the Action Plan was partially informed by the Industrialisation and Job Creation Strategy; the 2015 National Youth Policy; and other sectoral plans and policies such as the Education Policy, National Agriculture Investment Plan, the revised 2013 Education Curriculum Framework, and the 2009 Technical Education Vocational and Entrepreneurship Training (TEVET) Policy, among others. The strategies contained in the plan are as much as possible aligned to the needs of critical sectors and sub-sectors that are key to the alleviation of youth unemployment.

In terms of the legal framework, the Constitution of Zambia protects the employment of youths in Article 24, which states that no young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.<sup>8</sup> Further, Parliament recently enacted the Employment Code Act, No. 3 of 2019, which is also in line with other labour international treaties that Zambia has ratified.

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<sup>8</sup> The Constitution of Zambia, 1996

The Code regulates the employment of persons; prohibits discrimination at an undertaking; constitutes the Skills and Labour Advisory Committees and provides for their functions. It further provides for the engagement of persons on contracts of employment and provides for the form and enforcement of the contracts of employment; provides for employment entitlements and other benefits provided for the protection of wages of employees; provides for the registration of employment agencies; and regulates the employment of children and young persons.

## **STRATEGIES TO DEAL WITH YOUTH UNEMPLOYMENT IN ZAMBIA**

The implementation of strategies that deal with unemployment in Zambia is multi-leveled. While a number of strategies have been implemented, others, though adopted in policy documents are yet to be implemented. The strategies are aimed at equipping youths with skills to enable them get formal or informal employment, as well as be initiators of employment. These include:

i. **Supporting Micro, Small and Medium Enterprises (MSMEs) and cooperatives development in the targeted sectors**

The development of MSMEs and corporative societies is a sustainable way of reducing the rate of unemployment in the country. MSMEs are business entities that deepen the manufacturing sector and help in achieving a more equitable distribution of resources, thereby generating more jobs for youths in the country. The strategy is being implemented through targeting and promoting youth participation in local value addition mechanisms such as subsidising the acquisition of farm inputs for cooperative societies and providing grants and loans with flexible repayment terms;

ii. **Establishment of the Citizens Economic Empowerment Commission (CEEC)** CEEC is a body corporate established through the enactment of the Citizens Economic Empowerment Act No. of 2006 to foster broad-based economic empowerment and job creation in Zambia. The Commission is

contributing to job creation through initiatives such as construction of industrial yards in selected districts in the country for youths involved in steel works, wood works, manufacturing of auto spares, agro and mineral processing;<sup>9</sup>

iii. **Implementation of the Industrialisation and Job Creation Strategy.**

The Industrialisation and Job Creation Strategy is being realised through the Value Chain Cluster Development Programme. Under this programme, five priority industries have been developed in each province, based on their comparative advantages. Each fiscal year, the Government focuses empowerment programmes in three districts per province to develop the value chain clusters. The approach is private sector driven, meaning that resources and support services are made available for the prioritised industries to create sustainable wealth and jobs for many youths domiciled in the value chain cluster;

iv. **Review of Technical Education and Vocational Training (TEVT) Programmes**

The Government has embarked on major reforms to review the Technical Education and Vocational Training (TEVT) in order to make it more responsive to the current training demands in the economy. Such reforms involve expanding and integrating entrepreneurship and financial management training in the education system in order to develop a business and entrepreneurial culture among the youths. The strategy entails developing a curriculum that mainstreams the teaching of entrepreneurship and basics in financial management. Government envisages equipping students with relevant, contemporary and competitive skills that are valuable in the job market;

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<sup>9</sup><https://www.dailynation.info/ceec-sets-aside-k20m-for-industrial-hubs/>

v. **Youth financing for business start ups and expansion**

Government through the Ministry of Youth, Sport and Child Development supports youths with financial solutions through a revolving Youth Development Fund (YDF). The aim is to empower the youth with finances and build their skills capacity. Each year, a substantial amount is appropriated by Parliament for financing of grants and loans to youth groups across the country. Furthermore, Government assists business start-ups with easy access to financial capital from private financial and lending institutions. Most start-ups face obstacles to acquire financing for lucrative projects. Therefore, the strategy to engage financial institutions is to further impact the capacities to spur wealth and job creation among the youth;

vi. **Promote youth employment creation initiatives by formulating deliberate policies and measures targeting young women and men**

In addition to the core policies, Government intervenes with strategic measures such as providing tax and non-tax incentives to corporations working with youth and youth based firms, and to contractors who employ a certain number of youths in their contracts. Further, the strategy entails providing preferential treatment of youth and youth-based firms in public and private work contracts;

vii. **Expand and integrate entrepreneurship and financial management training in the education system**

The strategy entails developing a curriculum that mainstreams the teaching of entrepreneurship and basics in financial management. The strategy is operationalised through promoting apprenticeships, internships, attachments and mentorship through the provision of targeted incentives and subsidies. The scholars are also inducted in vocational guidance, counseling and career guidance early in the education system;

viii. **Mitigating youth unemployment through public-private initiatives**

Government has been encouraging private firms to support its efforts of creating employment for the youths. For instance, Government through the Ministry of Mines and Minerals Development negotiated the handover of 10 per cent copper-damp-site owned by Nkana Alloy Company to a youth owned company, Chapamo Mineral Processing Investments. The local youths are further empowered with a ready market where the copper deposits are sold at attractive market rates. Other business development support programmes exist under various ministries such as Community Development and Social Services, Agriculture, Gender and Higher Education, among others;

ix. **Promoting innovative solutions for commerce and industry**

Government has embarked on the "Smart Zambia project" to transform Zambia into a smart e-society with secure online commercial solutions. It is anticipated that the majority of future information and communication technologists to service the robust transformational industry is likely be composed of the youth;

x. **Enhancing capacity in the construction industry**

Developments in the construction of public and private infrastructure are contributing to the creation of gainful employment during and after the construction phase. Majority of the infrastructure being built is certainly supporting the engagement of youths at constituency and national level. In view of this, Government has formulated the 20 per cent sub-contracting policy which aims to empower local contractor's knowledge transfer and capacity in the construction industry;

xi. **Restructure agriculture skills development into a Competence Based Modular Training System**

The agriculture sector contributes a significant share to the Gross Domestic Product (GDP) and is potentially one of the largest employers. In view of this, the sector has potential to create more employment for young men and women. Therefore, restructuring the agriculture skills development into a Competency Based Modular Training system is strategic and will give additional knowledge to apprentices who are interested in learning a trade. Apprentices will also acquire essential skills which will be suitable for the labour market demand; and

xii. **Setting up a Youth Employment Observatory (YEO)**

The Government is in the process of setting up a YEO which to enhance the understanding of the youth labour market by capturing youth employment trends in the growth sectors. The YEO is being planned as an observatory key monitoring and evaluation mechanism for planning youth employment. Therefore, information obtained from the trend will be useful in terms of planning ahead and prioritising further strategies to create employment for young men and women.

## **CONCLUSION**

The youth make up the larger share of the global and national populations. The unemployed youth are prone to engage in social and political vices that have the potential to undermine democratic practices, peace and stability in society. It is, therefore, necessary that governments continue to formulate appropriate responses to empower and create employment opportunities for the youth.

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**BACKGROUND PAPER ON:**

**SECURITY OF INDIVIDUALS IN THE PARLIAMENTARY CONTEXT AND  
BEYOND**

**PREPARED FOR**

**THE 25<sup>TH</sup> CONFERENCE OF SPEAKERS AND PRESIDING OFFICERS OF THE  
COMMONWEALTH (CSPOC), 6<sup>TH</sup> TO 10<sup>TH</sup> JANUARY, 2020, OTTAWA, CANADA**

**RESEARCH DEPARTMENT**

**DECEMBER, 2019**



## INTRODUCTION

Parliaments occupy a unique and crucial position in society. They perform special functions which include legislation, budget appropriation, representation and oversight. In carrying out these functions, Members of Parliament (MPs) tend to be under heavy scrutiny and criticism because some of their decisions do not get the support of everyone. This, among other reasons, poses security risks to Members and their families, as well as the Institution of Parliament. It is on record that some MPs and their families have been attacked because of their positions on certain issues. An example was the attack and murder of Mrs Jo Cox who was an MP for Batley and Spen Constituency in the United Kingdom, on 16<sup>th</sup> June, 2016. According to reports, the motive for the assailant was that Mrs Cox had divergent political and ideological views from his. In addition, the Inter-Parliamentary Union (IPU) Committee on Human Rights of Parliamentarians reported 18 cases of violations which included physical attacks such as beatings on Parliamentarians in 14 countries.<sup>1</sup> This typifies the extent of security risk that MPs face, hence the need to ensure that their security is guaranteed.

It should also be noted, however, that apart from physical security risks, MPs also face cyber security threats and attacks, in light of the proliferation of Information and Communication Technologies (ICTs). It is, therefore, imperative that both physical and cyber security measures are enhanced in order for MPs to carry out their duties effectively, within parliamentary precincts and beyond.

In this regard, this paper discusses the security of individuals in the parliamentary context and beyond. It does this by looking at how parliamentary privilege contributes to ensuring security of MPs and other individuals. It also discusses issues in cyber security that may have implications on the privilege of Members

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<sup>1</sup>IPU Committee denounces wide-scale repression of opposition MPs in the lead up to elections (2018), <https://www.ipu.org/news/press-releases/2018-02/ipu-committee-denounces-wide-scale-repression-opposition-mps-in-lead-up-elections>

and their security. The paper also gives the Zambian perspective regarding the security of Members within the parliamentary precincts and beyond.

## **PARLIAMENTARY PRIVILEGE**

The term privilege is used to describe one's special rights or advantages beyond the common advantages of others. In parliamentary context, it sums up peculiar rights enjoyed by legislatures as a collective body and individual MPs, without which they cannot effectively discharge their functions. In that sense, parliamentary privilege can be viewed as special advantages which Parliament and its Members need to function unimpeded<sup>2</sup> and to enhance their security. There are three (3) main privileges that Parliaments and parliamentarians enjoy.

**i. Freedom of Speech.** This has been described as a fundamental right which allows Members to speak freely in the Chamber or when carrying out Parliamentary Committee work, without fear of being sued or prosecuted. It is essential for the effective operation of Parliaments as it allows Members to freely represent their constituents. MPs often deliberate and debate on controversial and sensitive issues, which may result in threats being directed to them and/or the House. It is, therefore, imperative that their speech is protected. For this reason, the freedom of speech is arguably considered the most important privilege that MPs enjoy.

The freedom of speech is also extended to non-Members who appear before parliamentary committees or publishers of parliamentary papers. This freedom is, however, not limitless as it may not apply to reports of proceedings or debates published by newspapers or others outside Parliament. Further, parliamentary privilege may not apply to a Member who could be publishing his or her own speech, separate from the official record.<sup>3</sup>

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<sup>2</sup>Marleau&Montpetit (2000), House Of Commons Procedure And Practice: Privileges and Immunities

<sup>3</sup>Ibid

**ii. Freedom from Arrest in Civil Action.** This right is premised on the requirement for Members to always be available for parliamentary work, which is highly prioritised. This privilege ensures that Members carry out their duties without disruptions from arrests that may be effected on them in civil actions, thereby securing them while on duty. However, this freedom is not applicable in the administration of criminal justice. This implies that as much as Parliament has its own laws, there is no immunity with respect to criminal acts, such as treason, felony, and contempt of court, whether committed within parliamentary precinct or outside.

**iii. Power to Regulate Internal Affairs.** This is known as 'exclusive cognisance' and it gives the institution sole lawfulness of its own procedures, and to settle or depart from its own code of procedure. In doing so, Parliament has the right to determine its own agenda and make its decisions free from external interference. In addition, Parliament has the right to ensure that Members attend to parliamentary duties. It is noteworthy that in regulating its internal affairs, Parliament is guided by a set of internally written rules known as Standing Orders.

Parliamentary privilege ensures that Members fulfill their parliamentary duties without undue obstruction, interference or intimidation. However, ensuring security of MPs has become complicated, especially with the advent of ICTs that have increased security risks beyond the physical environment. Incidences have occurred where ICTs have been used to obstruct MPs during the course of their work. When such incidences occur, Parliament, using its powers and privileges, has the right to invoke these privileges by punishing and deterring people who may be cited for contempt, thereby ensuring and enhancing the security of MPs within and outside Parliament.

Beyond parliamentary privilege, the security of MPs in most jurisdictions is provided by state security agencies just like any other citizen. However, this type of security may not be adequate for MPs. For example, in Ghana, MP for Nyiaeso Constituency, Honourable Kennedy Kankam and his family, were held hostage at gun point for a couple of hours on 3<sup>rd</sup> November, 2019 in a case of robbery.<sup>4</sup> This unfortunate incident led MPs to call for enhanced security, not only in Parliament precincts but even in their homes. Similarly, in Kenya, MPs are assigned a security officer who ensures their safety within and outside Parliament. This shows that MPs are more susceptible to threats and attacks because of the nature of their work, and more so, with the increased usage of ICTs.

## **CYBER SECURITY AND ITS IMPLICATIONS ON SECURITY IN THE PARLIAMENTARY CONTEXT**

Cyber security entails the safeguarding of computer software and networks; and the information they contain, from penetration and malicious damage or disruption.<sup>5</sup> The concept has evolved from being just about computer anti-virus or firewall protection, to a matter of national and global security, and one of the issues emerging is the use of mobile devices and social media networking. As technology advances, the number of mobile devices also exponentially increases, thereby increasing cyber security risks.

In addition, the use of social media by individuals, businesses and institutions is skyrocketing and so are cyber threats and attacks. Members are also increasingly using mobile devices and social media to communicate amongst themselves, with families, their constituents and the world at large, thereby making them susceptible to cyber threats and attacks.

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<sup>4</sup>Parliament renews call for Police Protection At Home(2019), <https://www.parliament.gh/news?CO=58>

<sup>5</sup> Lewis (2006) Cyber security and Critical Infrastructure Protection

The use of social media and mobile devices can potentially be abused by both MPs and the public through controversial posts and comments. For instance, a Member may make controversial comments with full knowledge of his or her parliamentary privilege, which may be quickly repeated or shared by individuals on social media who have no parliamentary privilege, resulting in arrests or punishment of such individuals.<sup>6</sup> This, therefore, calls for Members to strike a balance between their right to freedom of speech and the necessary need to exercise that right responsibly, for purposes of ensuring security of non-parliamentarians.

Further, social media has been used to commit fraud, spread hate speech and fake news, as well as promote character assassination. In addition, social media has been used to invade people's privacy, and perpetrate criminal activities such as cyber bullying, where by 'faceless' people use it to steal, shame and intimidate others. Some MPs have been victims of such cyber attacks. An example of such a case occurred in Canada, where the Minister of Public Affairs alleged interference on his privilege, which affected his ability to discharge his duties effectively, mainly due to threats made against him in videos posted on YouTube. Ruling on those allegations, the Speaker on 6<sup>th</sup> March, 2012, confirmed that the Minister's privilege had been breached.<sup>7</sup>

As a result of such ills, social media has sometimes been viewed as a weapon in eroding the security of individuals such as MPs.

