



**Republic of Zambia**

**National Refugee Policy**

**Draft**

CONFIDENTIAL

**April, 2023**

## Table of Contents

<b>FOREWORD</b> .....	1
<b>ACKNOWLEDGEMENT</b> .....	2
<b>WORKING DEFINITIONS</b> .....	3
<b>LIST OF ACRONYMS</b> .....	4
<b>SECTION ONE: INTRODUCTION</b> .....	5
<b>SECTION TWO: SITUATION ANALYSIS</b> .....	7
<b>2.1 Background</b> .....	7
<b>2.2 Protection</b> .....	8
<b>2.2.2 Access to Justice</b> .....	9
<b>2.2.3 Statelessness</b> .....	9
<b>2.3 Access to Basic Services</b> .....	10
<b>2.4 Protection of Persons with Specific Needs</b> .....	11
<b>2.5 Livelihood and Self-Reliance</b> .....	11
<b>2.6 Co-existence of Persons of Concern and host communities</b> .....	13
<b>2.7 Durable Solutions</b> .....	14
<b>2.8 Participation and Coordination</b> .....	15
<b>SECTION THREE: VISION, RATIONALE AND GUIDING PRINCIPLES</b> .....	17
<b>SECTION FOUR: POLICY OBJECTIVES AND MEASURES</b> .....	19
<b>4.1 Policy Objectives</b> .....	19
<b>4.2 Policy Measures</b> .....	19
<b>SECTION FIVE: IMPLEMENTATION FRAMEWORK</b> .....	22
<b>5.1 Institutional Arrangements</b> .....	22
<b>5.2 Legal Framework</b> .....	26
<b>5.3 Resource Mobilization</b> .....	27
<b>5.4 Monitoring and Evaluation</b> .....	27

## **FOREWORD**

The Ministry of Home Affairs and Internal Security through the office of the Commissioner for Refugees is responsible for the management and welfare of refugees as well as all matters related or incidental to refugees in the country.

In 2022, Zambia was host to over 100,000 refugees, asylum seekers and other persons of concern. In an order to effectively manage these refugees, the Government has put in place some infrastructure as well as systems for receiving asylum seekers and refugees and other persons of concern.

However, receiving and admission of persons coming into the country has been a challenge due to limited infrastructure and management systems for receiving this special group of people.

Over the years, Zambia has been registering refugees and issuing them with documents such as, asylum seeker certificates, refugee certificates and refugee identity cards to help with identification and access to social services and other basic services.

However, documents such as asylum seeker certificates and refugee certificates, offer very limited rights to refugees as they are administrative in nature with no legal backing. Further, these documents are not aligned with the existing national documentation systems making it difficult for refugees to access social services and livelihood opportunities.

In view of the foregoing the Ministry has come up with a National Refugee Policy, to ensure that all matters related or incidental to refugees in the country are effectively managed and coordinated.

I am therefore, confident that the objectives of this Policy will be achieved with the concerted efforts of all stakeholders.

Hon. Jack J. Mwiimbu, MP.

**MINISTER OF HOME AFFAIRS AND INTERNAL SECURITY**

## **ACKNOWLEDGEMENT**

On behalf of the Ministry of Home Affairs and Internal Security and indeed on our own behalf, we would like to take this opportunity to thank UNHCR for the financial and technical support given towards the creation of the National Refugees Policy.

Secondly, we would like to extend our gratitude to colleagues from PAC for their guidance and technical expertise to ensure that the policy produced is in line with Governments' laid down procedures on Policy formulation.

Last but not the least, we would like to take this opportunity to sincerely appreciate the hard working committee that was specifically appointed to be part of this process for their tireless effort of ensuring that this Policy is developed.

Josephs R. Akafumba (Mr)

**PERMANENT SECRETARY – ISD**

**MINISTRY OF HOME AFFAIRS AND INTERNAL SECURITY**

Dickson Matembo (Mr)

**PERMANENT SECRETARY – CRIAR**

## WORKING DEFINITIONS

**Asylum Seeker:** refers to a person who has been displaced and whose claim to refugee status is not yet definitively evaluated in the country to which they have fled.

