



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND GOVERNANCE

ON THE

PUBLIC GATHERING BILL, N.A.B. NO. 71 OF 2026

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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FOREWORD

Honourable Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance, has the honour to present its Report on the Public Gathering Bill, N.A.B. No. 71 of 2026, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206(f) and 207(j) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held seven (7) meetings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders, the list of which is at Appendix II.

The Report is in three Parts. Part I, contains the salient provisions of the Bill; Part II highlights concerns raised by stakeholders; while Part III contains the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to study and report on the Public Gathering Bill, N.A.B. No. 71 of 2026. The Committee also appreciates the services rendered by the Office of the Clerk during its deliberations.



Mr Chinga Miyutu,
CHAIRPERSON

May 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

Mr Chinga Miyutu, MP (Chairperson); Mr Sunday Chanda, MP (Vice Chairperson); Dr Clement Andeleki, MP; Mr Menyani Zulu, MP; Mr Monty Chinkuli, MP; Mr Francis Mulenga Fube, MP; Mr Luka Simumba, MP; Mr Lameck Hamwaata, MP; Dr Joseph Munsanje, MP; and Mr Emmanuel M Musonda, MP.

2.0 BACKGROUND

The Public Gathering Bill, N.A.B. No. 71 of 2026, seeks to provide a legal framework for the regulation of public gatherings in Zambia. The Bill aims to promote the protection of the freedom of assembly and association, while ensuring the preservation of public order and safety. It further seeks to repeal and replace the Public Order Act, 1955, which has been widely criticised as outdated and inconsistent with constitutional standards.

The introduction of the Bill reflects the need to align the law governing public assemblies with the Constitution and modern democratic principles, particularly in light of jurisprudence that has clarified the scope of the right to assemble. Over time, concerns have arisen that the existing legal framework places undue emphasis on control rather than facilitation of public gatherings, thereby limiting the effective enjoyment of constitutional freedoms.

In this regard, the Bill seeks to shift the regulatory approach from one that is restrictive to one that is rights-based, by providing clear procedures for the notification and management of public gatherings, and by defining the respective roles of organisers and law enforcement authorities. It also seeks to address practical challenges that have arisen under the current law, including uncertainty in the application of procedures and the potential for inconsistent decision-making.

The proposed legislation, therefore, represents an effort to strike a balance between the exercise of fundamental freedoms and the legitimate interest of the State in maintaining public order, safety and security, in a manner that is consistent with constitutional requirements and democratic governance.

3.0 OBJECTS OF THE BILL

The objects of the Bill are to:

- (i) promote the protection of the freedom of assembly and association at public gatherings;
- (ii) regulate public gatherings for the preservation of public order and safety;
- (iii) repeal and replace the Public Order Act, 1955; and
- (iv) provide for matters connected with, or incidental to, the foregoing.

PART I

4.0 SALIENT PROVISIONS OF THE BILL

The salient provisions of the Bill are as set out hereunder.

Clause 2 - Interpretation

Clause 2 provides for the interpretation of terms used in the Bill. It defines key concepts such as “authorised officer,” “public place,” and “public gathering,” with a public place including any location to which the public has access, whether freely or upon payment. Public gathering is defined as an assembly, meeting, procession or demonstration of three or more persons in a public place.

Clause 3 - Application

Clause 3 provides for the application of the Act and sets out exemptions from its application. The clause excludes certain office holders, including the President; Vice-President; Speaker; Ministers; Members of Parliament acting in their official capacities; and local authority officials performing civic duties. It further exempts specified categories of gatherings such as religious meetings; funerals; traditional ceremonies; weddings; indoor organisational meetings; and certain State functions. However, the exemptions do not apply during an election period or after the dissolution of Parliament.

Clause 4 - Duties and Obligations of Authorised Officer

Clause 4 sets out the duties and obligations of an authorised officer, including the obligation to promote and protect constitutional rights and freedoms, such as the freedoms of assembly, expression and movement, and protection from arbitrary arrest and inhuman treatment.

Clause 5 - Duties of Organiser

Clause 5 provides for the duties of an organiser of a public gathering, including the obligation to cooperate with an authorised officer to ensure the orderly and safe conduct of the gathering.

Clause 6 - Notice of Public Gathering

Clause 6 provides for the requirement for a person intending to hold a public gathering to give notice to an authorised officer at least five days prior to the event and to submit such notice to a police station within the area where the gathering is to take place.

Clause 7 - Acknowledgement of Notice

Clause 7 provides for the acknowledgment of receipt of a notice of a public gathering within twenty-four hours by an authorised officer and further provides that where no acknowledgment is made within that period, the notice shall be deemed to have been received.

Clause 8 - Approval of Public Gathering

Clause 8 provides for the approval of a public gathering and requires an authorised officer to respond to a notice within three days. It further empowers the authorised officer to attach conditions to the approval in the interest of public order and safety.

Clause 9 - Restriction of Public Gathering

Clause 9 provides for the restriction of public gatherings and grants an authorised officer discretion to restrict a gathering where there is a clash of venue, date and time with another gathering, where the venue is unsuitable or interferes with lawful activities, or where the gathering is likely to result in public disorder, damage to property or risk to safety. The clause further requires that any restriction be communicated in writing with reasons and provides for the lifting of restrictions where remedial measures are taken.