Other issues in cyber security such as digitisation and cloud computing may have an impact on security of Parliament. For instance, Parliament may decide to digitise some reports and store the information online through cloud computing. However, information stored in this manner may be hacked, manipulated and decisions could be made based on such information. This has potential to impact

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<sup>6</sup>McNair (2014), The Implications of social media for Parliamentary Privilege and Procedure

<sup>7</sup>McNair (2014), The Implications of social media for Parliamentary Privilege and Procedure

negatively on Parliament's privilege to control its internal affairs and could misrepresent Parliaments and Members, thereby exposing them to potential security threats.

## **THE ZAMBIAN PERSPECTIVE**

The vision of the National Assembly of Zambia is to be a model legislature for democracy and good governance. In order to achieve this, the National Assembly has developed policies such as Communication Strategies in a bid to bring Parliament closer to the people and enhance its engagement and interaction with stakeholders and the general public. This has helped in enlightening people about Parliament and its functions, and increased their participation in the governance process. To this end, Parliament is becoming more open and accessible both physically and through ICTs. In doing so, however, the security risk to MPs increases hence the need to balance issues of security, accessibility and transparency.

### **a) Physical Security**

Zambia is a relatively peaceful country and there are very few cases when MPs have been attacked while performing their duties within or outside Parliament. Despite that, security of MPs within Parliament precincts is guaranteed by a fully fledged Security Department which is headed by the Chief Parliamentary Security Officer and Serjeant-At-Arms. The Department ensures that members of the public, who wish to undertake familiarisation tours of Parliament Buildings or to attend the sittings of the House, are only granted access to parliamentary precincts upon approval by the Clerk of the National Assembly. When access is approved, visitors are required to identify themselves with either a passport, National Registration Card or a driving license for security purposes. However, for visitors to access the Chamber through the visitors' galleries, they need to be screened further and issued with a pass by the Sergeant-At-Arms. In addition,

visitors are not allowed to take into the galleries such articles as walking sticks, umbrellas, brief cases, newspapers, magazines or cellular phones.

The Security Department also ensures that the Parliamentary Motel is secured, where MPs who reside outside Lusaka, lodge when attending to parliamentary business. In instances where Parliament may be deliberating on an issue that may be controversial and may result in protests, thereby compromising the security of Members, the Department requests for reinforcement from the state security agencies at Parliament Buildings.

When Parliamentary Committees are on tour of duty, Parliament assigns security officers to ensure their safety. In addition, Parliament has employed security officers in Constituency Offices to ensure that MPs are secure as they interact with their constituents. For Presiding Officers, Parliament allocates security personnel to ensure their security within Parliament precincts, outside and at their residences.

Outside Parliament, security of MPs is provided by state security agencies, just like ordinary citizens. MPs do not receive personal security services from the state. However, state security agencies investigate attacks or allegations of attacks on MPs. The security is guaranteed pursuant to the provisions of the Preservation of Public Security Act Chapter 112 of the Laws of Zambia. The Act ensures that there is safety of all citizens and by extension, MPs, and property in the country.

In addition, articles 76 and 77 of the Constitution of Zambia<sup>8</sup> provide for privileges which ensure that Parliament and MPs are free from interference and are secure as they conduct their parliamentary work within and outside Parliament. The articles state as follows:

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<sup>8</sup>Constitution of Zambia (Amendment) No. 2 of 2016

*“76 (1): A Member of Parliament has freedom of speech and debate in the National Assembly and that freedom shall not be ousted or questioned in a court or tribunal.*

*(2): A Member of Parliament shall have the powers, privileges and immunities, as prescribed.*

*77 (1): Subject to this Article and Article 78, the National Assembly shall regulate its own procedure and make Standing Orders for the conduct of its business.”*

Further, the National Assembly (Powers and Privileges) Chapter 12 of the Laws of Zambia provides certain powers, privileges and immunities of the National Assembly, Members, officers of the Assembly and those who may appear before Parliamentary Committees. Parts of sections 19 and 23 of Chapter 12 provide for the following:

*“19 Any person shall be guilty of an offence who -*

- (c) causes an obstruction or disturbance within the precincts of the Assembly Chamber during a sitting of the Assembly or of a committee thereof; or*
- (d) shows disrespect in speech or manner towards the Speaker; or*
- (e) commits any other act of intentional disrespect to or with reference to the proceedings of the Assembly or of a committee of the Assembly or to any person presiding at such proceedings.”*

*“23 Any person shall be guilty of an offence who -*

- (a) assaults, obstructs or insults any member or officer going to or from the precincts of the Assembly Chamber; or*
- (c) assaults, interferes with, resists or obstructs any officer while in the execution of his duty as such officer; or*



*(d) sends to any member any threatening letter, or challenges any member to a fight, on account of his conduct as such member.”*

These legal provisions ensure that MPs are secure and protected when carrying out their functions. In a case where privileges are breached or if an individual interferes with the work of Parliament or a Member, the Committee on Privileges, Absences and Support Services has the right to summon such an individual to appear before it. Any individual found to be guilty of an offence within the Act may be punished accordingly. These provisions contribute to the security of MPs to ensure their work is not interrupted, both within and outside Parliament precincts.

#### **b) Cyber Security**

The National Assembly has recognised ICT as an enabler to delivering on its core functions. To this end, the Institution has invested in ICT infrastructure, both hardware and software, such as intranet, computers, servers and has continued to expand parliamentary Television and Radio coverage. This has inevitably improved operations in the Institution and enhanced public engagement. However, if these ICTs are not adequately secured, parliamentary business may be negatively affected. In this regard, the ICT Department was established with the functions to, among others, ensure security of ICT equipment, tools and networks in the Institution.

In terms of social media use, Parliament does not have official social media platforms such as Facebook, WhatsApp or Twitter. However, almost all Constituency Offices have Facebook accounts and most Members use WhatsApp, Facebook and Twitter for personal communication.

The extensive use of social media among Members increases security risks through surveillance, espionage and malicious interventions such as hackers and viruses. In order to address these security concerns that affect both Members

and the public, Parliament enacted the ICTs Act No. 15 of 2009 to among other things, establish the Zambia Information and Communication Authority (ZICTA) with the mandate to ensure quality, secure, accessible and affordable ICT services and products for all, through effective regulation. If an individual, therefore, using ICT platforms, in anonymity or otherwise, abuses social media to breach parliamentary privilege and security, ZICTA working with state and parliamentary security may track such an individual and bring them to book under the National Assembly (Powers and Privileges) Chapter 12 of the Laws of Zambia or indeed under an appropriate criminal law. This contributes to the cyber security of Members and the public.

## **CONCLUSION**

Parliaments and MPs are representative institutions and public figures, respectively, and must be accessible by and recognisable to the electorates at all times. In this vein, Parliaments and MPs are utilising social media and other ICTs as means of engaging with the public. However, the nature of the issues they deliberate on may sometimes be controversial and may pose security risks to themselves, their families and Parliament at large. In addition, their presence online has amplified their security risk exposure. This, therefore, calls for enhanced security measures to help strike a balance between accessibility and safety. These measures should not, however, lead to the creation of closed institutions; hence the need for security measures to be under constant review in light of the evolving risks that Members and Parliaments face. It is for this reason that parliamentary privilege offers some level of security to Members when performing their duties.

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**...MC//2019**



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## **BACKGROUND PAPER ON**

**THE CHALLENGE OF IMPLEMENTING SUSTAINABLE DEVELOPMENT  
GOALS (SDGs) DURING THE PANDEMIC: THREATS AND OPPORTUNITIES**

## **PREPARED FOR**

**THE 51<sup>st</sup> COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA)  
REGIONAL CONFERENCE AND ANNUAL GENERAL MEETING,  
8<sup>TH</sup> TO 13<sup>TH</sup> NOVEMBER, 2021, ABUJA, NIGERIA**

**RESEARCH DEPARTMENT  
NOVEMBER, 2021**

## **INTRODUCTION**

Since the launch of Sustainable Development Goals (SDGs) in 2015, Africa has made some progress in a number of thematic areas including: gender equality (SDG 5); climate change (SDG 13); and preserving life on land (SDG 15). Despite this progress setbacks have been experienced in the implementation of SDGs as great attention and funds have been re-allocated from other important areas including that of implementing SDGs. As a result, all SDGs have been negatively impacted due to the diluted focus and funding to curbing the pandemic of Corona Virus Disease (COVID-19). The departure has greatly impacted the social, economic, and environmental systems worldwide, slowing down and reversing the progress made in achieving the SDGs.

Despite the negative effects that COVID-19 has brought about, the pandemic has also provided opportunities in some cases such as: lessons learned for planning and actions, socio-economic recovery plans, use of Information and Communication Technologies (ICTs) and improved multilateral cooperation.

In this regard, the paper discusses some of the challenges that have been encountered in the implementation of SDGs during the COVID-19 pandemic, by analysing threats and opportunities that have been brought about by COVID-19. The paper concludes by looking at some steps taken by the Parliament of Zambia in ensuring that it continues to offer checks and balances in the implementation of SDGs in Zambia amidst the pandemic.

## **CHALLENGES OF IMPLEMENTING SDGs DURING THE PANDEMIC**

The SDGs also known as global goals, are 17 strategic goals that were developed and adopted by all the United Nations Member States in 2015, as a universal call to action for the eradication of poverty, protection of the

planet, and ensuring that all people enjoy peace and prosperity by 2030. The SDGs were integrated recognising that action in one area would affect outcomes in others and that development must balance socio-economic and environmental sustainability.<sup>1</sup>

To achieve the 2030 Agenda, there is need to understand the pandemic's impact on SDGs in detail so that policymakers can develop interventions to address the negative impacts. Zambia and many other countries in the world faced the following challenges and threats in the implementation of the SDGs amid the COVID-19 pandemic:

**(i) Lockdowns and Restrictions**

Many countries worldwide implemented lockdowns and restrictions on movements to contain the COVID-19 pandemic. These measures negatively impacted the implementation of SDGs. The lockdowns disrupted supply chains, manufacturing, production, and markets. In Africa, lockdowns disrupted food and agriculture supply chains and exacerbated food insecurity and decreased agricultural productivity, thus, in turn causing hunger and putting a large number of people in poverty and thereby, negatively affecting the attainment of SDG 2.

In addition, the lockdowns and restrictions triggered economic crisis and the consequences are significant and widespread affecting all areas of the economy, including capital flows and business operations, In Africa, it estimated that 85.8 per cent of the workforce in the informal sector lost their jobs due to lockdowns, depreciation of the local currency, and deterioration in the current account balance<sup>2</sup> thus, impacting on SDG 10.

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<sup>1</sup> <https://www.panafrican-med-journal.com//content/article/38/251/full>

<sup>2</sup> Save the Children's Resource Centre. Global Humanitarian Response Plan: COVID-19,.

Furthermore, lockdowns in response to COVID-19 have interrupted conventional schooling with nationwide school closures in most countries. The closure of educational facilities has had negative impacts on various aspects of students' growth and learning at different levels (primary, secondary, tertiary, and vocational education) due to hindrance in activities associated with face to face teaching, training, and regular examinations (SDG4); The impact was severe among learners from disadvantaged backgrounds, who often remained excluded when their schools were shut down. However learners from privileged backgrounds could find their way past closed school doors to alternative learning opportunities through ICTs platforms;

(ii) **Shifted focus and funding on non-COVID-19 related issues**

Human and financial resources have been diverted from equally important economic sectors such as education, agriculture and social security among others. For example, within the health sector, health workers, testing machines and generally health centres diverted their attention from existing diseases such as HIV/AIDS, malaria, maternal and child health, sexual and reproductive health, and other non-communicable diseases to the COVID-19 pandemic, thereby, impacting negatively on SDG 3;<sup>3</sup> and

(iii) **Reduced financial and technical support from development partners**

Most developing countries rely heavily on development partners' support for various development agendas, including that of implementing SDGs. As COVID-19 has hit most countries globally, including those of development partners, support towards the economies of developing countries and that of

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<sup>3</sup> <https://www.devex.com/news/opinion-covid-19-diverted-lifesaving-tuberculosis-work-but-there-is-still-hope-99480>

implementing SDGs have reduced due to the continued shrinkage of economies thereby, affecting the implementation of almost all SDGs.

### **OPPORTUNITIES BROUGHT ABOUT BY COVID-19 PANDEMIC**

Conversely, the emergency of the COVID-19 pandemic has produced a few positive impacts which could facilitate the achievement of a number of SDGs. The following are some of the opportunities brought about by the pandemic:

#### **(i) Increased utilisation of Information and Communication Technologies (ICTs)**

The use of ICTs and the digital economy has played an essential role in coping with the pandemic's impacts across the globe by opening up a transformative opportunity to promote many SDGs in the long-term. The digital economy is the worldwide network of economic activities, commercial transactions and professional interactions that are enabled by ICTs. It can be succinctly summed up as the economy based on digital technologies. For example, during the pandemic, a lot people resolved to using mobile money services such as Airtel, MTN and ZAMTEL to pay for utilities such as electricity, water and pay television without physically going to the shops.

The pandemic has also opened a new window of opportunity to leverage digital and distance learning across educational levels and disciplines despite the digital divide.

In addition, enhanced ICTs in education has also promoted virtual learning and has encouraged teachers to conduct online classes and interact with students contributing to the achievement of SDG 4;

**(ii) Increased Health Awareness**

The COVID-19 pandemic has highlighted the crucial role of proper nutrition in order to have a healthy population, that is, to end all forms of malnutrition, and the importance of promoting agricultural research, and enhancing food self-sufficiency in line with SDG 2. In addition, the pandemic has provided lessons and has raised awareness on sanitation and hygiene (SDG 6) as well as various aspects of healthcare systems, all of which are helping to promote public health, well-being, and healthcare funding (SDG 3); and

**(iii) Increased Multilateral and Bilateral Cooperation**

The COVID-19 crisis has strengthened the call for a new multilateralism across the world that calls for a bold multilateral response. The social and economic damages of COVID-19 are particularly pronounced in countries with weaker health systems, higher levels of debt and less fiscal space to organise stimulus packages. The need for strengthened cooperation between the developed and developing countries (SDG 17), has therefore, been emphasised.

In addition, at national level, COVID-19 crisis has given governments a unique opportunity to promote Public, Private Partnerships (PPPs) by making the SDGs, the main mission in achieving and adopting innovative approaches to policy, regulation and partnerships. Fundamentally, the COVID-19 crisis has created an opportunity to re-evaluate how public and private sectors collaborate to shape a better kind of economic development.