**Durable Solutions:** refers to voluntary repatriation, local integration and resettlement to a third country.

**Essential services:** refers to basic services such as health, nutrition, Water, Sanitation and Hygiene (WASH), food security, shelter, energy, education, as well as domestic items and specialised services for people with specific needs.

**Non-refoulement:** refers to the practice of not forcing refugees or asylum seekers to return to a country in which they are liable to be subjected to persecution

**Persons of Concern:** refers to asylum seekers, refugees, former refugees and stateless persons

**Safe space:** refers to a place of sanctuary that is created by and for any marginalised group need to share experiences and receive support.

**Refugee:** refers to someone who fled his or her country owing to “a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group, or political opinion”, according to the United Nations 1951 Refugee Convention. Many refugees are also in exile to escape the effects of natural or human-made disasters.

**Refugee assistance:** refers to the provision of material assistance such as food, shelter, and medical care

**Refugee protection:** refers to legal tools including treaties and national laws, which prescribe the obligations of states in ensuring that every refugee enjoys the full complement of rights and benefits to which he or she is entitled as a refugee

**Returnees:** refers to former refugees who return to their own countries or regions of origin after time in exile. Returnees need continuous support and reintegration assistance to ensure that they can rebuild their lives at home.

**Special protection needs:** refers to protection needs for refugees with specific needs including persons with legal and physical protection needs, women and girls at risk, persons with serious medical needs (including disabilities or chronic illnesses), survivors of violence and torture and children and adolescents at risk

## LIST OF ACRONYMS

<b>CRRF</b>	Comprehensive Refugee Response Framework
<b>CoR</b>	Commissioner for Refugees
<b>CRIs</b>	Core Relief Items
<b>CSO</b>	Civil Society Organisations
<b>DEC</b>	Drug Enforcement Commission (DEC)
<b>DJOC</b>	District Joint Operations Committee
<b>DNRPC</b>	Department of National Registration
<b>DoI</b>	Department of Immigration
<b>HELSEB</b>	Higher Education Loans Scholarship Board
<b>IOM</b>	International Organisation for Migration
<b>MCDSS</b>	Ministry of Community Development and Social Services
<b>MoA</b>	Ministry of Agriculture
<b>MoHAIS</b>	Ministry of Home Affairs and Internal Security
<b>PAC</b>	Policy Analysis and Coordination Division
<b>POC</b>	Persons of Concern
<b>RSDC</b>	Refugee Status Determination Committee
<b>SGBV</b>	Sexual and Gender Based Violence
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United High Commissioner for Refugees
<b>WFP</b>	World Food Programme
<b>ZNS</b>	Zambia National Service

## **SECTION ONE: INTRODUCTION**

Zambia has been a hospitable and welcoming country to asylum seekers, refugees and former refugees. The country has been hosting asylum seekers and refugees since the 1940s when the country hosted asylum seekers from Poland who had been displaced during World War II. At the beginning of 2022, Zambia was host to 105,679 Persons of Concern comprising 74,716 Refugees, 6,842 Asylum seekers and 24,121 former refugees, with the population mostly originating from Central and Eastern Africa. Globally, the continued existence of political, ethnic and security instability, the threat to peace at continental level and in the region, as well as the effects of climate change, have the potential to increase the number of people seeking asylum and refuge in Zambia.

This first ever National Refugee Policy seeks to strengthen the role that Zambia plays in welcoming and hosting asylum seekers, refugees and former refugees. Zambia is a Party to the 1951 Refugee Convention and its 1967 Protocol, the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa, the New York Declaration on Refugees and Migrants of 2016 and the 2018 Global Compact on Refugees including commitment to implement the Comprehensive Refugee Response Framework (CRRF). Although the country has been hosting refugees and remains committed to abiding to various international obligations regarding the protection and assistance of refugees, there are still a number of challenges that need to be addressed in order to effectively host Persons of Concern (POCs). These challenges include inadequate reception and admission systems, inadequate provision of social services, livelihood opportunities and durable solutions as well as, inadequate inclusion of refugees in national development programmes. Therefore, this Policy aims to strengthen the protection and enhance the welfare and enjoyment of rights and freedoms of refugees, improve access to justice and essential services, restructure civil

registration and documentation, improve livelihood opportunities and enhance durable solutions for refugees and former refugees. Further, the policy seeks to promote co-existence between refugees and local communities and enhance partnerships between the Government, local stakeholders and international partners in addressing forced displacement and the plight of persons of concern.

