

AFRICAN HUMAN SECURITY INITIATIVE COUNTRY ASSESSMENT

INCIDENCE, NATURE AND EXTENT OF CRIME

Presentation by:

Peter Kaumba Lolojih

OBJECTIVES OF THE REVIEW

- The broad objective >> to analyse criminal activities in Zambia. Specifically, the review focussed on:
 - ✓ The incidence, nature and extent of crime
 - ✓ Perceptions on the various types of crime, and
 - ✓ Measures being taken to combat crime

METHODOLOGY

Data collection

- *Qualitative* research design >> face-to-face interviews and focus group discussions (FGDs).
- Purposive sample >> Heads or representatives of law enforcement agencies
- Semi-structured research instruments >> Public institutions; RDCs; NGOs; FGDs
- Structured research instrument >> 100 residents
>> 40 (Lusaka) and 20 each (Chibuluma, Mansa and Solwezi)

METHODOLOGY

(Continued)

- A total of 236 respondents participated in the review
 - 100 Community members
 - 65 Focus group participants
 - 38 RDC Committee members
 - 29 Government representatives
 - 4 Civil Society representatives

Data analysis

- SPSS >> Quantitative data
- *Narrative* approach >> Qualitative data

KEY FINDINGS

- Criminal activities >> more pronounced in the cities and towns mainly along the line of rail.
- Reported and publicised crimes >> murder, assault, rape and defilement, and corruption.
- Drug abuse and trafficking, and money-laundering also reported but to a comparatively lesser extent.
- Human trafficking >> no empirical research >> but problem exists.
- Evidence of human trafficking syndicates >> culprits arrested in various parts of the country including at the Lusaka International Airport.
- Zambia – a source and transit rather than destination

KEY FINDINGS

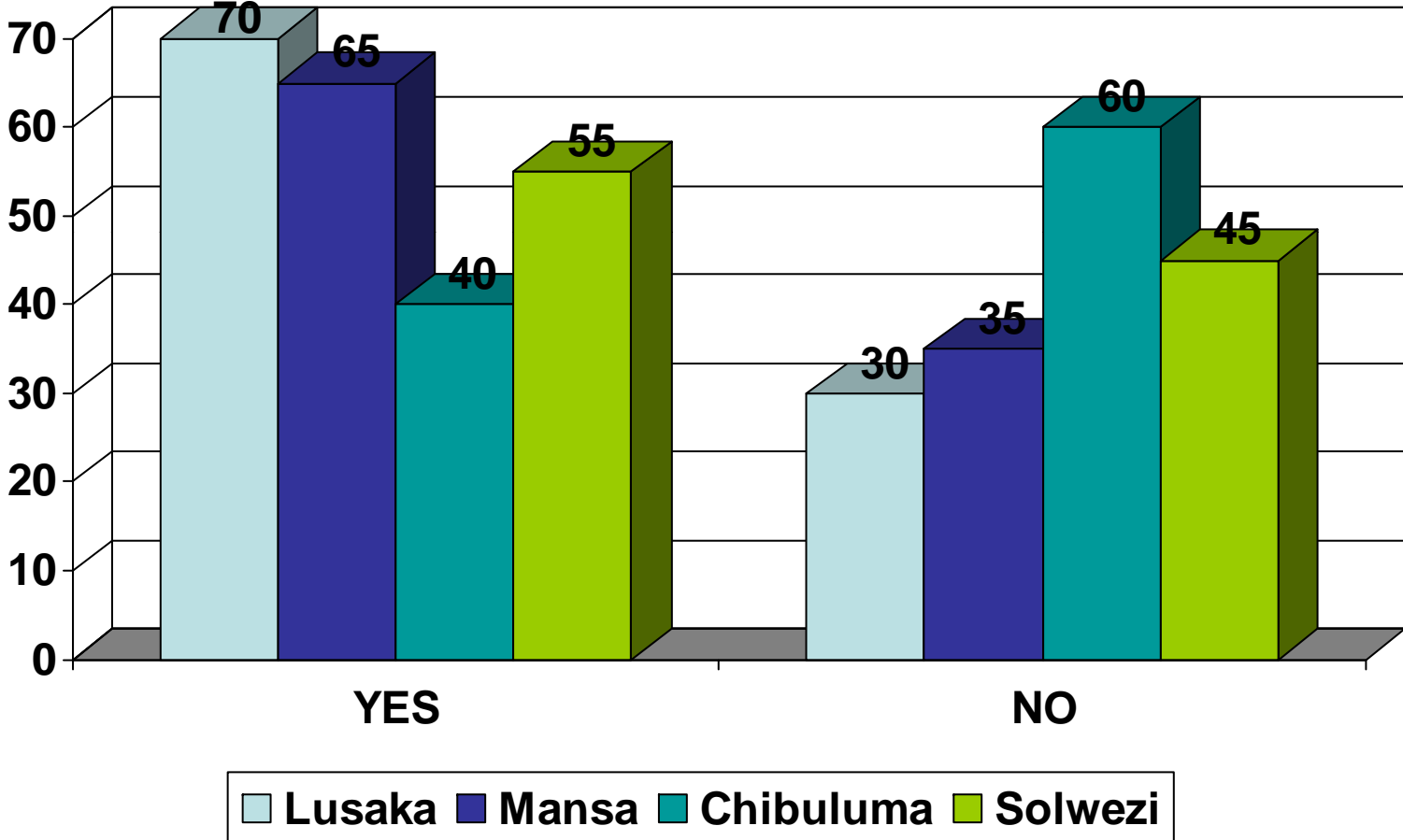
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- Incidence of drug trafficking and money laundering on the increase >> but information rather scarce >> in-depth research necessary
- Illegal migration is a problem. In 2005 and 2006 - 5,824 illegal migrants were detained >> 535 were prosecuted, the remainder were either 'removed' or deported.
- Unstable political climate, & poor economic conditions in some neighbouring countries, and "artificial" colonial borders fuelling illegal migration.
- Communities have a humane and accommodative view of illegal migrants