**THE ZAMBIAN SITUATION**

On 18<sup>th</sup> March, 2020, Zambia reported its first COVID-19 case. Since then, the pandemic has had unprecedented effects on many aspects of human life in the country. According to the Ministry of Finance, the Zambian economy



like many other countries has been affected negatively by the Covid-19 pandemic. Zambia's economy for 2020 was projected to grow at 3.2 per cent before the pandemic. However, after the effects of the pandemic, the growth is now projected to be lower at around 2.0 per cent thus, significantly reducing government revenues.<sup>4</sup> The following are some of the threats and challenges encountered in some key economic sectors in Zambia amidst the COVID-19 pandemic.

**(i) Manufacturing**

According to the report of the Committee on National Economy, Trade and Labour Matters, on the Impact of the COVID-19 pandemic on Zambia's Economy, it was observed that the manufacturing output growth shrank by 0.3 per cent in the first quarter of 2020 compared to a positive growth of 1.4 per cent that was recorded in the first quarter of 2019. This reduction was as a result of the earliest negative effects of COVID-19 on the industry which later became exacerbated in the second quarter;<sup>5</sup>

Lockdowns, social distancing and quarantine measures imposed to curb the spread of COVID-19, resulted in partial and in some cases, full closure of factories. About 40 per cent of factories surveyed indicated that they temporarily closed during the outbreak of the pandemic and about 3 per cent of firms reported having permanently closed since the pandemic was declared. Further, manufacturing industries experienced supply chain disruptions, which effectively made it challenging to procure parts and other intermediate inputs needed for production thereby, factories having to produce less goods and generating less revenue.

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<sup>4</sup> UNDP: revised business survey report, 2020

<sup>5</sup> Republic of Zambia : Committee on National Economy, Trade and Labour Matters on the impact of the COVID-19 pandemic on Zambia's economy.

## **(ii) Tourism**

The tourism sector was one of the most affected by the COVID-19 Pandemic in Zambia. This was mainly due to restricted domestic and international travel, including all forms of socialisation. The effects of COVID-19 manifested in all areas of tourism, ranging from reduced inflow of international and domestic tourists, reduced room occupancy rate for lodges and hotels, reduced public events of entertainment and artistic nature and loss of jobs and revenue.

Furthermore, as a result of restricted movements by both international and domestic tourists, the visits in the national parks drastically reduced from 70,155 tourists by the third quarter of 2019 to 29,354 tourists in 2020 during the same period. A survey undertaken by the Ministry of Commerce, Trade and Industry in July, 2020 showed that during the first quarter of 2019, the sector had an average of 19,541 workers, however, by the second quarter of 2020, there was a reduction in the number of workers to 12,328 mainly due to closure of lodges and hotels;<sup>6</sup>

## **(iii) Mining**

Mining has remained an important sector in Zambia's economy as the country is heavily reliant on copper exports. However, COVID-19 hit hard on the sector, with copper prices declining between January and May of 2020. The pandemic brought about various challenges and complexities to the mining sector such as delayed delivery of inputs arising from implementation of lockdown measures in some countries, reduced production in some mines as a result of prioritising safety of the workforce. This eventually triggered high production costs due to a reduction of the labour force at a given time. The

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<sup>6</sup> Republic of Zambia : Committee on National Economy, Trade and Labour Matters on the impact of the COVID-19 pandemic on Zambia's economy.

increased turnaround time for export of minerals also reduced revenues for both the companies and the Government, among others;<sup>7</sup>

#### (iv) **Education**

The Education Sector in Zambia is one of those sectors greatly affected by COVID-19. It is reported that education for more than 4.4 million children and adolescents got disrupted, potentially regressing progress made in attaining SDG-4, including the attainment of high quality primary and secondary education. It is reported that the most vulnerable, including those living with disabilities and migrant children were most affected by the impact of COVID-19 because they faced additional vulnerabilities, as access to education was entirely in a difficult situation during this period when gatherings and school access was limited. Further, there have been reports of increased rates of teenage pregnancies and early marriage during the closure among school-going girls.<sup>8</sup>

#### (v) **Health**

According to the World Health Organisation (WHO), it is estimated that, at least 115,000 health care workers have died from COVID-19 around the world.<sup>9</sup> Zambia has not been spared from this scenario. Loss of life for health workers working in various COVID-19 centres has put significant strain on the remaining staff, thereby, rendering other essential health services such as child and maternal health, SRHR, TB, HIV/AIDS and others not well attended to.

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<sup>7</sup> Ibid.

<sup>8</sup> World Health Organisation, 2020. African Review. [Online] Available at: <https://www.un.org/africarenewal/news/arz/who-unicef-urge-safe-school-reopening-africa>

<sup>9</sup> <https://www.nursingtimes.net/news/coronavirus/who-says-at-least-115000-health-workers-have-now-died-from-covid-19-27-05-2021/>

## **OPPORTUNITIES BROUGHT ABOUT BY COVID-19 PANDEMIC IN ZAMBIA**

Whilst the pandemic has had a huge impact on the economy, some opportunities emerged which include among others:

### **(i) Increased use of ICT**

The ICT sector was undoubtedly one of the very few industries that managed to ride over the COVID-19 wave and even profited from it. It is reported that in the first quarter of 2020, the industry grew rapidly at 20.7 per cent whilst in the second quarter, the industry's growth picked up to 29.3 per cent. This growth rate was quite phenomenal and by far exceeded the industry's average growth rate of 18.5 per cent over the period 2011-2018. The growth was bolstered by measures aimed at limiting person-to-person contact such as working from home, virtual meetings, e-learning and other e-services that increased the demand for broadband and other ICT services;<sup>10</sup>

### **(ii) Product and Services Innovation**

In order to ensure continuity of service delivery during the COVID-19 pandemic, some institutions had to adopt innovations to improve existing services and create new ones as a way of coping with the crisis. The pandemic prompted extraordinary interest in innovation, including calls to inspire, initiate and coordinate innovations beyond those already designed and implemented. Institutions for example, introduced free delivery services to their clients during the restriction on movement period by the Government.

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<sup>10</sup> Republic of Zambia : Committee on National Economy, Trade and Labour Matters on the impact of the COVID-19 pandemic on Zambia's economy

### **(iii) Public- Private Partnerships (PPPs)**

The Pandemic saw an increase in partnerships between the Government and private sector. A number of institutions such as Trade Kings International, for example, made a 28 million Kwacha pledge covering three important aspects of the COVID19 response namely; prevention, medical supplies and spread of awareness messages through the media. Further, Zambian Breweries together with Lafarge Zambia donated medical supplies worth K100,000 to Tubalange Mini-Hospital in Chilanga. The donation was part of the ties cemented between Zambia's largest brewing company and the country's largest cement producer aimed at fighting COVID-19 at community level to safeguard a healthy nation.<sup>11</sup>

## **MEASURES PUT IN PLACE TO MITIGATE THE COVID-19 PANDEMIC IN ZAMBIA**

### **i) Provision of COVID-19 Vaccines**

The COVID-19 vaccination in Zambia was launched on 14<sup>th</sup> April, 2021, at the University Teaching Hospital (UTH) in Lusaka. The Government received its first consignment of 228,000 doses of the vaccine from the COVAX facility, a global Initiative representing a partnership between the WHO, Global Alliance for Vaccines and Immunization (GAVI), the United Nation's Children Fund (UNICEF) and the Coalition for Epidemic Preparedness Innovations (CEPI) working on the equitable distribution of COVID-19 vaccines.

The voluntary COVID-19 vaccination exercise in the country is targeting a total of 8.4 million people above the age of 18 years. The National COVID-19 Vaccine Deployment Plan has prioritised frontline health workers who include

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<sup>11</sup> <https://zambiareports.com/2020/06/22/zambian-breweries-lafarge-zambia-vibe-support-tubalange-hospital>

teachers, immigration and police officers, religious as well as traditional Leaders;<sup>12</sup>

ii) **Instituting flexible working hours for Public Service Workers**

Following the continued spread of Covid-19 in the country, the Government instituted mitigation measures to contain the spread of the disease. One such measure was the realigning of working arrangements in the Public Service which included among others a two weeks staff rotational and off site working arrangement; and

iii) **Creation of a COVID-19 Economic Recovery Fund**

In its quest to help mitigate the economic crisis in view of the pandemic, the Government of the Republic of Zambia created a COVID-19 Economic Recovery Fund. The Fund which is being managed by the Ministry of Finance consolidates resources from other relevant Ministries to be disbursed to small and medium businesses, women groups, the youth and the most vulnerable that have been hit the hardest.

**AT PARLIAMENTARY LEVEL**

The COVID-19 Pandemic severely affected Parliaments just like many other governance institutions. In this regard, most Parliaments have had to adopt innovative mechanisms to continue providing their constitutional mandate of providing oversight on the government's activities which includes the implementation of SDGs amidst the pandemic. The following are some of the measures put in place at the National Assembly:

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<sup>12</sup> <https://www.afro.who.int/news/zambia-launches-covid-19-vaccination>

(i) **National Assembly of Zambia (Corona Virus Disease - 2019)  
Temporary Standing Orders, 2020**

The Zambian Parliament just like many other Parliaments worldwide has been greatly affected by the pandemic, However, to ensure that it continues with its constitutional mandate, the Zambian Parliament revised its Standing Orders to among other things enable the House and its Committees to meet physically, virtually or a hybrid system which is a combination of physical and virtual methods as determined by the House Business Committee. The Zambian Parliament has therefore, remained vigilant during the crisis by ensuring that it plays its parliamentary oversight role by guaranteeing that public safety, human security and high quality accountable governance are granted by the Executive and thus, in the process providing oversight on the implementation of SDGs;

(ii) **Implementation of flexible working hours**

Due to the rising numbers of COVID-19 cases in the country, the Zambian Parliament implemented a rotational /split work arrangement among its staff. This was meant to minimise physical contact between members of staff thus, reducing the risk of contracting the virus;

(iii) **Provision of COVID-19 Testing Facilities**

The Zambian Parliament in collaboration with the Ministry of Health set up a testing centre within Parliament precincts to ensure easy screening and detection of COVID-19 from both the Members of Parliament (MPs) and staff; and

(iv) **Provision of Vaccines**

The Zambian Parliament in collaboration with the Ministry of Health set up a COVID-19 Vaccination centre to enable all interested MPs and staff access COVID-19 inoculation.

**CONCLUSION**

The COVID-19 pandemic has led to serious social and economic effects in many countries in the world including the implementation of SDGs. To this effect, governments are being urged to shape a new world that is better prepared for future pandemics without losing sight of the many other urgent global commitments such as SDGs implementation.

Parliamentarians too, are being called upon to play a critical role in enhancing the resilience against health emergencies like the COVID-19, through enacting effective policies which will support economies and provide effective oversight mechanisms on government activities that include the implementation of SDGs on behalf of the general populace.





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**BACKGROUND PAPER ON:**

**PARLIAMENTARY OVERSIGHT OF THE SECURITY SECTOR:  
COUNTRY EXPERIENCES**

**PREPARED FOR THE 49<sup>TH</sup> COMMONWEALTH PARLIAMENTARY  
ASSOCIATION AFRICA REGION CONFERENCE ON "THE ROLE OF  
AFRICAN PARLIAMENTS IN FOSTERING NATIONAL AND REGIONAL  
SECURITY," GABORONE, BOTSWANA,**

**13<sup>TH</sup> TO 22<sup>ND</sup> AUGUST, 2018**

**RESEARCH DEPARTMENT**

**August, 2018**

## **INTRODUCTION**

The security sector has received considerable attention from various stakeholders including politicians, civil society organisations (CSOs) and academics alike. Being a central aspect of people's welfare, values and existence, national security remains a serious concern. The State has the ability to protect citizens against threats that may originate either beyond or within national borders, restrict citizens' freedom and liberties, and shape the democratic system of a nation. However, the inherent nature and dynamics of the security sector, fuelled by today's rapidly evolving security environment and new challenges emerging every day, makes it difficult to leave the sector to the judgement of the military or the Executive alone. There is, therefore, a clear need for the people's elected representatives in parliament to work closely with the Executive and the security sector through parliamentary oversight.

In this regard, this paper discusses the purpose and nature of parliamentary oversight of the security sector. It begins with definitions of key concepts and their characteristics, with explanations of the importance of parliamentary oversight, focusing on the Zambian experience.

## **DEFINITIONS AND CHARACTERISTICS**

### **Security Sector**

The Security sector is defined differently, mostly depending on security situations in various countries. In this paper, the security sector has been defined to include institutions and organisations established to deal with external or internal threats to the security of the State and its citizens. It comprises the armed forces, police, intelligence services, paramilitary organisations, militias, private armed groups, judicial agencies, and to some extent, CSOs.<sup>1</sup> Given its central role in maintaining security, the security

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<sup>1</sup> <http://unpan1.un.org/intradoc/groups/public/documents/eropa/unpan030896.pdf>

sector has unique characteristics which include being non-partisan; nationalistic; patriotic; professional, competent and disciplined.

## **Parliamentary oversight**

Parliamentary oversight refers to the responsibilities of the legislative arm of Government to supervise, using its law making prerogative and allied functions over governmental institutions and bodies, to promote compliance with constitutional provisions and good governance. Among various tools available, the Legislature exercises parliamentary oversight by making laws that define and regulate the activities, operations and finances of state institutions and agencies for the achievement of the collective goals of the State.<sup>2</sup>

## **PARLIAMENTARY OVERSIGHT OF THE SECURITY SECTOR**

There is no single model of parliamentary oversight that is applicable to all countries. The rules and practices that may work for one parliament, may not work for another. Moreover, parliaments have different powers and the complex nature of security issues makes it impossible to have universal security sector principles and procedures.<sup>3</sup> In light of this, parliaments can fully exercise oversight responsibilities only if the law gives them the power to do so and if they have the necessary level of expertise, information, technical and financial resources available.

But generally speaking, the oversight role of parliament over the security sector is multi-faceted. It is carried out on the Floor of the House, in parliamentary committees and through individual actions by Members of Parliament. It includes the legislative function, approving the national budget and overseeing the implementation of policies by the

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<sup>2</sup> West Africa Civil Society Institute, Kofi Annan International Peacekeeping Training Centre, German Technical Cooperation, Open Society Initiative of West Africa (2009). Conflict prevention resources for civilian actors in West Africa, Ghana: WASCI, KAIPC, GTZ and OSIWA Publication, p.111.

<sup>3</sup> <http://archive.ipu.org/PDF/publications/decaf-e.pdf>

Executive. Parliamentary oversight also involves scrutiny of the country's participation in international missions, and ratification of top security appointments, debating motions and passing votes of no confidence. It has been observed that parliamentary oversight on the Floor of the House is the most visible scene of parliamentary activity and the focus of media attention.

Further, parliamentary committees provide parliamentarians with an opportunity to discuss in detail and thoroughly scrutinise the security sector. Committees include those dealing solely with core defence and security institutions, and those with peripheral jurisdiction over the security sector. In some countries, security committees are called Armed Forces Committee, National Defence and Security Committee or Security and External Affairs Committee.<sup>4</sup> In Zambia, the Parliamentary Committee charged with the responsibility to oversee the security sector is called the Committee on National Security and Foreign Affairs (NSFA).