This Policy document is divided into five sections. Section One introduces the purpose of the Policy. Section Two is an analysis of the current situation regarding the protection and welfare of refugees, Section Three outlines the Vision, Rationale and Guiding Principles for the Policy, while Section Four presents the Policy Objectives and Measures. Section Five contains the Implementation Framework which outlines the Institutional Arrangements, Legal Framework, Resource Mobilisation and the Monitoring and Evaluation Framework, to support the implementation of the Policy.

## **SECTION TWO: SITUATION ANALYSIS**

### **2.1 Background**

The world has been grappling with forced displacements of persons due to war, violence, persecution, human rights abuses and effects of climate change. At the beginning of 2020, the number of displaced persons stood at 89.3 million globally. War, instability and human rights violations have continued to contribute to the global refugee crises.

Africa has not been spared from the displacement crisis. In 2022, it was estimated that around 30 million internally displaced persons, refugees and asylum-seekers lived in Africa, representing almost one-third of the world's refugee population. Political instability in some countries across Africa, particularly the Horn of Africa and the Great Lakes Region has led to an increase in the number of displaced persons, thereby putting pressure on receiving countries including Zambia.

In the same year, the Southern African region was hosting 1.1 million refugees and asylum-seekers originating mostly from Central and Eastern Africa. Civil and Political unrest and the emergence of terrorist and extremist groups in some countries in the region pose high potential for increasing the number of asylum seekers and refugees.

Zambia has been host to over 100,000 refugees, asylum seekers and former refugees spread across three refugee settlements namely; Meheba, Mayukwayukwa and Mantapala, as well as urban areas. The country has maintained an open-door policy to forcibly displaced persons and has continued to welcome and host asylum seekers, refugees and former refugees. This is in line with the Constitution of the Republic of Zambia, the 1948 Universal Declaration of Human Rights, the 1951 Convention relating to the Status of Refugees and its

1967 Protocol, the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa, the New York Declaration on Refugees and Migrants of 2016 and the 2018 Global Compact on Refugees.

## **2.2 Protection**

### **2.2.1 Reception, Admission and Registration**

Displaced persons fleeing their country of origin, expect receiving countries to exhibit humanity and protect their rights and freedoms. The Zambian Government has put in place some infrastructure and systems for receiving and admitting asylum seekers and refugees. However, reception and admission of persons coming into the country has been challenging due to inadequate infrastructure and management systems mainly due to low investments especially at entry points. There has been inadequate officers trained in knowledge of refugee matters at frequently used border points and reception centres. This situation increases the chance of refoulement, unfair/unlawful arrests and detentions. In addition, there is limited knowledge among stakeholders that come into contact with refugees.

Civil registration and documentation of persons of concern is important because it is the basis upon which a person is identified and granted international protection. Documentation is also critical to accessing social services, enjoying rights and aiding effective planning. The country has been registering persons of concern and issuing them with documents such as, asylum seeker certificates, registration certificates, refugee certificates, refugee identity cards, birth certificates and alien cards. Whereas, the refugee identity cards, birth certificates and alien cards are legal documents, the rest are administrative documents and confer limited rights. In addition, these documents are not aligned with the existing national documentation system, therefore, are not widely known and

accepted by law enforcement agencies and other stakeholders. As such, persons of concern holding such documents remain vulnerable, face limited access to social services and livelihood opportunities and hence, are susceptible to arrests and detentions.

### **2.2.2 Access to Justice**

Access to justice is a fundamental human right and is essential for the protection and upholding of refugee rights. The refugees and others of Concern have access to the national justice system. However, challenges remain which include limited legal services, weak referral systems, inadequate resources and knowledge to access the services.