KEY FINDINGS

(Continued)

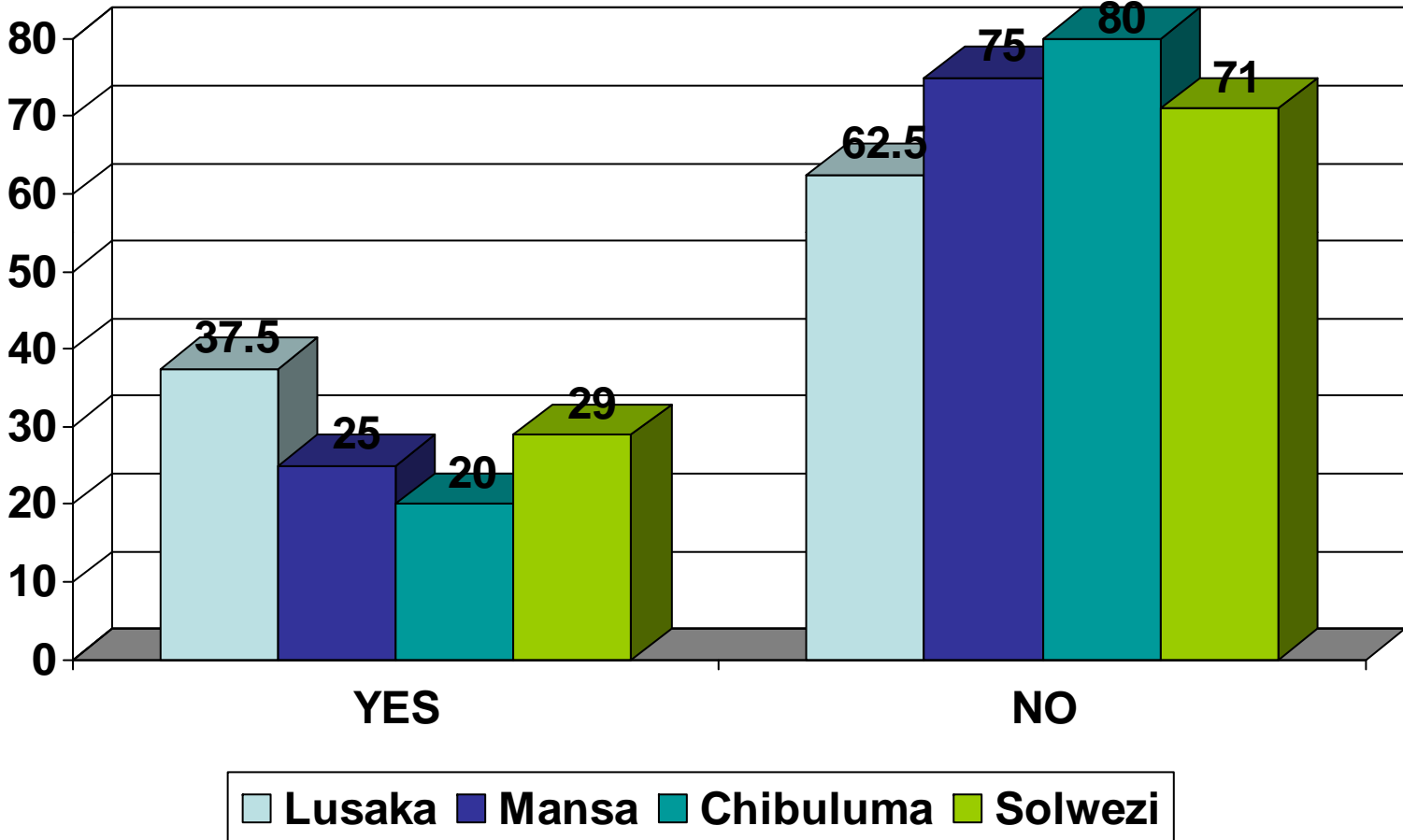
Is illegal migration a problem in the area where you live?