In carrying out parliamentary oversight on individual basis, Members of Parliament may propose new legislation or amend existing ones, make political statements, answer questions and interpellations, request for information, engage in public hearings, inquiries and conduct visits and inspections in the field.

Below are a few examples of how parliamentary oversight has been or is being exercised in different countries.

- The Romanian law on defence planning provides that the President should, in a maximum of six months of his installation, present the National Security Strategy before Parliament, which later subjects it to debate before approving or disapproving it.
- The Netherlands policy on parliamentary oversight in defence procurement has a long and solid tradition and practice, where all procurement decisions

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<sup>4</sup> <http://archive.ipu.org/PDF/publications/decaf-e.pdf>

exceeding 25 million Euros have to pass through Parliament. For major projects exceeding 100 million Euros, a special and detailed procedure has been set up involving frequent reporting to Parliament.<sup>5</sup>

- In South Africa, democratic measures and involvement of civilian and multiparty parliamentary oversight were seen in the transformation of its security sector after the apartheid regime. The measures included:
  - i. the drafting of a new constitutional and legislative framework for the new security services;
  - ii. integration of statutory and non-statutory structures under a single command; and
  - iii. parliamentarians, especially women, were involved in promoting public participation in the reform process by including Non Governmental Organisations (NGOs) when formulating new policies on security.

During the same period, parliamentarians also took a stand, pleading for honesty and transparency when an arms deal was concluded without public debate. Government was criticised for spending scarce funds on arms instead of alleviating poverty.<sup>6</sup>

- The Zimbabwean security sector was over the years in the spotlight as unduly politicised, partisan, and infringing on the human rights of citizens. It was alleged that the Executive dominated security functions, with the Legislature and the Judiciary playing largely decorative roles in the governance architecture. The concentration of power and structure of unaccountability was seen to be reinforcing biases in favour of repressive policies. In light of this, a South African Institute for Security Studies released a Policy Brief in 2009, with the view of

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<sup>5</sup> <http://archive.ipu.org/PDF/publications/decaf-e.pdf>

<sup>6</sup> [https://www.dcaf.ch/sites/default/files/publications/documents/tool\\_7.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/tool_7.pdf)

exploring options for security sector reforms in Zimbabwe. The Institute recommended interim, short and medium-term interventions to focus on stability and prevention of the collapse of the Unity Government, through the support processes, systems and mechanisms for accountability, particularly to Parliament, the Auditor General, Anti-corruption and Human Rights Commissions.<sup>7</sup>

## **THE ZAMBIAN SITUATION**

Article 63 of the Constitution of Zambia (Amendment) Act No. 2 of 2016, gives power to the Zambian Parliament to enact legislation by passing bills which are later assented to by the President. Parliament is further mandated to oversee the performance of Executive functions, including appropriation of funds and scrutinising expenditure of resources by State organs such as the security sector.<sup>8</sup> On the Floor of the House, security issues are debated to provide an opportunity for exchanging opinions, gathering essential information and knowing Government's intentions. A detailed explanation of oversight mechanisms in the Zambian Parliament is set out below.

- (i) debate on national, regional and international security issues that are likely to affect the welfare of citizens. For example, on 23<sup>rd</sup> June, 2015, the Minister of Foreign Affairs presented a Ministerial Statement on the impact of the xenophobic violence in South Africa on Zambians and other citizens of the Southern African Development Community (SADC). Parliamentarians expressed concern on the security of Zambians in South Africa and engaged in debate on the matter. They recommended strategies to the Government for possible consideration;<sup>9</sup>

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<sup>7</sup> <https://www.files.ethz.ch/isn/112460/JUL09SSRZIMBABWE.pdf>

<sup>8</sup> The Constitution of Zambia Act No. 1 of 2016 and the Constitution of Zambia (Amendment ) Act, No 2 of 2016

<sup>9</sup> <http://www.parliament.gov.zm/node/6343>

In addition, the debate of 22<sup>nd</sup> July 2015, initiated by a Private Member's Motion to urge Government to take immediate measures to ban the indiscriminate use of privately-owned firearms to ensure a gun-free atmosphere, is another example of how parliamentarians conduct parliamentary oversight on the security sector. In the deliberations, reference was made to contract killers called 'Karavinas' (colloquial Portuguese term for rifle),<sup>10</sup> who were perpetrating gun culture and violence in the Western Province of Zambia. In response, the Government reminded Members that indiscriminate use of firearms was illegal in Zambia and that the acquisition, storage and use of firearms by members of the public are regulated under the Firearms Act, Chapter 110 of the Laws of Zambia; Penal Code Act, Chapter 87 of the Laws of Zambia; and the Preservation of Public Security Act, Chapter 112 of the Laws of Zambia.

The oversight role performed by Parliament in this particular security matter, provided Government with an opportunity to urge all members of the public who owned firearms to follow laid-down laws and regulations on their usage, as failure to do so could have very serious consequences.<sup>11</sup>

In the same vein, Parliamentarians have at times expressed their concerns on the Floor of the House and engaged in debate to condemn inadequate and delayed salaries to security personnel, stating that poor conditions of service may render the security services unattractive, lead to acts of corruption, violence and discourage qualified potential individuals to join the sector. They have, therefore, advocated for good working conditions for national security employees.

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<sup>10</sup><https://books.google.co.zm/books?id=4A5NM4IeBXgC&pg=PA138&lpg=PA138&dq=what+are+karavinas&source=bl&ots=IFunsLavoZ&sig=hSWUcyrTt-AZhX4g0epaXvGpWmE&hl=en&sa=X&ved=0ahUKEwiMv5HNIJbbAhUEDcAKHV4MDSsQ6AEISjAH#v=onepage&q=what%20are%20karavinas&f=false>

<sup>11</sup> <http://www.parliament.gov.zm/node/4528>

(ii) following the presentation of yearly budget proposals by the Executive, Parliament appropriates funds for expenditure to ensure that there is a logical link between national security policy, operational activities, defence plans and budget demands. Parliament is able to study and determine public interest and suitability of the budget allocations. For example, part of the deliberations of business of the House of 9<sup>th</sup> November, 2017, show the presentation of a proposed budget allocation for the Drug Enforcement Commission (DEC) of K83, 933,420 compared to K72, 878,557 in 2017. This translated into an overall allocation increase of K11, 054,863, representing a 15.2 per cent increase. The Minister of Home Affairs, under which the Commission falls, justified the increment and reiterated the fact that drug trafficking, drug abuse and money laundering were direct threats to national security and development. After deliberations, some Members of Parliament had reservations to support the proposed budget allocation while others supported it, leading to its subsequent approval. Those in support of the increment submitted that it was only right that much funds were appropriated in order for the Commission to buy modern equipment to help monitor and protect youths from drug abuse and related vices;<sup>12</sup>

(iii) enactment of various laws relevant to the country's security sector. These include:

- a. The Defence Act, Chapter 106 of the Laws of Zambia, which confers the Zambia Army and Zambia Air Force, the national security institutions, with the primary responsibility of defending the nation against any security threats. Among other things, the Act provides for means to deal with policy matters affecting the command, discipline and administration of the Defence Force. It also provides for the commissioning, appointment and transfer of

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<sup>12</sup> Thursday, 9<sup>th</sup> November, 2017 Parliamentary Debate. <http://www.parliament.gov.zm/node/7252>.



officers in the Defence Force.<sup>13</sup> Earlier this year, Zambia was threatened by an outbreak of cholera that claimed a number of lives and in response, the Defence Force were on hand to combat the scourge. Quoting the Constitution of Zambia and Defence code, the Zambia Air Force Commander stated that the role of the Defence Force is to respond and combat any threat to national security, which may be economical, political, or an epidemic nature such as cholera;<sup>14</sup>

- b. The Zambia Police (Amendment) Act No. 30 of 2016, provides for the organisation, functions and discipline of the Zambia Police Force for preserving the peace, prevention and detection of crime, and for the apprehension of offenders against the peace;<sup>15</sup>
- c. The Zambia Police Reserve Act, Chapter 117 of the Laws of Zambia, provides for the establishment of a Zambia Police Reserve to allow for the employment of the Reserve Police in Zambia, for purposes of assisting the Zambia Police Service in the maintenance of law and order;<sup>16</sup>
- d. The Refugees Act No. 1 of 2017, establishes the Refugees Fund and provides for its functions, among other things. The Act provides for the protection of the nation from unscrupulous individuals who may be criminals and would want to secretly enter and stay in the country. For security purposes, the Act allows for searching of a person or property; taking fingerprints, palm-prints and photograph or other biometric information of a

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<sup>13</sup> <http://www.parliament.gov.zm/sites/default/files/documents/acts/Defence%20Act.pdf>.

<sup>14</sup> <https://www.lusakatimes.com/2018/01/04/anything-claims-lives-threat-national-security-says-zambia-air-force-commander/>

<sup>15</sup> <http://www.zambialaws.com/Principal-Legislation/chapter107zambia-police-act.html>

<sup>16</sup> <http://www.parliament.gov.zm/sites/default/files/documents/acts/Zambia%20Police%20Reserve%20Act.pdf>

refugee or person who claims to be a refugee. The same Act also mandates Parliament to appropriate monies to the Refugee Fund;<sup>17</sup>

- e. The Police Public Complaints Commission Act No. 18 of 2016, provides for the membership, functions, operations and financial management of the Police Public Complaints Commission. It also provides a procedure for the initiation and investigation of complaints against police actions. In this Act, Parliament is also mandated to appropriate funds and scrutinise annual statements of the income and expenditure of the Commission;<sup>18</sup> and
- f. Under Article 31 (2) of the Constitution of Zambia, the National Assembly may, by a resolution supported by a majority of all the Members thereof not counting the Speaker, approve a continuation of a declared threatened state of public emergency by the President, for a period of three (3) months commencing from the date of approval.<sup>19</sup> For example, on July 5, 2017, His Excellency, Mr Edgar Chagwa Lungu, President of the Republic of Zambia, declared a threatened state of public emergency, due to fires that were experienced in public places and consequentially burnt down the nation's biggest Market, Lusaka City Market. The causes of the fires were unknown and posed a threat to national security. On July 11, 2017, the National Assembly of Zambia approved the continuation of the threatened state of public emergency for a period of 90 days, in accordance with Chapter 108 of the Laws of Zambia, Section 5 of the Emergency Powers Act;<sup>20</sup>

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<sup>17</sup><http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Refugees%20Act%20No.%201%20of%202017.pdf>

<sup>18</sup><http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Police%20Public%20Complaints%20Act%20No.%2018%20C%202016.pdf>

<sup>19</sup> Constitution of the Republic of Zambia, Chapter 1 of the Laws of Zambia

<sup>20</sup><http://41.77.4.165:6510/www.parliament.gov.zm/sites/default/files/documents/acts/Emergency%20Powers%20Act.pdf>

- (iv) ratification of presidential appointments, such as the Director Generals of the Anti-Corruption and Drug Enforcement Commissions, is another way in which Parliament exercises oversight of the security sector; and
- (v) through the Committee on National Security and Foreign Affairs (NSFA), parliamentary oversight of the security sector is heightened. The Committee oversees operations of the Ministries of Defence, Home Affairs and Foreign Affairs. In overseeing the activities of these Ministries, the Committee draws its annual programme of work, to accomplish its mandate.<sup>21</sup> The Committee's work include the following:
  - a. To study, report and recommend to Government, through the House, on the mandate, management and operations of Ministries, departments and/or agencies under its portfolio. If the Committee comes across financial irregularities during its investigations, it usually refers them to the Public Accounts Committee (PAC) for further scrutiny and examination;

For example, a revelation of financial irregularities in the Ministry of Defence between 1992 and 1998, involving the purchase of African print materials, uniforms and tailoring of uniforms, tents and transport fleet, procurement of a VIP presidential aircraft and other irregularities in the supply of aircraft refurbishment and training services, led to the involvement of the PAC. In concluding its findings, the PAC directed the Ministry of Defence to recover about K91, 950, 600, institute disciplinary action against all offenders involved in the purchase of the items and recommended improvements in record-keeping in the Zambia Army. The Committee further recommended the strengthening of the Ministerial

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<sup>21</sup> Report of the Committee on NSFA for the First Session of the Twelfth National Assembly Appointed on 6th October, 2016 and Adopted on 23rd June, 2017.

Tender Committee through which all purchases could be channelled for appropriate scrutiny and advice before execution;<sup>22</sup>and

- b. Where appropriate, the Committee on NSFA holds public hearings and conducts field visits. For example, in 2017, the Committee visited police stations in selected districts. Some of the observations from the tour revealed that existing housing units in police camps were in a serious state of disrepair and not fit for human occupation. In the same vein, a general complaint from the visited police stations was that the Police were very slow to respond to calls of distress from the public. In addition, more often than not, members of the public seeking help from the Police had been requested to provide transport and other resources, either to conduct investigations or arrest the suspects. Subsequently, the Committee made relevant recommendations to Government to ameliorate the situation in the Zambia Police Service.<sup>23</sup>

In addition, the Committee visited the Zambia Correctional Service (ZCS) facilities in selected provinces. The ZCS is a national security service established under Article 193 of the Constitution of Zambia, (Amendment) Act No. 2 of 2016, with a mandate to manage and regulate all prisons and correctional facilities in the country to ensure internal security. The Committee's visit revealed a number of impediments to effective service delivery, which included:

- (i) inadequate and inappropriate office space;
- (ii) dilapidated and inadequate cell accommodation for inmates;
- and

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<sup>22</sup> <https://www.agora-parl.org/sites/default/files/Zambian%20case.pdf>

<sup>23</sup> [http://41.77.4.165:6510/www.parliament.gov.zm/sites/default/files/documents/committee\\_reports/National%20Security%20Report.pdf](http://41.77.4.165:6510/www.parliament.gov.zm/sites/default/files/documents/committee_reports/National%20Security%20Report.pdf)

- (iii) inadequate skilled staff to carry out rehabilitative programmes as required by modern approaches to corrections.

The Committee's observations and recommendations for the enhancement of service delivery included:

- (i) upgrading and expanding the staff establishment;
- (ii) building new and modern correctional facilities; and
- (iii) in order to demonstrate the seriousness of the paradigm shift from the punitive to the correctional one, Government was advised to revisit the policy regarding the employment of ex-convicts in the civil service and be the first to employ them.<sup>24</sup>

## CONCLUSION

From the foregoing discussion, it can be deduced that national security is important in achieving democracy and good governance. It is for this reason that the security sector exists and has been mandated to protect national sovereignty and contribute to the international rule of law. As such, parliamentary oversight is one of the essential aspects for addressing security sector issues. Parliaments have the capacity to foster cooperation at all levels of security sector governance to the advantage of citizens, as they ensure that the whole security sector system functions efficiently and effectively.