### **2.2.3 Statelessness**

The 1954 Convention relating to the Status of Stateless Persons defines a stateless person as someone who is not recognized as a national by any state under the operation of its law. Persons of concern are more susceptible to being stateless due to lack of documentation. Statelessness leads to marginalisation and exclusion, deepens inequalities, and exacerbates poverty as well as negates the fulfilment of human rights such as access to education, healthcare, employment and justice. Government has put in place legislation to which persons seeking nationality can acquire it. However, there are inadequate provisions in the law and mechanisms to prevent and reduce statelessness. Government has recognised the need to strengthen the country's legal framework on citizenship and is taking steps to ratify the 1961 Convention on the Reduction of Statelessness.

### **2.3 Access to Basic Services**

Access to basic services by refugees is important for the full enjoyment of life. Government provides basic services which include education, healthcare services, water and sanitation and shelter. Government has provided access to education for refugees at all levels. However, the law requires persons of concern to obtain a study permit in order to pursue secondary and tertiary education. The cost of study permits is unaffordable for most refugees and this affects access to education. Access to tertiary education and skills development is also affected by lack of skills development facilities in refugee settlement and limited freedom of movement outside the refugee settlements. The limited access to tertiary education impedes full enjoyment of life and the right to access basic services and opportunities for self-reliance.

Refugees have a variety of different physical and mental health needs, shaped by experiences in their country of origin, their migration journey, their host country's entry, integration policies, and living and working conditions. These experiences can increase the vulnerability of refugees and migrants to chronic and infectious diseases. Health needs of refugees may differ from those of the host population. Government has been providing curative, preventive, promotive and rehabilitative healthcare to refugees and host community. Nonetheless, there are challenges that disproportionately affect refugees. These include frequent stock outs of medicines and medical supplies and long distances to access referral level health facilities. Most refugees are vulnerable and are unable to afford out of pocket payments for health services. They also do not have health insurance.

In terms of energy, refugee settlements have not been connected to the national electricity grid as such the most common source of energy is firewood and charcoal. This contributes to damage to the environment. There is therefore need

to facilitate access to energy sources which are environmentally friendly. With regard to social and economic amenities, there have been inadequate and poor public facilities such as roads, water supply and sanitation, markets, offices and staff houses. Settlements have also had poor housing structures, some refugees have been residing in temporal shelters made of tents or grass, which are uninhabitable and pose health risks.

#### **2.4 Protection of Persons with Specific Needs**

The refugee population includes persons with special needs such as vulnerable women, children, the aged and persons with disabilities. Their vulnerability exposes them to various forms of abuse. Despite Government efforts to provide for and protect vulnerable people, infrastructure and facilities such as shelters, safe houses and children's homes to accommodate unaccompanied and separated children, victims of SGBV and the elderly have been inadequate to meet their needs. Vulnerable refugees have not had adequate social protection mainly due to limited national resources and inadequate support of their welfare.

#### **2.5 Livelihood and Self-Reliance**

Improved livelihood and self-reliance also remains critical to the full realisation of durable solutions. Refugees mainly engage in agriculture and trading as livelihood activities. These activities enable them to move away from dependency and become self-reliant and empowered to make decisions about their economic choices and their future, thereby enhancing their protection. In terms of farming, Government has been providing extension services to refugee farmers. However, agricultural production has been low due to limited agriculture extension officers and services, inadequate access to agricultural inputs and limited knowledge in agricultural management. Although refugee farmers have access to land outside

the settlements, security of access and tenure has not been guaranteed due to lack of title deeds, which adversely affects their ability to leverage land to access financial services. There has also been limited and informal partnerships involving refugees, local communities and Government institutions on exploiting opportunities for large scale agricultural production and maximizing potential benefits from refugee farmers. Historically, agriculture as a livelihood activity has not been introduced early enough in humanitarian responses in Zambia making it appear like an option to handouts. Prolonged provision of humanitarian support has perpetuated over dependency on handouts

Trading offers alternative livelihood opportunities. It helps in improving livelihoods by increasing income levels for families and the capacity for a community to undertake financial transactions. Government has been supporting both agriculture and trading by undertaking reforms to enhance financial inclusion for refugees by allowing them to use their alien cards to open bank accounts. Despite these efforts, trading has been adversely affected by restrictions on movement, limited access to financial institutions, entrepreneurial and business management skills, business development services, and market linkages. Refugees also require an investor's permit, which is unaffordable to most refugees, to engage in small businesses. Access to financial services in refugee settlements remain a challenge due to non-availability of financial services. Refugee settlements have been unattractive to private sector operators as such, there has been inadequate information on business opportunities.