KEY FINDINGS

(Continued)

Do you dislike illegal migrants?



KEY FINDINGS

(Continued)

Fighting drug abuse and trafficking (DEC), & Money laundering

- Sensitization workshops - various stakeholders, High court judges, House of Chiefs, Journalists etc.,
- Interactive radio programmes targeted at the farmer dubbed “Radio farm forum” in conjunction with National Agricultural Information Services (NAIS).
- Partnerships with traditional leaders village headmen to fight cannabis cultivation.
- Sniffer dog breeding and training project >> to fight illicit drug trade across borders.
- Enhanced training for staff within the country and abroad.
- Issuance of anti-money laundering directives to Banks and other financial institutions by the Bank of Zambia

KEY FINDINGS

(Continued)

Fighting human trafficking

- Cooperation between the Ministry of Home Affairs and the International Organization for Migration (IOM).
- IOM and GRZ >> developing curriculum to facilitate training activities to put human trafficking in its proper perspective.
- Development of a National Policy to Combat Human Trafficking.
- Generally, fight against human trafficking anchored upon cooperation between the IOM, Immigration Department, and the Victim Support Unit of the Police Service

KEY FINDINGS

(Continued)

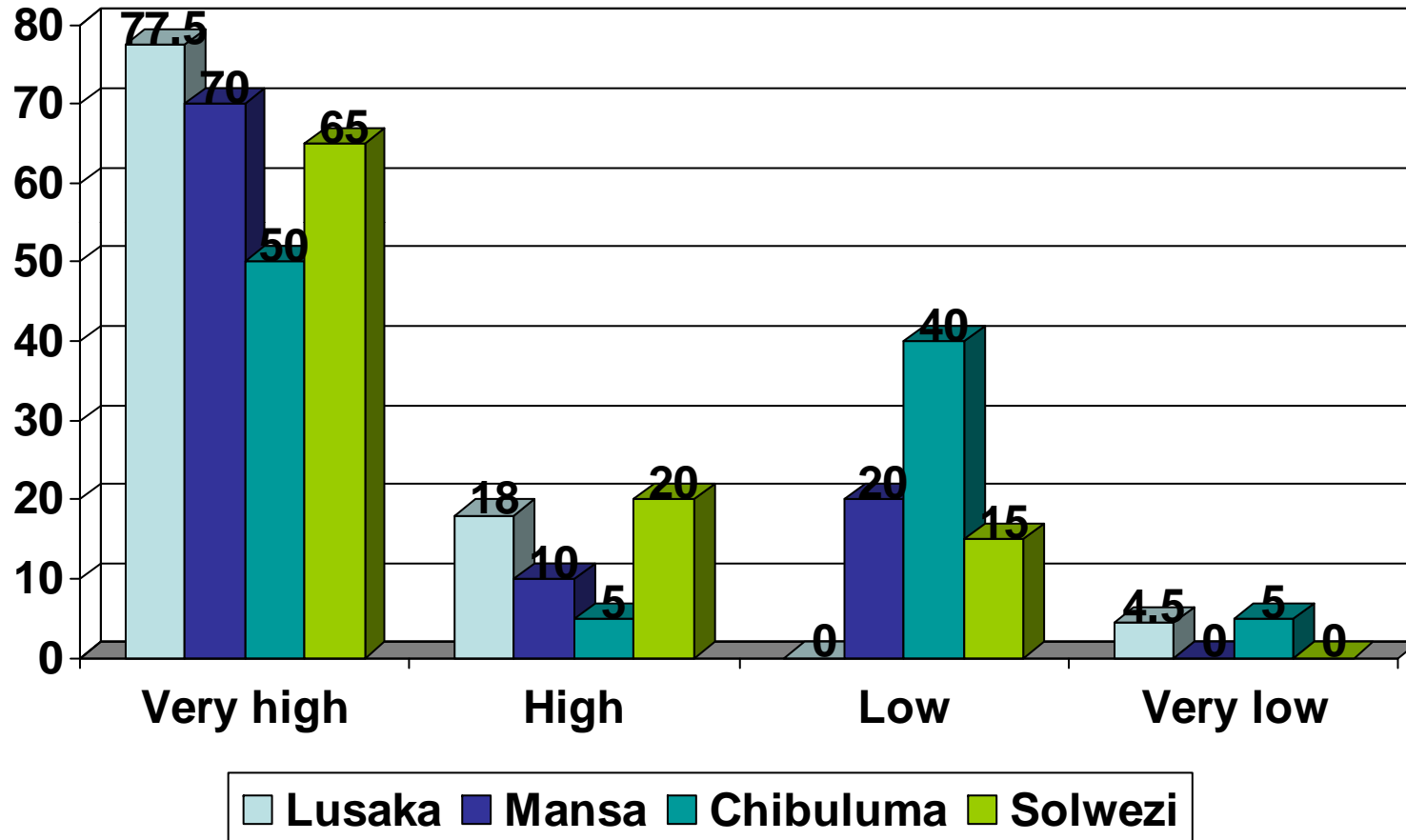
CORRUPTION

- Corruption is a serious problem
- On the CPI: 9th (2001); 11th (2003); 9th (2006)
- Corruption in the electoral process and public service delivery >> greatest source of concern among citizens
- Corruption practiced by people from all walks of life
- Between 2005 and 2007: ACC dealt with 17 cases involving senior government officials including PSs; Ministers; Commissioner/Deputy Commissioner of a Govt. agency; and MPs
- ACC is under-resourced and lack skilled staff in adequate numbers
- All residents (Lusaka, Mansa & Solwezi), and 90% of Chibuluma – Govt. to address corruption

KEY FINDINGS

(Continued)

Perceived corruption levels



KEY FINDINGS

(Continued)

Government efforts to combat corruption

- Development of the National Anti-Corruption Policy and Strategy (NACPS) to harmonise and coordinate efforts to combat corruption
- The PSRP (PEMFA, PSM, Decentralization) >> elements of corruption prevention