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<sup>24</sup>[http://www.parliament.gov.zm/sites/default/files/documents/committee\\_reports/National%20Security%20Report\\_0.pdf](http://www.parliament.gov.zm/sites/default/files/documents/committee_reports/National%20Security%20Report_0.pdf)



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**STATEMENT BY**

**THE RT. HON MS NELLY B K MUTTI, MP, SPEAKER OF THE  
NATIONAL ASSEMBLY OF ZAMBIA**

**DURING THE GENERAL DEBATE ON THE TOPIC:**

**GETTING TO ZERO: MOBILISING PARLIAMENTS TO ACT ON  
CLIMATE CHANGE**

**PREPARED FOR**

**THE 144<sup>TH</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (1PU)  
AND RELATED MEETINGS, 20<sup>TH</sup> TO 24<sup>TH</sup> MARCH, 2022, NUSA DUA,  
INDONESIA**

**RESEARCH DEPARTMENT  
MARCH, 2022**

**Mr President,**

I would like to begin by thanking you for granting me this opportunity to share with this august gathering my thoughts on the topic ***"Getting to Zero: Mobilising Parliaments to Act on Climate Change."***

**Mr President,**

As you may be aware, climate change has emerged as one of the world's greatest developmental challenges in the 21st century. Communities around the world, particularly the poorest and most vulnerable, are experiencing the destabilising effects of climate change in dramatic and costly ways.

**Mr President,**

Let me hasten to mention that the issue of climate change is so close to my heart as a woman, and as a person coming from a developing country. This is because I have witnessed its devastating impacts in my country, which sadly, have disproportionately affected women and girls, and worsened their socio-economic status. This needs to be addressed urgently and must involve all stakeholders.

**Mr President,**

Despite several interventions at global, regional and national levels, climate change challenges and effects still remain complex. In the wake of the Covid-19 pandemic, countries are being urged to ensure that as plans to recover from the pandemic are on-going, it is important to

embrace and adopt 'healthy and green recovery' strategies and interventions.

**Mr President,**

It is therefore imperative that we mobilise parliaments to spearhead ambitious climate actions, owing to their centrality by virtue of being representative institutions. Through their legislative, oversight, budget and representative functions, Parliaments can be mobilised to do the following:

**1. *Provide legislative framework on climate change***

This can be achieved by reviewing existing laws and proposing new ones, where possible, to mainstream climate change.

**2. *Influence and Monitor the implementation of climate change legislation and budgets***

Parliaments can be mobilised to provide effective oversight of national and international commitments, including government implementation of national legislation and budgets. Further, Parliament can provide effective oversight to ensure that the legislation it passes is sufficiently funded and implemented; and guarantee that the citizens it represents are consulted and included in climate change decision-making processes.



**Mr President,**

It is to be noted that as Parliaments endeavour to carry out the aforementioned roles, the Parliament of Zambia inclusive, they are faced with a number of challenges. Structural and policy issues, such as limited financial support, inadequate technical capacity, overlapping sectoral objectives of synergy between the diverse sectors and insufficient relevant information and data to support MPs in addressing climate change issues, are the frequently cited challenges.

To ensure that MPs are effective in discharging their responsibilities, the highlighted challenges need to be addressed and capacities built in order for Parliaments to act effectively on climate change.

**Mr President,**

As people's representatives, and beyond the confines of legislation and oversight in Parliament, parliamentarians should be mobilised to act on climate change. For example, in Zambia, parliamentarians felt the need to address the effects of climate change at local level, in their constituencies, where the impacts of climate change are experienced directly by the people. Further, parliamentarians have sought to combat certain vices such as charcoal burning and deforestation, which are fast changing rainfall patterns and worsening the impact of climate change at local level.

In this regard, parliamentarians in our Parliament established the Zambian Parliamentary Conservation Caucus (ZPCC), which is a cross-party voluntary grouping for parliamentarians with a mandate to work towards prioritising and building consensus on issues that affect conservation, natural resources management and climate change. As part of its work, in 2015, the ZPCC, in partnership with various stakeholders, that work towards climate resilient communities, such as the World-Wide Fund for Nature (WWF) and the International Conservation Caucus Foundation (ICCF), advocated for legislation on forest protection and management. The Caucus made a submission to the Parliamentary Committee on Lands, Environment and Tourism which led to the enactment of the current Forest Act No. 4 of 2015.

Further, the ZPCC participated in the revision of the Wildlife Act by partnering with the Ministry responsible for Tourism, in organising the National Parks and Wildlife Policy Workshop, where the Caucus made submissions that fed into the enactment of the current Zambia Wildlife Act No. 14 of 2015. The Act provides for, among other things, the sustainable management and protection of wildlife, including forest ecosystems in the wake of climate change.

In addition, parliamentarians have partnered with the Government of the Republic of Zambia's Forestry Department to plant 1000 trees in their constituencies, as one of the measures to mitigate against the impact of climate change at community level.

**Mr President,**

Allow me to share with this august gathering what we as a Parliament are doing to reduce our carbon footprint at institutional level. Our Parliament works in partnership with a local recycling company called Zambezi Paper Mills to collect waste paper for recycling. Further, in 2014, our Institution collaborated with the country's main power utility, to install a mini solar plant as an alternative source of power.

**Mr President,**

Let me conclude by stating that Parliaments are at the heart of the climate change response. I, therefore, wish to call upon all parliamentarians to mobilise themselves with the intention of working closely with their citizens by consulting them and including them in climate change decision-making processes and efforts. By so doing, Parliaments will inspire strong leadership and political will towards the fight against climate change.

I thank you for your attention.

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*....SK/2022*



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## **BACKGROUND PAPER ON:**

**LEGISLATION WORLDWIDE TO COMBAT ONLINE CHILD SEXUAL  
EXPLOITATION AND ABUSE**

## **PREPARED FOR:**

**THE 143<sup>RD</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION  
(IPU) AND RELATED MEETINGS, 26<sup>TH</sup> TO 30<sup>TH</sup> NOVEMBER, 2021,  
MADRID, SPAIN**

**RESEARCH DEPARTMENT  
NOVEMBER, 2021**

## INTRODUCTION

The use of information Communication Technologies (ICTs) such as social networking sites and mobile phones, has become an integral part of everyday life and relationships, especially for young people. Further, the Covid-19 pandemic has amplified the use of ICTs, as the digital world is seen as the best bridge to ensure continuity of life and its daily activities. Many people, including children, are actively engaging with technologies to accomplish various tasks including school work; creating and sharing content; as well as communicating with friends and meeting new people.

While this has potential benefits for creativity and education, it also creates opportunities for exposure to a number of online risks such as sexual abuse and cyber-bullying. Every day, countless children around the world are sexually abused and exploited, and images and videos of the abused are circulated. Arising from the adverse impact this has on childrens' well-being, internet safety has become of significant concern to many parents, education service providers and law makers, among others.

This paper, therefore, discusses the topic, "Legislation worldwide to combat Online Child Sexual Exploitation (OCSEA) and Abuse." The paper begins by discussing the concept OCSEA and its various forms. This is followed by an overview of legislation that has been put in place to combat the scourge at international and regional levels. Thereafter, the Zambian situation is highlighted.

### Definitions

**A child.** The United Nations Convention on the Rights of the Child (CRC) defines a child as any person aged eighteen (18) years and below.

**Online Child Sexual Exploitation (OCSEA)** is a constantly evolving phenomenon that is shaped by developments in ICTs.<sup>1</sup> It entails the violation of children's rights and its potential to rob them of their childhood, while putting their health and growth at risk.

**Prepubescent** is a period preceding puberty.

**Paedophile** is a disorder characterised by recurrent, intense arousing fantasies, urges or behaviours involving sexual activity with a prepubescent child.<sup>2</sup>

**Marginalised children** are those that are confined to the lower or peripheral edge of society. Such children are denied involvement in mainstream economic, political, cultural and social activities.<sup>3</sup>

## **AN OVERVIEW OF ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE**

As the internet, particularly mobile broadband, becomes more accessible and affordable in many parts of the world, more children tend to be online for longer periods. This allows them to access various resources and services such as encyclopaedias, libraries and other valuable materials. They are also able to play games and communicate with friends and relatives on social media platforms like Facebook, Twitter and Snapchat. Further, children with disabilities can access services and content that they may not ordinarily have access to. In addition, the internet permits marginalised children to be part of online communities that help them to develop a sense of collective identity, as well as overcome some forms of discrimination and exclusion.

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<sup>1</sup><https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/child-sexual-exploitation>

<sup>2</sup><https://www.nytimes.com/2019/09/29/us/pedophiles-online-sex-abuse.html>

<sup>3</sup><https://surendranedu.wordpress.com/2017/09/21/marginalized-children-issues-and-concerns/>

However, the same technology exposes children to online harm and compromises their safety. For instance, not only are children able to access sexually oriented content, but potential criminals such as paedophiles are usually online, looking for their potential victims. In most cases, paedophiles create false identities to make it easier for them to transmit harmful content to children. They take advantage of the anonymity and limited regulation of the internet to easily engage unsuspecting children. In most cases, paedophiles use chat rooms to gain children's trust and consequently entice them to engage in sexual conversations. Sometimes, they persuade them to send sexual materials of themselves such as pornographic images or videos. Once such information is in their possession, paedophiles use it to blackmail children by threatening to publicise such sexual context, with the aim of engaging them in more sexual activities.

The World Health Organisation (WHO) estimated that up to 1 billion minors between the ages of 2 and 17 years endured physical, emotional, or sexual violence in 2019. Further, the Internet Watch Foundation (IWF) reported that there were over 150,000 reports of child sexual abuse images online in 2020.<sup>4</sup>

## **TYPES OF ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE**

OCSEA consists of different sexual crimes. These include online sexual grooming, live-streaming of child sexual exploitation, sexual texting and child sexual material.

### ***Sexual Grooming***

This occurs when someone builds an emotional connection with a child in order to gain their trust for sexual purposes. Often, this is done by finding out information about a potential victim and trying to establish the likelihood that a child would report them to law enforcement agencies or parents.

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<sup>4</sup><https://www.iwf.org.uk/>

Thereafter, perpetrators try to isolate their victims and use possible tactics like flattery and gifts to build a rapport, or threats and intimidation to gain control. To successfully groom them, perpetrators focus on children's interests, especially the use of social media, and often pretend to be younger than their age, so that children can easily and comfortably relate with them.<sup>5</sup>

### ***Live-streaming sexual exploitation of children***

Live streaming sexual exploitation of children in real time occurs when a child is forced to appear in front of a web camera (webcam) to engage in sexual behaviour. The acts are then live streamed over the internet to paying customers who view, and sometimes request for a particular type of sexual act to be perpetrated over the webcam in real time.

### ***Sexual texting***

Sexual texting (sexting) refers to the process by which someone intentionally shares sexually explicit messages, images or self-generated sexualised images of themselves. A research conducted in Australia in 2017, established that sexting was particularly high among young people. It was established that one in three teenagers aged 16 to 19 years, reported having had sexual or nude images taken or distributed online without their consent or used against them.<sup>6</sup>

### ***Child sexual material (Pornographic material)***

Child sexual material also known as child pornography is visual material portraying a sexual act involving a child. Accessing, possessing, producing and/ or distributing images and videos of child sexual exploitation is a criminal offense in many countries.

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<sup>5</sup><https://www.thesun.co.uk/uncategorized/2661057/grooming-online-sex-abuse-protection/>

<sup>6</sup>[http://onlinelibrary.wiley.com/doi/full/10.1002/app5.247.Mapping online child safety in Asia and the Pacific.](http://onlinelibrary.wiley.com/doi/full/10.1002/app5.247.Mapping%20online%20child%20safety%20in%20Asia%20and%20the%20Pacific)



## EFFECTS OF ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE

Reports indicate that children who are victims of online sexual abuse tend to exhibit regressive behaviours such as thumb-sucking; bedwetting; sleep disturbances; eating disorders; performance problems at school; and unwillingness to participate in social activities.<sup>7</sup> Further, a child victim may suffer from long-term complications, including emotional and physical symptoms like immune deficiency; chromosome erosion and missing brain tissue.

In addition, victims may also experience traumatic sexualisation, which is the shaping of a child's sexual feelings and attitudes in a manner that is inappropriate for their level of development. For example, traumatic sexualisation may produce concerns about a homosexual identity in a young male molested by an adult male. This type of trauma can also cause an abused child to learn to use sexual behaviour as a tool to gain affection, attention, gifts and privileges. It can also occur when child victims internalise and display misconceptions and distorted sexual views that have been communicated to them by offenders. Another possible consequence is that children may feel betrayed by some adults who they depended on and trusted, but caused them great harm or failed to protect them.<sup>8</sup> Abused children may also feel powerless because the abuser has repeatedly violated and forced them to act against their will through manipulation. Child victims may also feel stigmatised and responsible for their abuse. In extreme situations, some children end up committing suicide.

It is against this background that OCSEA is considered a multi-sectoral and multi-jurisdictional problem that requires an integrated, global, regional and national response through legislation.

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<sup>7</sup> American Psychological Association (n.d.), "Understanding and Preventing Child Abuse and Neglect", accessed 12 March 2016, <http://www.apa.org/pi/families/resources/understanding-child-abuse.aspx>.

<sup>8</sup> <https://victimsofcrime.org/media/reporting-on-child-sexual-abuse/effects-of-csa-on-the-victim>

## **LEGISLATION TO COMBAT ONLINE CHILD SEXUAL EXPLOITATION AND ABUSE**

In view of the foregoing, countries, regardless of their level of internet penetration, are working towards protecting children from violence and abuse, including online sexual exploitation. This is mostly done through criminalisation of the production and distribution of child pornography under domestic law. As such, parliamentary mechanisms such as legislation, have become crucial in securing not only ratification or accession to legal instruments that cover child protection, but also the development and implementation of corresponding national, regional and international legislation, policies and programmes.

However, the quality of legislation varies from jurisdiction to jurisdiction. For instance, countries with high internet penetration tend to have a clear and consistent definition of a “child” and “child pornography,” as well as related offenses which are in line with international legal standards.<sup>9</sup> On the other hand, for most countries with moderate and low internet accessibility, the opposite is the case. As a result, such inconsistencies become key barriers to issues such as extraditing and prosecution of trans-border crimes. This is in relation to the “*dual criminality*” clause, which is an extraterritorial legislation that requires an act to be a crime in both the country where it took place and the country where the suspect resides. It is for this reason that various pieces of legislation from different jurisdictions have been harmonised through international conventions, treaties and other legal instruments.