Gainful employment is important to improving refugee livelihoods through income generation. Government and private institutions offer employment to refugees who meet the requirements. However, access to gainful employment remains a challenge as most refugees cannot afford the cost of employment permits. Further, access to wage earning employment has been a challenge due

lack of access to tertiary education and skills development. This situation also limits the refugee's capacity to meaningfully contribute to national development.

Non-diversification of livelihood activities increases exposure of refugees to climatic and economic shocks. Subsistence agriculture is generally susceptible to climate variations. Similarly, trading is also vulnerable to economic shocks. Government and development partners have been encouraging refugees to diversify livelihood activities to increase chances of rebounding when hit by a calamity. However, diversification in the range of livelihood activities has been hampered by inadequate access to information and reliable energy, and limitations on movement. This has made the refugees to remain vulnerable for longer period of time.

## **2.6 Co-existence of Persons of Concern and host communities**

Co-existence of refugees and host communities is important for effective protection of refugees and local socioeconomic development of areas and communities hosting them. To provide adequate protection, Government recognises the need for peaceful co-existence of the refugees and the immediate host communities. Over the years, Government and partners have promoted mutual and peaceful co-existence between refugees and host communities. Albeit, relationships between the communities remain delicate due to weak governance structures in the communities. In some instances, the weak co-existence has led to mistrust and misunderstandings. Co-existence and social cohesion have also been adversely affected by disparities in support provided to refugees and hosts as well as asymmetrical access to various services between the two groups. In addition, the designation of refugees in settlements leads to the separation of dwelling areas for refugees and hosts which hampers social cohesion. Further, the underdevelopment of infrastructure to support socio-

cultural activities which promote interaction between refugees and host communities has limited the full realisation of co-existence and social cohesion.

## **2.7 Durable Solutions**

Refugee status is not intended to be permanent. It is, therefore, important that durable solutions which include voluntary repatriation, local integration and resettlement are pursued, facilitated and promoted. Government has been prioritising voluntary repatriation for refugees who want to return to their countries of origin in dignity and in safety. Over the years, Government and partners have successfully facilitated voluntary repatriation for refugees desiring to return to their country of origin. Resettlement has been undertaken for those who are provided with opportunities and meet the criteria for third countries. Resettlement to third countries has mainly been dependent on the opportunities provided by the third countries. Government has been facilitating exit of refugees, who have secured the solution of resettlement.

Some persons of concern whose refugee status have ceased by operation of the law and have chosen to remain in Zambia, have been offered local integration as a durable solution. For example, some persons of concern from Angola and Rwanda have been locally integrated. To the contrary, the initiative has faced a number of challenges which include access to legal documentation, particularly residence permits and possession of passports from countries of origin to complete the application. Some refugees have not been able to meet this criteria due to fear of persecution, questions of identity especially for persons of concern in protracted situations, slow pace of verification and issuance of the passports by countries of origin and limited resources available to process residence permits by refugees, among other reasons.

## **2.8 Participation and Coordination**

Participation of refugees in development processes is important in meeting their immediate and long-term needs in a sustainable manner. This provides the basis for the operationalisation of the whole-of-society approach in addressing refugee challenges. Including refugees in development processes and plans provides the foundation for effective inclusion in national development. While refugees have been included in district level plans for some districts hosting refugees and some sectors at different levels, they have not been explicitly included in the national development plans. The spiral effect of this situation is that refugees have not been adequately and systematically included in relevant sector policies, strategies, programmes, and service delivery systems. For example, the inclusion of refugees in social protection programmes has been weak due to inadequate targeting and resources. This leaves them without safety nets especially with inadequate support from partners.