- The introduction of Integrity Committees in various MDAs >> facilitating development and internalisation of a code of ethics; agreeing with senior management and ACC on measurable steps to reduce corruption
- ACC has tabled an amendment Bill in Parliament to compel chiefs of defence forces, senior public officers and accounting officers to declare assets, income and liabilities annually.

KEY FINDINGS

(Continued)

Corruption - Regional and International cooperation

- Member of the Southern African Forum Against Corruption (SAFAC).
- Member of the International Association of Anti-Corruption Authorities.
- Signatory to the UN Convention against corruption (December 11, 2003).
- Ratified the African Union (AU) Convention on Preventing and combating corruption (2007)

KEY FINDINGS

(Continued)

ORGANISED CRIME

- Not well-documented
- No clear details of the nature and/or trends of the phenomenon
- Manifestation of organised crime is in motor vehicle theft, assault and aggravated robbery, drug trafficking, human trafficking, money laundering, illegal poaching, and trafficking in military fire arms.

RECOMMENDATIONS

- To effectively deal with criminal activities, there is need to ensure the availability of sufficient data on crime and to improve crime information management systems.
- Corruption is more likely to occur in situations where public officials are not well remunerated. It is important that remuneration in the public sector is improved
- The government should design programmes aimed at sensitising the citizenry on the dangers of harbouring illegal migrants.
- Adequate financing, staffing and equipping of ACC offices at the National and Provincial levels.
- Review of the ACC Act to provide for the protection of Whistle blowers.

RECOMMENDATIONS

(Continued)

- Current initiatives by government, in collaboration with IOM to curb human trafficking should be strengthened.
- DEC programmes on drug abuse and trafficking should be intensified and instituted countrywide and not confined to urban areas.
- To enhance autonomy and lessen political interference, appointment of the DEC Commissioner to be done by an independent body and ratified by Parliament.