### **International Conventions**

There are several treaties and conventions that are inclined to combating OCSEA and promoting the rights of children at international level. They include the following:

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<sup>9</sup>Mapping Online Child Safety in Asia-Pacific. [www.internetsociety.org](http://www.internetsociety.org)

- i) the United Nations Convention on the Rights of a Child (UNCRC). The Convention was adopted in 1989 and is the most widely ratified international human rights treaty in history. Further, the Convention recognises children as rights holders. It is also the primary international instrument that provides the full range of human rights protections to children.<sup>10</sup> It regulates the obligation of countries to adapt national laws to ensure protection of children's rights. Article 34 requires State parties to protect the child from all forms of sexual exploitation and sexual abuse. It provides, in part, that:

*“State parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;*
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;*
- (c) the exploitative use of children in pornographic performances and materials;”*

- ii) The Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography (OPSC) is a supplementary of the UNCRC. It was adopted by resolution A/RES/54/263 of the UN General Assembly in 2000. The Protocol defines “child pornography” in Article 2 (c) as:

*“any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”*

Further, the OPSC obliges State parties to align their respective legislation by criminalising and adequately punishing various aspects of child sexual exploitation, including those committed online like offering; obtaining;

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<sup>10</sup><https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

procuring; and providing a child for prostitution. In addition, the OPSC requires State parties to criminalise production, distribution, dissemination, importation, exportation, offer, sell or possession of child pornography materials;

iii) The United Nations Convention against Transnational Organised Crime (UNCTOC). The Convention was adopted by the General Assembly in 2000 and contains a range of provisions concerning international cooperation against transnational organised crime.<sup>11</sup> The main objective of the Convention is to implement an array of measures to facilitate mutual legal assistance, extradition and international cooperation in law enforcement. The measures referred to in the Convention are to be applied in the context of prevention, investigation and prosecution of any 'serious crime.' The term 'serious crime,' employed by the Convention, covers a range of conducts, including the use of ICTs to abuse or exploit children;and

iv) The International labour Organisation (ILO) Convention 182 of 1999. The Convention places a requirement on State parties to take immediate and effective measures to prohibit and eliminate worst forms of child labour, including OCSEA. Worst form of child labour is partly defined in Article 3 of the Convention as:

*“the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.”*

### **Regional interventions**

The following are some of the regional interventions which seek to safeguard the rights of children:

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<sup>11</sup>United Nations, *Treaty Series*, vol. 1577 (entered into force on September 23, 2003).

i) ***The African Charter on the Rights and Welfare of the Child (1990)***

This is a regional human rights treaty which among other things, helps member States to combat OCSEA. This treaty has made it easier for relevant authorities, such as law enforcement agencies, to detect matters of OCSEA by defining the rights and responsibilities of a child, who is defined as every person below the age of 18. Article 27 requires member States to undertake to protect the child from all forms of sexual exploitation and sexual abuse, and in particular to take measures to prevent:

- (a) the inducement, coercion or encouragement of a child to engage in any sexual activity;
- (b) the use of children in prostitution or other sexual practices; and
- (c) the use of children in pornographic activities, performances and materials;

ii) ***African Union Convention on Cyber-Security and Personal Data Protection (2014)***

The regional instrument establishes a legal framework to harmonise legislation in the area of cyber-security and personal data protection in African Union (AU) member States. It requires State parties to take necessary legislative and regulatory measures to criminalise production, registering, offering, manufacturing, dissemination and transmission of child pornography through a computer system. Further, the Convention prohibits the facilitation of access to images, documents, sound or representation of a pornographic nature to a minor.<sup>12</sup> Through such provisions, the Convention safeguards the rights of children against OCSEA; and

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<sup>12</sup>Article 29 (3) of The African Union Convention on Cyber Security and Personal Data Protection

iii) ***The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote)***

The Convention was adopted in 2007 by the Committee of Ministers and entered into force on 1<sup>st</sup> July, 2010. It is the first international instrument to establish various forms of sexual abuse of children as criminal offences. This includes those committed in the home or family, with the use of force, coercion or threats. It is a comprehensive and dynamic instrument adopted under the auspices of the Council of Europe which promotes the fight against OCSEA even in third world countries. The Convention requires State parties to prevent and combat sexual exploitation and abuse of children; protect the rights of children who may be victims of OCSEA and to promote national and international co-operation against sexual exploitation and abuse of children. Emphasis is further placed on implementing legislative measures to protect the rights of children without discrimination on any grounds of sex, race, gender, language, religion, social or national origin;

## **THE ZAMBIAN SITUATION**

According to the Zambia Information and Communication Authority (ZICTA), OCSEA is a growing problem in the country. This is largely attributed to the changes within society that have emerged as a result of ICTs.<sup>13</sup>In this regard, the Constitution of Zambia recognises and guarantees the protection of young persons from exploitation. Article 11 states that:

*“It is recognised and declared that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual, that is to say, ...(c) protection of young persons from exploitation.”*

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<sup>13</sup>ZICTA. 2020. Initiatives and Activities to Address Online Child Sexual Exploitation in Zambia.

Further, Zambia is a signatory to the UN Sustainable Development Goals (SDGs). Target 16.2 under SDG number 16 requires member states to end abuse, exploitation, trafficking and all forms of violence against children, including sexual exploitation.

Consequently, in line with international and regional standards, Zambia has adopted several measures to combat OCSEA. These include the following:

- i) international and regional agreements. Zambia is a signatory to various international and regional instruments which compel states to act to protect children from various forms of exploitation including OCSEA. For instance, Zambia is a State party to the UNCRC, Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention No. 182, and the African Charter on the Rights and Welfare of the Child. In view of this, Zambia has criminalised certain acts such as the publication of obscene or sexual materials, which are likely to promote OCSEA; and
- ii) review of legislation as recommended by the 98<sup>th</sup> Inter-Parliamentary Union (IPU) Conference, which was held in Cairo, Egypt in 1997. At this conference, it was resolved and recommended that countries need to, among other things, introduce and strengthen legislation to protect children and to prohibit commercial sexual exploitation of children. In this vein, the Ministry of Youth and Sport in collaboration with the Ministry of Community Development and Social Services and the Ministry of Justice, is spearheading the review of all pieces of legislation pertaining to the protection and promotion of children's rights, including the protection of children against OCSEA. To this effect, the Children's Code Bill is yet to be presented to Parliament for enactment. It is envisaged that once enacted, the Children's Act

will also domesticate the CRC, as well as other regional and international treaties that address the rights of children, including their protection against OCSEA.

Further, in line with Article 63 of the Constitution of Zambia, the National Assembly of Zambia has enacted pieces of legislation to combat OCSEA, including the following:

**i) The Penal Code**

The Penal Code, Chapter 87 of the Laws of Zambia as amended by Act No. 1 of 2012, prohibits publication, importation, exporting obscene or sexual materials including those involving children. In particular, section 177 states that:

*(1) Any person who-*

- (a) “makes, produces or has in his possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other object tending to corrupt morals is guilty of a misdemeanour and is liable to imprisonment for five years...; or*
- (b) “Any person who imports, conveys or exports, or causes to be imported conveyed or exported, any such matters or things, or in any manner whatsoever puts any of them in circulation, is guilty of a misdemeanour...”*

**ii) Births and Deaths Registration Act (Chapter 51 of the Laws of Zambia)**

The Birth and Death Registration Act No. 13 of 1994 provides for registration of all children. Birth registration is the official record of a child's birth by the Government, which establishes the existence of a



child under the law. This is in line with Article 7 of the UNCRC which states that every child has the right to be registered at birth without any discrimination. Proof of age is essential to ensuring that children are not prematurely deprived of the protection that children are lawfully entitled to, for example in areas of marriage, recruitment into the armed forces, criminal justice and sexual exploitation. In addition, without a birth certificate, it is difficult to confirm a child's age and hold perpetrators of OCSEA accountable. Registration of a child, therefore, provides a foundation for safeguarding the rights of children including protection from OCSEA;

**iii) Ratification of International Agreements Act No. 34 of 2016**

The Act provides for ratification of international agreements which include treaties and conventions that seek to protect children from online sexual exploitation;

**iv) Establishment of Constituency Offices**

The National Assembly of Zambia established Constituency Offices in all the 156 Constituencies. The Offices provide Members of Parliament (MPs) with an avenue where they are able to meet and exchange information with their electorates. Through such interactions, MPs are able to raise awareness among the electorates on the need to curb and report cases of OCSEA to relevant authorities; and

**v) Establishment of the Parliamentary Caucus on Children**

The Parliamentary Caucus on Children (PCC) is a voluntary group of Zambian Parliamentarians advocating and promoting child rights. One of its objectives is to advocate for, and enact laws to mitigate violence, protect against sexual violence, prohibit gender discrimination and stop all forms of traditional harmful practices. The PCC in conjunction with

Lifeline/Childline Zambia had an awareness meeting with selected Members of the Caucus on 8<sup>th</sup> November, 2021. The aim of the meeting was to sensitise members of the Caucus on the need to protect children from online threats such as cyber-bullying, extortion, grooming and sexual exploitation and abuse, among others.

## **CONCLUSION**

OCSEA is a transnational problem that demands a global response. It is a growing phenomenon that is fuelled by advancements in technology. While the internet has been a positive catalyst for innovation, education and socialisation, it has also made it easier for those with intentions to harm children to produce, access and share materials that may promote child sexual abuse. Paedophiles take advantage of the anonymity offered by the internet and inadequate monitoring mechanisms to sexually exploit children. Efforts to combat OCSEA are hampered by inadequate legislation in most jurisdictions. In this regard, parliamentarians world over, have an important role to play in ensuring that international, regional and national legal frameworks are enacted to combat OCSEA.

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## **BACKGROUND PAPER ON**

**THE IMPACT OF CLIMATE CHANGE ON NATURAL RESOURCES:  
HOW CAN PARLIAMENTS ENSURE INCLUSIVE WATER ACCESS  
AND AVAILABILITY?**

### **PREPARED FOR:**

**THE 143<sup>RD</sup> INTER-PARLIAMENTARY UNION (IPU) ASSEMBLY AND  
RELATED MEETINGS, 26<sup>TH</sup> TO 30<sup>TH</sup> NOVEMBER, 2021,  
MADRID, SPAIN**

**RESEARCH DEPARTMENT**

**NOVEMBER, 2021**

## INTRODUCTION

Climate change has become one of the greatest threats to global prosperity and development. Not only is it causing extreme weather events, such as devastating heat waves, persistent droughts and unprecedented floods, it is also jeopardising the very foundation of human existence, including food and water security.<sup>1</sup> While climate change is affecting all types of natural resources across the globe, its impact on water resources is more complex, with far-reaching consequences. This is mainly on account that water is the primary medium through which many of the effects of climate change are experienced.

Further, many facets of the economy are water-dependent, and thus vulnerable to water variability resulting from climate change impacts. As such, addressing the impacts of climate change, especially on water resources, will go a long way in not only ensuring availability and access to quality water, but also in accelerating the attainment of all the Sustainable Development Goals (SDGs), which are highly dependent on improved water management.

This paper, therefore, discusses the impact of climate change on natural resources, and how Parliaments can ensure inclusive water access and availability, with specific reference to Zambia.

## DEFINITION OF CONCEPTS

For purposes of this paper, the following key concepts are defined:

- (i) ***climate change*** refers to a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global

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<sup>1</sup> Inter-Parliamentary Union (2016) Parliamentary action plan on climate change

atmosphere and which is in addition to natural climate variability observed over comparable time periods<sup>2</sup>;

- (ii) **water availability** refers to both sufficient quantities and reliability of water service provision<sup>3</sup>;
- (iii) **water reliability** refers to continuity of the water service provision for the current and future generation<sup>4</sup>;
- (iv) **water acceptability** refers to aesthetic value of water – the acceptable appearance, taste and odour of water<sup>5</sup>; and
- (v) **water accessibility** refers to the quality of being easy, convenient and affordable to obtain or use a reliable supply of water on a continuous basis close to the point of demand<sup>6</sup>.

## IMPACT OF CLIMATE CHANGE ON WATER RESOURCES

According to the Intergovernmental Panel on Climate Change (IPCC), climate change is having a multitude of immediate and long-term impacts on water resources across the globe. The impact of climate change on water resources has manifested itself in a variety of ways, including flooding, drought, change in the frequency and distribution of rainfall, drying-up of rivers, receding of water bodies, landslides, and cyclones. As a result, water resources have been adversely affected, with effects ranging from higher water temperatures and acidity levels, reduced dissolved oxygen, leading to a reduced self-purifying capacity of aquifers and freshwater bodies.

These effects, when compounded together, have created problems of water accessibility, availability and quality in many communities, especially those in already water-depressed regions. Additionally, climate change has

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<sup>2</sup> Article 1 (2) of the United Nations Framework Convention on Climate Change, (1992): (NY, UN).

<sup>3</sup> <https://www.intechopen.com/chapters/57345>

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*

<sup>6</sup> *ibid*

an indirect impact on the affordability of water and sanitation services, as increased demand and competition over scarce water has led to rising prices for water. Moreover, when water and sanitation infrastructure is destroyed, the necessary reconstruction works also raise the cost of supplying water. Potential indirect effects of climate change on water supply and sanitation also include interruption of electricity supply to strategic water installations, due to electricity load management (load shedding), thereby decreasing the reliability of piped water and sewerage services.

## **ADDRESSING WATER ACCESSIBILITY AND AVAILABILITY CHALLENGES**

In order to counter the challenges of climate change on water resources, a properly planned and integrated approach to the development and management of water, land and related resources, is required to buffer general climatic variations and address water demand. It is against this background that the United Nations (UN) is encouraging countries to adopt Integrated Water Resources Management (IWRM). IWRM promotes the coordinated development and management of water, land and related resources in order to maximise economic and social welfare in an equitable manner, without compromising the sustainability of vital ecosystems.<sup>7</sup>

In implementing IWRM, the following specific measures can be undertaken to achieve the SDG 6<sup>8</sup>:

- (i) ***Strengthening of political will through advocacy and communication.*** This is essential for required actions to take place, such as financing and effective implementation of set activities. This can be achieved by clearly communicating and

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<sup>7</sup> <https://www.unep.org/explore-topics/water/what-we-do/advancing-integrated-water-resources-management>

<sup>8</sup> UNEP (2021). Progress on Integrated Water Resources Management. Tracking SDG 6

demonstrating the value of financing and implementing IWRM for achieving multiple SDGs to key stakeholders at all levels, and across sectors;

- (ii) **Coordination and alignment.** Coordination within the water sector and with other sectors needs to be prioritised and strengthened. For example, countries can adopt IWRM to policies related to investments and management of water supply, across sectors, including agriculture, manufacturing and energy production sectors;
- (iii) **Financing.** Options include focusing on: (a) increasing direct central government investment backed by good policy; (b) raising revenue from traditional and non-traditional water and ecosystem services;
- (iv) **Legal frameworks.** Develop or update laws to reflect progressive, coordinated water resources management approaches, and ensure policy alignment between existing or new legislation, related to the use or pollution of water; and
- (v) **Inclusive participation.** Local community participation in water and sanitation management has the potential to yield benefits such as empowerment of marginalised groups and sustainable service delivery. There is need to address the complexities of participation to ensure that policies are effective and sustainable. One of the ways countries can guarantee this is by including participation considerations in their laws.