Consequently, some donors, development agencies and other actors including NGOs, faith-based organizations have not been adequately including refugees in their programmes. This makes burden sharing between the host country and partners difficult, thereby limiting the amount of development funds reaching refugees and refugee settlements.

It is also important to include refugee data in the national statistical system. In 2021, the Zambia Statistics Agency started including refugees in the COVID-19 Socio-economic Survey and the Living Conditions Monitoring Survey including the National Population Census paving way for enhanced inclusion of refugees in the national statistics. However, there has been no comprehensive population and socio-economic data on refugees for decision making.

Effective coordination is cardinal in harnessing efforts of various stakeholders and reducing the gaps in refugee protection and service delivery. Over the years, Government has been working with cooperating partners and other stakeholders in providing protection and other services to refugees. Meanwhile, coordination and monitoring has been weak among stakeholders. This has resulted in duplication in service provision and inadequate transparency and accountability. Strong coordination linkages and strengthened monitoring mechanisms need to be put in place to maximise the impact of available resources.

CONFIDENTIAL

## **SECTION THREE: VISION, RATIONALE AND GUIDING PRINCIPLES**

### **3.1 Vision**

*“A just and inclusive society for asylum seekers, refugees, former refugees and returnees”*

### **3.2 Rationale**

Zambia has been hosting and protecting persons of concern from neighbouring countries and beyond since the 1940s. The country has been welcoming and providing refuge, care and resources for the welfare of asylum seekers, refugees and former refugees. The country has also been playing a significant role in addressing factors that cause displacements in the region and beyond. However, the absence of a National Refugee Policy to guide the management of the affairs of refugees has led to fragmented interventions and inadequate reception and admission, protection of refugees, provision of social services, livelihood opportunities, durable solutions and inclusion of refugees in development programmes. Inconsistencies in some pieces of legislation and non-domestication of some international and regional best practices and instruments has not helped in improving the welfare of refugees.

Therefore, this Policy seeks to strengthen the protection of the welfare of refugees, enhance access to essential services and livelihood opportunities and durable solutions as well as promote co-existence between refugees and host communities. This policy also seeks to reinforce the country’s commitments to international obligations, standards and best practices related to the management of refugees.

### 3.3 Guiding Principles

The implementation of this Policy will be guided by the following principles:

**Human Rights:** Government and stakeholders shall uphold the fundamental human rights and freedoms of every individual.

**Inclusiveness:** Government and stakeholders shall ensure programmes are inclusive and all relevant stakeholders including persons of concern, humanitarian and development actors are engaged and involved in the implementation of the Policy regardless of gender, age, class, race, disability among others.

**Non-Refoulement:** Government shall ensure that the principle of non-refoulement is upheld.

**Partnership and Collaboration:** This Policy shall be implemented based on partnership and collaboration between Government and stakeholders based on the principle of burden-and-responsibility-sharing.

**Transparency and accountability:** Government and stakeholders shall implement this Policy in a transparent and accountable manner.

## **SECTION FOUR: POLICY OBJECTIVES AND MEASURES**

### **4.1 Policy Objectives**

- (i) To strengthen the protection of persons of concern, their rights and freedoms;
- (ii) To improve access to essential social needs;
- (iii) To improve livelihood and self-reliance for persons of concern;
- (iv) To promote co-existence of persons of concern and the host community;
- (v) To strengthen access to durable solutions; and
- (vi) To strengthen coordination and inclusion of refugees in national development processes.

### **4.2 Policy Measures**

**Objective 1:** To strengthen the protection of persons of concern, their rights and freedoms.

#### **Policy Measures**

- (a) Improve refugee reception, admission and management systems;
- (b) Strengthen the civil registration and documentation systems for refugees;
- (c) Improve access to justice
- (d) Prevent and reduce statelessness

**Objective 2:** To improve access to essential social needs

**Policy Measures**

- (a) Improve access to higher education and skills development;
- (b) Improve access to health services by persons of concern and host communities;
- (c) Modernise refugee settlements and local communities;
- (d) Enhance social security protection of children, elderly, women and people living with disabilities among refugees

**Objective 3:** To improve livelihood and self-reliance for persons of concern.

**Policy Measures**

- (i) Promote agricultural production and diversification ;
- (ii) Promote entrepreneurship and skills development among persons of concern;
- (iii) Promote refugee financial inclusion; and
- (iv) Strengthen resilience to economic and climatic shocks.