AFRICAN HUMAN SECURITY INITIATIVE COUNTRY ASSESSMENT

THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP)

Presentation by: Peter Kaumba Lolojih

OBJECTIVES OF THE REVIEW

The specific objectives of the review focused on the DPP's office with regard to the following areas of inquiry:

- Role of the DPP
- Public knowledge and perceptions of the DPP's role
- Inter-agency relations and Regional Cooperation
- Constraints facing the DPP's office

METHODOLOGY

- Same methodology used in the previous presentation.
- Except for 4 extra key informants, the same respondents also participated in this review.

KEY FINDINGS

DPP's functions in brief

- Institute and undertake criminal proceedings against any person before any court, other than a court martial.
- Take over and continue criminal proceedings as have been instituted by any other person or authority, and
- Discontinue, at any stage before judgment is delivered, any criminal proceedings (*nolle prosequi*).

Cases normally brought before DPP

- corruption, incest, possession of obscene material, and crimes associated with the State Security Act.

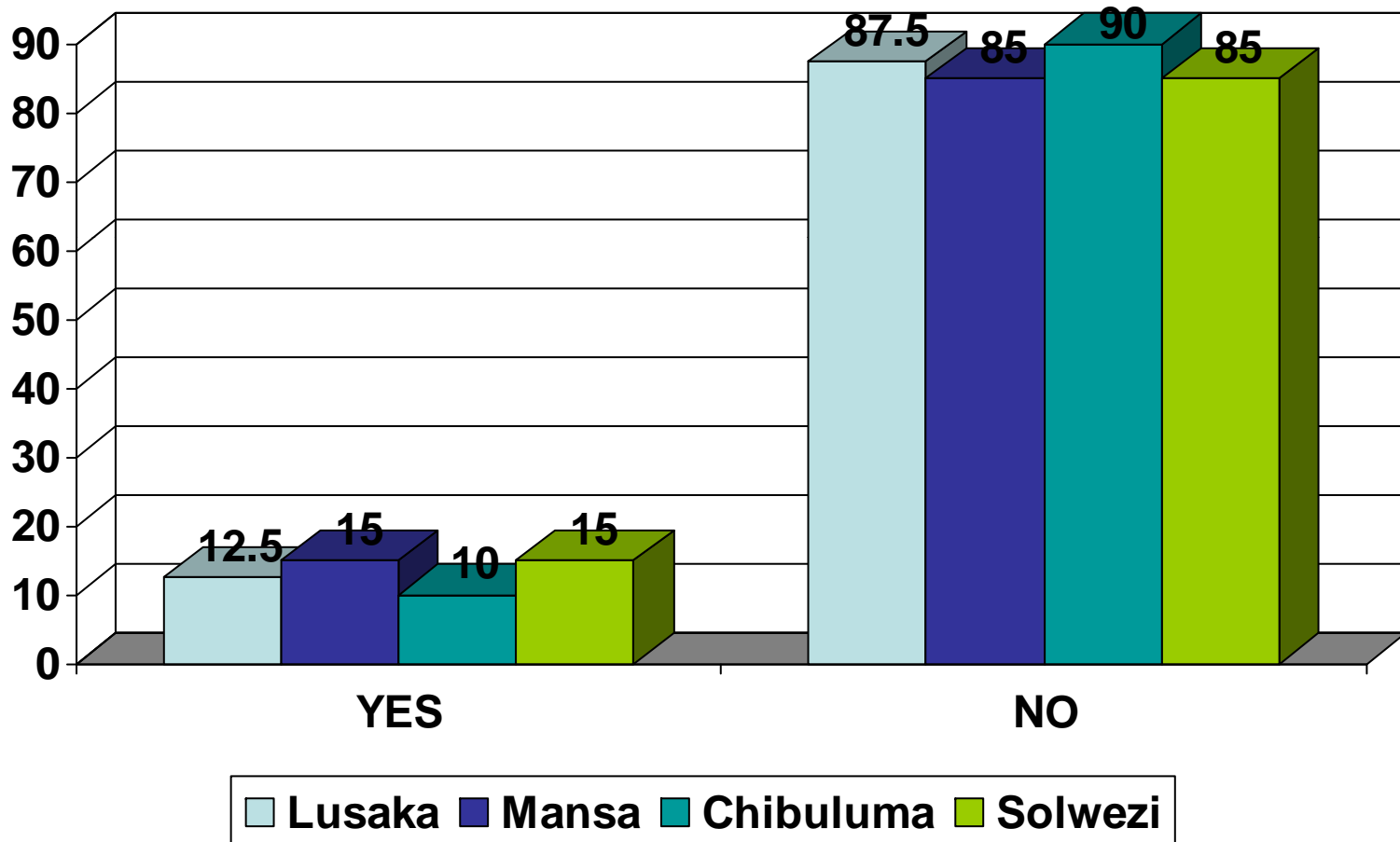
KEY FINDINGS

- Newer institutions have been set up with semi-autonomous structures, but DPP has remained an integral part of the executive >> general concerns about DPP's powers to dispose of cases using *nolle prosequi*.
- DPP's powers may be delegated to a public officer or class of public officers as he may specify.
- All Prosecutors, including those of Local authorities, ACC, DEC, ZRA, and the National Pensions Board are formally appointed by and operate under the DPP.
- Limited organizational reach (not present in 5 Provinces) >> high level of public ignorance about the DPP's office.

KEY FINDINGS

(Continued)

Do you know the responsibilities of the DPP?



KEY FINDINGS

(Continued)

- “It is rather strange that such an important institution is not known by most of us. From the description you have given us about this office and its functions I would have expected may be only one or two of us in this group to be ignorant about it but now it is almost everyone..... With so many crimes being committed.... I think it is very important that as many citizens as possible know the role of this office and how an individual comes to occupy this position” – Lusaka Resident (FGDs).

KEY FINDINGS

(Continued)

- “.....Surely, an office that has the power to stop an investigation or to discontinue court proceedings without giving any reasons must be well known by many citizens. This is a very critical office in as far as the maintenance of transparency and accountability in the dispensing of justice is concerned and must, therefore, be known by many people. But from what I have seen here, I would not be surprised if this high level of ignorance about the DPP is the same countrywide” – Solwezi resident (FGDs)

KEY FINDINGS

(Continued)

- Public perception >> DPP lacks prosecutorial independence in criminal cases involving high-ranking public officials.