The above highlighted action points require the involvement of many actors, including Parliaments, which can use its legislative, oversight and representative functions to ensure availability and access to quality water.

## **THE ROLE OF PARLIAMENT**

According to the Inter-Parliamentary Union (IPU),<sup>9</sup> Parliament is at the heart of the climate change response. Using its legislative, oversight and representative functions, Parliament can ensure the following, in a bid to address climate change and ensure inclusive water access and availability include:

### **a) Enactment of laws that are responsive to climate change and water resources management**

Parliaments can undertake the following specific measures:

- (i) review existing laws and propose amendments, where possible to ensure that climate change and water resources management issues are mainstreamed in national laws, policies and plans; and
- (ii) ratify international action on climate change and water resources management. Parliaments can ensure that international agreements are credible, effective and legally enforceable, by transposing them into national legislation.

### **b) Representation of Constituents on Climate Change and Water issues**

Parliamentarians can use their position to galvanise the people and advocate for policy and legal reforms in the area of climate change and water resources management. In this regard, they are expected to engage the people, listen to their views on issues of climate change and water, and present them in Parliament on their behalf. Similarly, they are expected to raise awareness about the impacts of climate change on water resources and the adaptation and interventions that government puts in place.

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<sup>9</sup> Inter-Parliamentary Union (IPU) (2016): Parliamentary action plan on climate change: Scaling up climate action by Parliaments and the IPU (Switzerland, Geneva)



### **c) Oversight over Governments Action on Climate Change and Water Resource Management**

Parliaments can use their oversight function to scrutinise and monitor the implementation of government policies on climate change and water resources management. Parliaments can also use their budgetary and accountability mechanisms to ensure that sufficient funds and other resources are allocated to interventions that address climate change and water development related issues.

## **THE ZAMBIAN SITUATION**

Climate-induced changes are already exerting considerable stress on Zambia's vulnerable sectors.<sup>10</sup> For example, floods and droughts have increased in frequency over the past three decades, thereby negatively impacting on water supply and sanitation delivery. In recognition of the potential that improved access to clean and safe water supply, adequate sanitation, and good hygiene practices have to significantly contribute to socio-economic development, the Government of the Republic of Zambia has undertaken several measures to address some of the challenges affecting the sector, in the context of climate change.

At International level, Zambia is a signatory to a number of international instruments related to water resources development and management, as well as climate change. These include the Paris Agreement on Climate Change, which, among other things, aim at limiting global warming to preferably 1.5 degrees Celsius, as compared to pre-industrial levels; the Ramsar Convention on Wetlands, which is an intergovernmental treaty whose mission is the conservation and wise use of all wetlands through local, national and international actions; and the Convention on Biological Diversity, whose goals include promotion of sustainable use of biodiversity;

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<sup>10</sup> Irish AID (2018) Zambia Country Climate Risk Assessment Report

and the fair and equitable sharing of the benefits arising from the use of genetic resources.

At national level, the Government of the Republic of Zambia has undertaken the following measures, among others:

- (i) established the Ministry of Water Development and Sanitation to, inter alia, preside over water resources management and development; water supply and sanitation; and environmental protection and pollution control;
- (i) established the Water Resources Management Authority to oversee the management, development, conservation, protection and preservation of the water resource and its ecosystems;
- (ii) established the National Water Supply and Sanitation Council (NWASCO) to ensure efficient and sustainable provision of water supply and sanitation services;
- (iii) developed the National Water Supply and Sanitation Policy of 2020 to, inter alia, provide the legal and institutional framework for efficient, effective and sustainable water supply and sanitation service delivery;
- (iv) developed the Climate Change Policy of 2016 to coordinate climate change programmes in order to ensure resilient low carbon development pathways, including climate change adaptation in the water sector, among others; and
- (v) developed a comprehensive and integrated National Urban Water Supply and Sanitation Programme (NUWWSP) 2011-2030, which sets out coherent institutional and sector support activities aimed at developing and sustaining water supply, sanitation, solid waste management and drainage infrastructure and services in the urban areas of Zambia.

At parliamentary level, the National Assembly of Zambia has played a critical role in ensuring an enabling environment for the country to address climate change, as well as water development issues. For example, in 2016, Parliament ratified the Paris Agreement on Climate Change. In addition, Parliament enacted climate change and water development relevant pieces of legislation. These include:

- (i) ***the Water Resources Management Act No. 21 of 2011***, which is the principal legislation on water resources management in Zambia. The Act provides for, inter alia, the regulation and management of water resources, creating an enabling environment for adaptation to climate change regarding water resources;
- (ii) ***the Environmental Management Act No. 12 of 2011***, which provides for, among other things, integrated environmental management, including the preservation and protection of freshwater ecosystems in a bid to promote climate adaptation and resilience;
- (iii) ***the Forest Act No. 4 of 2015***, which provides for the sustainable management and control of protected forests that act as carbon sinks. Forest-water interactions represent a powerful adaptation tool that can provide important pathways for optimising land use practices and water availability across space;
- (iv) ***the Fisheries Act No. 22 of 2011***, which provides for, inter alia, the sustainable development of fisheries and a precautionary approach in fisheries management, considering the adverse effects of climate change; ***the Disaster Management Act No. 13 of 2010***, which provides for, among other things, the maintenance and operation of a system for the anticipation, preparedness, prevention, coordination, mitigation and management of disaster situations such as floods and droughts; and

- (v) ***the Zambia Wildlife Act No. 15 of 2015***, which provides for, inter alia, the conservation and enhancement of wildlife, including water ecosystems, thereby enhancing the resilience of wildlife to the adverse effects of climate change.

In addition, the Zambian Parliament has established the Committee on Energy, Water Development and Tourism to provide oversight over issues of water development issues. In 2017, the Committee considered the topical issue of Water Supply and Sanitation. Through this study, the Committee was able to interrogate and probe witnesses as it examined adequacy of the institutional, policy and legal framework in the water supply and sanitation sector; successes and major challenges in the sector reforms; as well as its financing modalities. The Committee made a number of recommendations, which included the need to:

- a) review the National Water Policy so as to provide a more robust policy framework governing the water supply and sanitation sector;
- b) increase financial support to enable commercial water utilities to expand water and sanitation coverage to urban and peri urban areas; and;
- c) enhance corporate governance by ensuring that Boards of Directors were appointed in all commercial water utilities to deal with the rampant operational inefficiencies.

Furthermore, Parliament has established the Committee on Agriculture, Lands and Natural Resources to oversee issues pertaining to climate change. In the same vein, the National Assembly has established the Zambian Parliamentary Conservation Caucus (ZPCC) to prioritise, build consensus and raise the profile of debate on climate change, including its linkages with water, among parliamentarians. In addition, there is established a Caucus on Sustainable Development Goals (SDGs) to, among other things, provide a platform for MPs to accelerate Zambia's

achievement of the SDGs, including goals 6 and 13 on Water and climate change action, respectively.

Apart from the above, the Parliament of Zambia has participated in a number of international, regional and local fora aimed at building the capacity of both MPs and staff in climate change issues. For example, in 2018, Parliament participated in the COP-24 which adopted the Katowice Climate Package, also known as the Paris Agreement Work Programme (PAWP). Further, in 2019, the National Assembly of Zambia, in conjunction with the IPU and the United Nations Environment Programme (UNEP), held a workshop aimed at enhancing the capacity of MPs to formulate and review legislation and provide effective oversight on the national implementation of the Paris Agreement on climate change.

## **CONCLUSION**

Water is embedded in all aspects of development and is key to sustaining socio-economic growth across society. However, the global climate crisis is posing a serious threat to water resources, which is compounding the problem of water quality, accessibility and availability in many communities. Going forward, bold political choices, accompanied with practical steps, need to be taken to first address the impacts of climate change, in a context-specific manner, rallying the affected communities along.

Secondly, there is need for further political will to ensure that resources are sufficiently and equitably allocated towards the provision of water and sanitation for all. Furthermore, water good governance; intersectoral coordination; policy development, through stakeholder engagement, will also be required.

Parliaments can play a critical role in this by providing a conducive policy and legal environment for ensuring availability and sustainable management of water and sanitation for all. They can also ensure that they

monitor the implementation of national IWRM strategies to see to it that that they focus on the water-food-energy-ecosystem nexus, an approach that seeks to address trade-offs between SDG 6 and other goals.

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**BACKGROUND PAPER ON:  
FREEDOM OF EXPRESSION AND THE RIGHT TO INFORMATION**

**PREPARED FOR  
THE 140<sup>TH</sup> INTER-PARLIAMENTARY UNION ASSEMBLY AND  
RELATED MEETINGS, 6<sup>TH</sup> TO 10<sup>TH</sup> APRIL, 2019, DOHA, QATAR**

**RESEARCH DEPARTMENT  
MARCH, 2019**

## **INTRODUCTION**

Freedom of expression and the right to information are pivotal empowerment tools vital for strengthening accountability, transparency, public participation and the rule of law. This is because accessible and easy to understand information and the means and ability to communicate are important for enabling people to participate in policy making processes and to make decisions that affect their lives. This means that the right to freedom of expression and the right to information are prerequisites for ensuring the voice and participation necessary for an open democratic society. These rights ensure that the promotion and protection of both access to information itself and flows of information that exist in society, Government, parliament, Civil Society Organisations (CSOs) and the private sector are given the importance they deserve.

This paper discusses freedom of expression and the right to information. It also highlights the legal framework for these two tenets of human rights. The paper also focuses on Zambia as its case study.

### **Legal Framework**

Freedom of expression and the right to information are part of the fundamental human rights and freedoms, which are essential in achieving meaningful democratic governance and development. They are derived from international treaties and require that the State take action to guarantee them and to set their boundaries. International treaties that set legal framework for freedom of expression and right to information include the UN General Assembly's Resolution 217 A (III) on the 1948 Universal Declaration of Human Rights which states that: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without



interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Subsequently, the UN General Assembly’s Resolution 2200 A (XXI) on the 1966 International Covenant on Civil and Political Rights states that: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In the Commonwealth, the issue of access to information was first given expression in 1980 when the council of Law Ministers issued a statement recognising the fact that: “public participation in the democratic and Government process was at its most significant when citizens had adequate access to information”. This was elaborated in more detail in 1999 when the Commonwealth convened an Expert Group on freedom of information which confirmed that: “Freedom of information should be guaranteed as a legal and enforceable right permitting every individual to obtain records and information held by the executive, the legislative and the judicial arms of the State, as well as any Government owned corporation and any other body carrying out public functions.”

Furthermore, at the 32<sup>nd</sup> Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia in 2002, African countries adopted a Declaration of Principles on Freedom of Expression in Africa which states that:

“Public bodies hold information not for themselves, but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law,” and that “the right to information shall be guaranteed by law in accordance with

principles” set in the declaration, which include the following among others:

“everyone has the right to access information held by public bodies, everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;

any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;

public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;

no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and

secrecy laws shall be amended as necessary to comply with freedom of information principles.”

The Declaration precedes the AU’s African Charter on Democracy, Elections and Governance adopted at the AU Assembly of the AU on 30<sup>th</sup> January, 2007, which states as one of its objectives “the promotion of the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.”

The legal provisions outlined above indicate that freedom of expression and the right to information are important not only to ensure individual dignity, but

also to guarantee a thriving democracy based on popular participation and Government accountability.

## **FREEDOM OF EXPRESSION**

Freedom of expression is one of the fundamental rights which is essential to the existence of democracy and respect of human dignity. It is also one of the most contested rights because freedom of expression also means the freedom to express one's discontent with the status quo and the desire to change it. Further, the right to freedom of expression is sometimes used to denote not only freedom of verbal speech, but any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

“Freedom,” in this sense means the absence of control, interference and restrictions. The freedom of expression entails that the right to express one's views, ideas, feelings and thought without control, interference or restriction from the State. In this regard, freedom of expression by its very nature cannot be used to infringe on other universally accepted freedoms and rights. It must be subjected to well founded and universally accepted factors, which are necessary to safeguard the rights of the individual of the state and of public interest.

The right to freedom of expression has two distinct parts:

- (a) right to impart or share information and ideas of all kinds; and
- (b) right to seek and receive information.

The foregoing discussion shows that the right to freedom of expression includes the right to exchange information and articulate ideas and opinions, as well as obtain information so that ideas and opinions can be developed.

Furthermore, the right to freedom of expression carries with it certain responsibilities and is subjected to restrictions by the State, where the expression of ideas or exchange of information is harmful to others. For example, when people say untrue things that could harm the reputation of another person, it means they are being harmful to the individual person concerned. As such, the State is permitted to impose some restrictions on the right to expression in the interest of public safety, order, health, morals, or protection of the fundamental rights and freedoms of others. However, such restrictions must be provided for by law to protect the interests of others. Furthermore, restrictions imposed by the state should not be so severe as to effectively erase the right being protected.

## **RIGHT TO INFORMATION**

The freedom of expression of a citizen in every view necessarily includes the right to receive information without interference by public authority. The freedom of expression will not be effective unless it is complemented by the right to information. The right to information is an essential ingredient of good governance. The three pillars on which good governance rests are transparency, accountability and access to information. In the absence of even one of these pillars or even if one of them is weak, good governance ceases to exist.

Accountability and transparency can only be tested and challenged if the public have free access to information. One must know the rationale and reasoning upon which an administrative decision was taken if such decisions affect him or her. The authority refusing such information must justify it on grounds laid down by law. This is because, in the absence of information, the public will not be able to challenge decisions taken against them personally or

in respect of matters of public interest which affect them as members of the public.

## **THE ZAMBIAN SITUATION**

Parliamentarians in Zambia have contributed to the enjoyment of freedom of expression by passing the necessary legislation which provides an environment where citizens can voice their opinions and views freely. In this regard, freedom of expression is one of the fundamental rights enshrined and guaranteed in Part III of the Constitution of the Republic of Zambia, as follows:

Article 20(1) “Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of person, and freedom from interference with his correspondence.”

Article 20(3) also states that “Nothing contained in or done under authority or any law shall be held to be inconsistent with or in contravention of this Article to the extent that it is shown that the Law in question makes provision:

- (a) that is reasonably required in the interest of defence, public safety, public order, public morality or public health; or
- (b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational

- institutions in the interest of persons receiving instruction therein, or the registration of, or regulating the technical administration or the technical operation of, newspapers and other publications, telephony, telegraphy, posts, wireless broadcasting or television; or
- (c) that imposes restrictions upon public officers.”

The freedom of expression in the case of parliamentarians has further been safeguarded by means of CAP 12, The National Assembly (Powers and Privileges) Act, which guarantees the right of Members to freedom of speech and debate in the House.

In addition, Zambia has the following laws that govern the media:

- a) Independent Broadcasting Authority Act No. 17 of 2002;
- b) Zambia National Broadcasting Corporation (Amendment) Act, 2002;
- c) Theatres and Cinematograph Exhibition Act 54 of 1929;
- d) Penal Code Act 42 of 1930;
- e) Criminal Procedure Code Act 23 of 1933;
- f) Radio Communications Act of 1994; and
- g) Printed Publications Act, 1994.