**Objective 4:** To promote co-existence of persons of concern and the host communities.

**Policy Measures**

- (a) Promote socio-cultural activities and inclusive participation;
- (b) Strengthen inclusive community-based governance structures; and

- (c) Increase awareness of communities on benefits of co-existence between refugees and host communities.

**Objective 5:** To strengthen access to durable solutions

**Policy Measures**

- (a) Facilitate dignified and safe repatriation of refugees.
- (b) Facilitate the exit of refugees to third countries; and
- (c) Locally integrate former refugees.

**Objective 6:** To strengthen coordination and inclusion of refugees in national development processes

**Policy Measures**

- (a) Promote the inclusion of persons of concern in national policies, plans, programmes and development cooperation;
- (b) Integrate refugee data in the national data systems;
- (c) Establish coordination mechanisms for persons of concern;
- (d) Strengthen monitoring and evaluation of refugee programs

## **SECTION FIVE: IMPLEMENTATION FRAMEWORK**

### **5.1 Institutional Arrangements**

The successful implementation of this policy will depend on the effective contribution of the following institutions:

#### **5.1.1 Ministry responsible for home affairs and internal security**

The Ministry shall:

- (a) Be the lead institution in coordinating and providing oversight in the implementation of this policy;
- (b) Put in place effective mechanisms for the successful implementation of this policy; and
- (c) Establish in place a ministerial steering committee to oversee Persons of Concern (POC) inclusion in national development systems.

#### **5.1.2 Ministry responsible for finance and national planning**

The Ministry shall:

- (a) Mobilise financial resources for effective implementation of the Policy;
- (b) Generate up-to-date statistics related to asylum seekers, refugees and former refugees for planning purposes; and
- (c) Formalise the engagement of Refugees in national development planning.

#### **5.1.3 Ministry responsible for agriculture**

The Ministry shall promote agriculture, agro-processing industries and related agri-business and non-agricultural activities that complement the agriculture sector.

#### **5.1.4 Ministry responsible for fisheries and livestock:**

The Ministry shall promote programmes aimed at enhancing the fisheries and livestock production in refugee settlements.

#### **5.1.5 Ministry responsible for lands and natural resources:**

The Ministry shall:

- (a) Facilitate the allocation of land for development;
- (b) Coordinate matters relating to natural resource management; and
- (c) Facilitate the numbering structures within the settlements.

#### **5.1.6 Ministry responsible for water development and sanitation**

This Ministry shall facilitate the provision of safe water supply and sanitation services in refugee settlements.

#### **5.1.7 Ministry responsible for health:**

The Ministry shall:

- (a) Ensure the provision of promotive, preventive, curative, rehabilitative and palliative health services for refugees in the settlements; and
- (b) Ensure public health screening measures are in place at Ports of Entry.

#### **5.1.8 Ministry responsible for education:**

The Ministry shall:

- (a) Ensure provision and access to quality and equitable education at all levels;  
and
- (b) Facilitate the review and equating of qualifications.

### **5.1.9 Ministry responsible for local government and rural development:**

The Ministry shall:

- (a) Promote co-existence between refugees and local communities;
- (b) Promote orderly human settlement and development in rural and urban areas; and
- (c) Promote the provision of adequate and safe trading areas for refugees within the refugee settlements.

### **5.1.10 Ministry responsible for Justice**

The Ministry shall:

- (a) Coordinate and facilitate the development of a legal framework to support the implementation of the Refugee Policy; and
- (b) Provide a conducive legal framework for policy consistency and coherence and ensure that the fundamental rights of refugees are upheld

### **5.1.11 Ministry responsible for labour and social security:**

The Ministry shall:

- (a) Ensure a productive and safe work place in line with the labour laws of the country;
- (b) Coordinate effective governance of the labour market;
- (c) Provide information on employment opportunities; and
- (d) Facilitate portability of earned rights for social security benefits.