- Mode of appointment of DPP >> places excessive power in the hands of the President and undermines the independence of the institution.
- Public perception >> DPP's power to enter a *nolle prosequi* is vulnerable to abuse, a situation that has potential to adversely affect the discharge of justice.
- Power of the DPP is undermined by the fact that the office is not funded directly but through the Ministry of Justice.

KEY FINDINGS

(Continued)

- Most DPP's prosecutions not undertaken by lawyers but by police officers (prosecutors) >> Lower courts. Police prosecutors are not trained lawyers hence do not perform very well against well qualified defence attorneys.
- Location of public prosecutors in different institutions is perceived to have a negative impact on coordination and the ability of the DPP's office to effectively and expeditiously deal with prosecutorial matters.
- Lack of investigative capacity in most agencies has a negative impact on the DPP's ability to successfully prosecute many cases.

KEY FINDINGS

(Continued)

Appointment of the DPP – some public suggestions

- Judicial Service Commission to present a person for appointment by the President to the position of DPP. Such an individual would have applied for the position of DPP and selected on merit after going through formal interviews.
- Tribunal of judges or a board of independent persons to recommend two or three people, in order of preference for appointment to the position of DPP by the President. The tribunal or board should provide reasons to justify the order of preference. Such a tribunal or board should be appointed through a Constitutional mechanism.

KEY FINDINGS

(Continued)

Appointment of the DPP – some public suggestions

- The President to provide at least two names from which Parliament will ratify one. In this case the communication should explicitly state that the candidates have been *nominated* rather than *appointed* for the position of DPP. In such a situation Parliament is given a choice knowing fully well that the candidates are *nominees* and not *appointees*.

Inter-Agency relations and Regional cooperation

- Although DDP's role is prosecutorial, there is substantial collaboration with other law enforcement agencies including the DEC, ACC, Police & other institutions where there are Prosecutors.
- Investigative wings of government usually seek for legal advice from the DPP.
- In accordance with Extradition laws and Mutual Legal Assistance laws the DPP works in collaboration with similar institutions in the region.

Recommendations

- Need to have a legislation for a mode of appointment of the DPP that guarantees the independence of the DPP's office.
- To enhance accountability for and transparency in the DPP's decisions, legislation should be reviewed to ensure that reasons for entering a *nolle prosequi* are made public.
- Government to consider the financing of the DPP's office directly by Parliament rather than through another government Ministry. This will enhance autonomy and help to promote realistic and effective financial planning.

THANK YOU