Apart from the aforementioned, Zambia has also ratified and acceded to several human rights conventions, these include the International Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or punishment, the International Convention on Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the African Charter on Human and People's Rights.

Despite the stated achievements above, Zambia has not yet enacted a right to information law. However, efforts made so far, as of first quarter of 2019, reveal that Cabinet has approved the Access to Information (ATI) Bill in readiness for presentation to Parliament. Various stakeholders have welcomed this development with one stating that the ATI will strengthen governance and accountability as well as reduce on people speculating on national issues. Another stakeholder said that the Bill will increase transparency because it will compel public officers to give information to journalists and the public.

To Parliament, the presentation of the Bill will be an accomplishment as this is a matter over which it has exercised its oversight function by providing checks through follow-ups on the Executive's commitment to bring a bill on the right to information to the House. Two cases in point resonate. In 2006, the then Parliamentary Committee on Information and Broadcasting Services whilst considering the topic of press freedom recommended that the Executive re-introduce the Freedom of Information Bill in the National Assembly.

Years later, in 2017, the Committee on Media, Information and Communication Technologies discussed the Action Taken Report on its 2016 recommendations pertaining to the importance of the Access to Information in a Democracy. It concluded that the matter had been hanging for a long time. The Government assured the Committee that it would bring the Bill at an appropriate time. The current position by Government to bring the ATI Bill to Parliament is therefore a step in the right direction.

## **CONCLUSION**

The Freedom of Expression and Right to Information are fundamental rights which are essential to the realisation of other freedoms set forth in

international human rights instruments. The two fundamental rights are essential to democratic discourse, open and informed debate necessary in fostering Government transparency and accountability. This means that citizens have the right to information, the right to know and monitor those that they have elected for the purpose of transparency and accountability. It also means that information entrusted to public workers belongs to the people and it is not a privilege for them to have access to this information because it is part of their civil rights.

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**BACKGROUND PAPER ON:**

**ACHIEVING FULL AND PRODUCTIVE EMPLOYMENT AND DECENT WORK  
FOR ALL: THE ECONOMIC CHALLENGE OF OUR TIME**

**PREPARED FOR**

**THE 141<sup>ST</sup> ASSEMBLY AND RELATED MEETINGS OF THE INTER-  
PARLIAMENTARY UNION (IPU), 13<sup>TH</sup> TO 17<sup>TH</sup> OCTOBER, 2019, BELGRADE,  
SERBIA**

**RESEARCH DEPARTMENT**

**OCTOBER, 2019**

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## **INTRODUCTION**

The decades after World War II are commonly referred to as the golden age, as they were marked by the highest economic growth rates. This was mainly attributed to increased demand for manufactured goods and policies that addressed bottlenecks in international commodity trade. In this regard, most countries registered relatively high economic growth with industrialisation and modernisation at the centre stage. However, it is argued that a considerable number of people have not benefited from this growth and progress. This is especially true for developing countries. To ensure that vulnerable and poor groups, especially young people and women, benefit from this growth, there is need to put in place policies that promote inclusive and sustainable development. Policies on employment and social protection can largely contribute to changing the status quo, especially if they are supported by all relevant stakeholders.

This paper, therefore, discusses the concepts of full, productive and decent employment for all, while highlighting some policies that can sustain employment and the impact of new technologies. The paper also gives the Zambian perspective, regarding the role that both the Executive and the Legislature play in ensuring that full, productive and decent employment is achieved.

## **DEFINITIONS**

### **a) Full Employment**

Full employment is when a nation has zero unemployment and only those who are unable to work or changing jobs are considered to be unemployed. In practice, however, full employment is not possible because of frictional unemployment. Frictional unemployment is unemployment created by people moving from one job to another. As a result, full employment has generally been redefined to mean

unemployment rate at 4 per cent.<sup>1</sup> At that rate of unemployment, a country is utilising all its resources to produce maximum output.

**b) Productive Employment**

This is employment that yields sufficient returns to labour supply and allows workers and their dependants some level of consumption that is above the poverty line.<sup>2</sup>

**c) Decent Work**

Every employee desires to be dignified, receive a fair income, good working conditions and equality at the place of work. Decent work, therefore, sums up the aspirations of people in their working lives, in terms of opportunities for work that are productive and ensure security in the workplace as well as social protection for families. It further provides better prospects for personal development and social integration; freedom of expression; participation in the decisions that affect their lives such as through collective bargaining; and equality of opportunity and treatment for all, women and men alike.<sup>3</sup>

**d) Sustainable Development**

Sustainable development is a complex and multi-dimensional concept, which implies at least three dimensions; economical, social and ecological. At the core of this concept is an approach to development that looks at balancing different and often competing needs against an awareness of the environmental, social and economic limitations that societies face.<sup>4</sup>

**FULL, PRODUCTIVE AND DECENT WORK: AN ECONOMIC CHALLENGE**

Today, both developed and developing countries have been affected by the huge challenge of creating productive and decent jobs for the ever expanding labour force. It is worth noting that a significant proportion of the world's labour force is

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<sup>1</sup> *Should Full employment be the Primary Macroeconomic objective?*

<https://www.economicshelp.org/macroeconomics/macroeassays/should-aim-govtbe-full-employment/>

Accessed on August 22 2019,

<sup>2</sup> ILO (2012) *Understanding deficits of productive employment and setting targets*

<sup>3</sup> Decent Work (ILO). <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm> Accessed on August 22, 2019.

<sup>4</sup> Sustainable Development Commission, *What is sustainable Development?*; <http://www.sd-commission.org.uk/pages/what-is-sustainable-development.html>, Accessed on September 25, 2019

concentrated in developing countries, whereas most capital and skills are concentrated in advanced industrial countries. This has resulted in disparities in the distribution of world's resources. Millions of workers in the developing world are under-employed and are engaged in extremely low-productivity survival activities. On the other hand, advanced industrial countries also have huge numbers of unemployed, precariously employed and discouraged workers who have given up searching for elusive jobs.

Contributing factors to this worldwide phenomenon include the lack of employment and poor working conditions. In developing countries, it forces people to migrate to developed countries in search of better economic opportunities. In addition, globalisation has led to an increase in cross-border trading, labour and capital movement, which have consequences on decent and productive employment in individual countries. Further, international economic policies have an impact on national laws and affect opportunities for full, productive and decent employment.

In view of the above, the lack and/or inadequacy of employment opportunities has various social and economic costs. When an economy is not growing due to high unemployment or unproductive employment, poverty and inequality levels increase; social strife arises, rendering the country difficult to govern; and ultimately subduing development. In addition, the low income due to unemployment translates into low levels of consumption.

Statistics show that the world has approximately 3.3 billion workers and about 61 per cent of those are involved in some form of informal employment that is characterised by low pay; insecurity and little or no access to social protection; widening inequalities; and rights at work.<sup>5</sup> This has contributed to an increase in the number of the working poor, especially in developing countries who are among the people living below the poverty line.

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<sup>5</sup> Schlein (2019) Global Unemployment Has Reached Lowest Level in a Decade, <https://www.voanews.com/archive/global-unemployment-has-reached-lowest-level-decade>

In Africa, it has been estimated that over 5 million jobs are created every year. Although the registered level of unemployment in most Sub-Sahara African countries is not high (at around 7.6% for the past 5 years), such unemployment statistics generally mask two major labour market challenges.<sup>6</sup> Firstly, a substantial number of people are not in productive employment which means that even though they work, their jobs do not yield sufficient income for a decent living. Secondly, many people are no longer actively looking for work, hence they are not captured in formal unemployment data. As a result, people are robbed of a decent living, long-term and productive employment which becomes a catalyst for social and political instability, and a strong incentive for migration.

Therefore, the poverty levels, number of working poor and social ills that result from unemployment, underemployment and indecent employment, indicate the need to create productive and decent jobs, not just for the millions who are yet to join the labour force but also for the millions who are currently unemployed, underemployed or working under poor conditions. The global challenge that remains is to implement international, regional and national policies that promote the creation of full, productive and decent employment.

## **STRATEGIES TO CREATE FULL, PRODUCTIVE AND DECENT EMPLOYMENT**

Given that there are 46 million new workers each year in the world, the recognition of the unemployment problem and rethinking policies to address the challenge are urgent matters.<sup>7</sup> Meeting this formidable challenge requires policy responses at both international and national levels. In this regard, policies have to be based on reducing the resource asymmetry that currently exists.

National policy in developing countries should be re-oriented to pursue explicit employment objectives that create formal employment exceeding growth in the labour force. In addition, policies must be put in place to promote growth in the non-formal segment so that output per worker does not decline. Some of the common

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<sup>6</sup> Dekker et al (2018), BOOSTING PRODUCTIVE EMPLOYMENT IN AFRICA: WHAT WORKS AND WHY?

<sup>7</sup> Ghose et al (ILO) The Global Employment Challenge

strategies that can be used to create full, productive and decent employment include the following:

- i. implementing a policy and legal framework that protects workers at their places of work;
- ii. promoting enterprise and entrepreneurship by implementing appropriate monetary and fiscal policies;
- iii. thorough examination of labour absorption of various sectors of the economy to identify employment creation potentials;
- iv. implementing policies that promote and attract investment in potential growth sectors such as agriculture, services and tourism;
- v. improving data collection and analysis to establish a sound labour market information system. This will make it possible to set specific employment targets for policies and programmes outlined in the policy framework;
- vi. developing social and economic infrastructure particularly, road, electricity and communication network that promotes economic growth; and
- vii. improvement in rural infrastructure, and reforming local government regulations that adversely affect the operations of informal enterprises.

Promoting policies that encourage entrepreneurship is an effective measure for creating employment opportunities. It is in this vein that the Sustainable Development Goals (SDGs) seek to achieve sustained economic growth which will result in improved human capital that is necessary for the attainment of full, productive and decent employment for all by 2030 as promulgated by SDG number 8. Goal number 8 deals with decent and economic growth. In addition, the goal is aimed at achieving the 'Decent Work' agenda in all its dimensions including job creation, social protection, and social dialogue. This should be achieved with sight of the various environmental, social and economic implications.

## **ZAMBIAN SITUATION**

Zambia has recorded steady economic growth in the last two decades. From 1999 to 2010, growth averaged 6.9 per cent, declining to an average of 4.6 per cent during

the period 2011 to 2018.<sup>8</sup> Notwithstanding the declined growth, it was still above the average in the Sub-Saharan Africa of 2.7 per cent. Despite the positive economic expansion, the rate of poverty reduction has remained low and unemployment is relatively high. More effort is, therefore, needed to create productive employment, which will also lead to poverty reduction. According to the 2017 Labour Force Survey Report, unemployment stood at 12.6 per cent, which meant that the economy was not operating at full capacity. Promoting productive and decent employment is, therefore, critical if the economy is to achieve full employment.

In this regard, the Government remains committed to promoting full, productive and decent employment for all as outlined in SDG No. 8. To that end, the Government has mainstreamed measures to promote productive and decent employment in the Seventh National Development Plan (7NDP), as well as in other national policy and legal frameworks. Some of the measures include the following:

- i. labour law reforms and enactment of laws that are conducive, effective and responsive to emerging issues relating to productive formal and informal employment;
- ii. development of the National Employment and Labour Market Policy to support inclusive economic growth and development through the promotion of gainful and decent work in all sectors of the economy;
- iii. implementation of the Zambia Decent Work Country Programme, an agenda to ensure that workers in the country are operating under acceptable conditions of service;
- iv. supporting Micro, Small and Medium Enterprises (MSMEs) and cooperatives development in targeted sectors to promote employment creation; and
- v. undertaking wage protection to ensure fair income for all employees, which is important for decent work.

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<sup>8</sup> World Development Indicators.

At parliamentary level, Parliament occupies a unique position as a representative institution of all sections of society and plays a key role in ensuring full, productive and decent employment in many ways, including the following:

**i. Legislation**

To adapt to new challenges and align national law to international trends, Parliament enacted the Employment Code Act No. 3 of 2019 which repealed and replaced the Employment Act of 1965, the Employment (Special Provisions) Act of 1966, the Employment of Young Persons and Children Act of 1933 and the Minimum Wages and Conditions of Employment Act of 1982. The Employment Code intends to promote decent and productive employment by, among other ways, prohibiting discrimination at places of work, protecting wages of employees, as well as regulating the employment of children and young people.

**ii. Budgeting**

Parliament plays a role in the Government's fiscal policy implementation by approving the national budget, thereby facilitating necessary infrastructure to promote a good business environment and ultimately economic growth. As earlier alluded to, economic growth is a potential driver of full, productive and decent employment.

**iii. Ratification of International Treaties**

The new constitution has extended the mandate of Parliament to include the ratification of international treaties.<sup>9</sup> In this regard, Parliament is expected to debate and ratify all international conventions and treaties on employment and labour matters before they are domesticated into national legislation.

**iv. Oversight through Portfolio Committees**

The National Assembly Standing Orders, 2016, Order No. 131 established Portfolio Committees to enhance oversight on the Executive by conducting surveillance on defined areas of Government administration. As part of their work, Committees

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<sup>9</sup> The Constitution of Zambia (Amendment) Act No. 2 of 2016, Article 63(2)



recommend to the Executive workable policies to foster economic development and address some of the challenges that the country faces. On matters relating to employment which are multi-sectoral in nature, various Committees play a role in one way or the other. For instance, in 2017, the Committee on National Economy, Trade and Labour Matters considered the role of Micro, Small and Medium Enterprises (MSMEs) in national development. Subsequently, the Committee recommended that the Executive should review the MSME policy; address challenges of limited access to markets by MSMEs; and promote linkages in the business value chain.

In addition, the Committee on Youth, Sports and Child Matters, within its 2017 realm of work considered the challenge of youth unemployment in Zambia and made recommendations to the Executive to address the challenge. Some of the recommendations included: the review of curriculum content provided by various education institutions to match with specific job requirements of various employers; review the Apprenticeship Act, Chapter 275 of the Laws of Zambia in order to give guidance on internships and placements in the country; and the alignment of the Youth Action Plan to the National Development Plans.

## **CONCLUSION**

The provision of full, productive and decent employment is one of the main targets of macroeconomic policy and is critical for meaningful development. Even at global level, the UN Development Agenda 2030 recognises the importance of providing full, productive and decent employment for all in order to achieve inclusive and sustainable development.

As it has been indicated in the paper, a significant number of people are unemployed, underemployed or work under conditions that are not conducive. This has resulted in various economic and social challenges such as increased poverty and inequality; high rates of crime and acts of terrorism; increased suicide cases; and migration. In addition, the GDP of countries with less decent job creation has reduced and this has affected the economic growth of these countries.

In view of the above, more efforts need to be channelled towards productive and decent employment creation by enhancing international cooperation, entrepreneurship and skills training of citizens. This will ensure the achievement of full, productive and decent employment for all by 2030.

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