### **5.1.12 Ministry responsible for community development and social services:**

The Ministry shall:

- (a) Provide social protection services for refugees;
- (b) Promote the participation of refugee youths in the settlements;**
- (c) Promote the well-being and protection of refugees; and

(d) Facilitate assisted voluntary return and reintegration (AVRR) for vulnerable returnees.

#### **5.1.13 Ministry responsible for foreign affairs and international cooperation**

The ministry will be responsible for monitoring the implementation of international instruments signed or ratified by the Zambian government.

#### **5.1.14 Ministry responsible for commerce, trade and industry**

The Ministry shall:

- (a) Provide information on business and trade opportunities to refugees; and
- (b) Provide a conducive environment for refugees to trade.

#### **5.1.15 Ministry of Infrastructure, Housing and Urban Development**

The ministry shall be responsible for provision of physical plans and survey services in the settlements.

#### **5.1.16 Cooperating partners**

The UNHCR, UNFPA, UNESCO, UNDP and other Cooperating partners shall provide technical and financial support for the implementation, monitoring and evaluation of the Policy.

#### **5.1.17 Civil Society Organizations**

The CSOs shall advocate for the provision of essential services to the refugees as well as matters that relate to youths, gender, disability and Climate Change.

#### **5.1.18 Local Authorities**

Shall consider and include refugee settlements in local development plans and programmes.

### **5.1.18 Traditional Leaders**

Shall take necessary interventions to promote co-existence between refugees and local communities.

## **5.2 Legal Framework**

The protection of refugees, their rights and freedoms are covered by number of pieces of legislation. However, to strengthen the implementation of this policy, there will be need to review and strengthen existing pieces of legislation. The pieces of legislation that shall be reviewed, among others, include the following:

- (a) The Constitution
- (b) Refugees Act No.1 of 2017
- (c) Immigration and Deportation Act of 2010
- (d) Land Act CAP 184
- (e) Higher Education Bursaries and scholarship Act No. 31 of 2016
- (f) Zambia Development Act No. 11 of 2006
- (g) Citizenship Act No. 33 of 2016
- (h) Birth and Deaths registration Act No. CAP 51
- (i) Marriage Act CAP 315
- (j) Matrimonial Causes Act 2007
- (k) Anti-Gender Based Violence Act No.1 of 2011
- (l) Legal Aid Board Act CAP 34
- (m) National Health Services Act No.2 of 2018
- (n) Employment Code No.2 of 2019, Sports Council of Zambia Act CAP 142
- (o) Energy Regulations Act No.12 of 2019
- (p) Rural Electrification Authority Act No. 20 of 2003
- (q) Environmental Management Act No.12 of 2011
- (r) Constituency Development Fund Act No. 11 of 2018

### **5.3 Resource Mobilization**

The National Refugee Policy requires sustainable financing to successfully achieve its desired objectives and will require both local and external resource mobilisation based on the outlined policy objectives and measures. The Policy will be financed using Government budgetary provision allocations and cooperating partners support. Government shall provide the necessary resources for the implementation of strategies and interventions for the protection and assistance of refugees and other persons of concern.

The Private Sector, NGO's, International Agencies, Cooperating Partners shall also provide financial and other resources towards the implementation of this Policy in line with the principle of responsibility and burden sharing.

### **5.4 Monitoring and Evaluation**

The implementation of this policy shall be monitored and evaluated by the ministry responsible for home affairs and internal security in collaboration with other line ministries and relevant stakeholders. A Policy Implementation Plan and a monitoring and evaluation framework will be developed to facilitate the tracking and reporting of progress during the implementation of this Policy. Regular monitoring activities will be undertaken to ensure the Policy is being implemented. Quarterly and Annual progress reports will be prepared and shared with key stakeholders to inform decision making and management of programmes under the Policy. A mid-term evaluation will be carried out as part of the process to determine progress achieved and to keep abreast of emerging trends in the sector.