Clause 11 - Prohibition of Attire in Connection with Defence Force and Security Officers

Clause 11 prohibits the wearing of attire at a public gathering that resembles that of the defence force or security services, except in limited circumstances such as theatrical performances.

Clause 12 - Prohibition of Firearms or Weapons at Public Gathering

Clause 12 prohibits the possession of firearms or weapons at a public gathering, except in the course of lawful duty, and provides for penalties upon contravention.

Clause 13 - Unauthorised Public Gathering

Clause 13 prohibits the holding of an unauthorised public gathering without notice or in contravention of restrictions imposed under the Act and creates an offence for non-compliance, with prescribed penalties.

Clause 15 - Appeals

Clause 15 provides for a right of appeal by an aggrieved person against a decision of an authorised officer to the Minister and subsequently to the High Court.

Clause 16 - Immunity

Clause 16 provides for immunity of an authorised officer from legal proceedings in respect of acts done in good faith in the performance of functions under the Act.

PART II

5.0 CONCERNS RAISED BY STAKEHOLDERS

All stakeholders who appeared before the Committee supported the Bill but raised the following concerns.

5.1 Clause 2 - Threshold for a Public Gathering

Stakeholders expressed concern regarding the definition of a public gathering under clause 2, which sets a low numerical threshold for what constitutes a public gathering. They submitted that defining a public gathering to include as few as three persons in a public place, is unduly narrow and extends regulatory control to ordinary, informal interactions that do not warrant statutory control.

Stakeholders observed that such a low threshold, when read together with the notice requirements under the Bill, may impose disproportionate administrative obligations on citizens and expose routine social or civic activities to regulation. In this regard, they cautioned that the provision risks overreaching which may lead to the unintended criminalisation of otherwise harmless conduct, and could create practical enforcement difficulties.

5.2 Clause 3 - Exemptions and Equality before the Law

Stakeholders expressed concern regarding the exemptions provided under clause 3 of the Bill in respect of certain categories of persons or gatherings. They submitted that such exemptions may undermine the principle of equality before the law.

Stakeholders observed that the selective application of the law may create the perception that certain individuals or groups are not subject to the same regulatory framework as others. In this regard, they cautioned that this may weaken public confidence in the fairness and legitimacy of the law and may be inconsistent with constitutional principles of non-discrimination.

5.3 Clause 4 - Role of the Police in Public Gatherings

Stakeholders expressed concern that the Bill, particularly clause 4, does not expressly define the role of law enforcement officers in the management of public gatherings. They submitted that, while the clause outlines general duties, it does not clearly impose a facilitative obligation, thereby risking the continuation of a control-oriented approach to public order management.

Stakeholders observed that in a rights-based framework, the primary role of the police should be to facilitate and protect peaceful assemblies rather than to restrict them. They cautioned that, in the absence of such clarity, the implementation of the law may not reflect the intended shift towards a more democratic and rights-oriented approach.

5.4 Clause 6 - Notice Period for Public Gatherings and Absence of Recognition of Spontaneous Gatherings

Some stakeholders expressed concern regarding the requirement under clause 6 for a minimum notice period of five days prior to holding a public gathering. They submitted that the prescribed period is rigid and does not accommodate spontaneous assemblies, which are an important aspect of democratic expression.

They observed that public gatherings are often organised in response to emerging or unforeseen events of public importance. In this regard, they cautioned that a strict notice requirement may render it difficult for citizens to exercise their right to assemble in a timely and meaningful manner. They further submitted that the Bill should provide for flexibility, including recognition of spontaneous gatherings and shorter notice periods where circumstances so require.

They further emphasised that spontaneous assemblies are an established feature of democratic societies and may not, by their nature, be capable of complying with prior notice requirements. They submitted that the absence of an express provision recognising such gatherings may result in their automatic illegality, thereby limiting the practical enjoyment of the right to freedom of assembly.

However, other stakeholders supported the notice requirement under clause 6 but recommended that the notice period be increased from five (5) days to seven (7) days in order to provide adequate time for security assessments, logistical planning and deployment of personnel for the effective policing and management of public gatherings.

5.5 Clause 8 - Approval of Public Gatherings

Stakeholders expressed concern regarding the requirement under clause 8 for the approval of public gatherings by an authorised officer. They submitted that this requirement effectively converts the notification framework into a permit-based system, which is inconsistent with constitutional principles governing the right to freedom of assembly.

Stakeholders observed that the requirement for prior approval places the exercise of a constitutional right at the discretion of the State. In this regard, they cautioned that such a framework may undermine the essence of the right to assemble, as it allows authorities to prevent gatherings from taking place altogether. They further submitted that this approach is inconsistent with established jurisprudence in Zambia, which affirms that while the right to assemble may be regulated, it must not be subjected to prior authorisation.

However, other stakeholders supported the approval mechanism under clause 8 as a necessary measure for the orderly coordination and management of public gatherings. They further recommended that the period within which an authorised officer responds to a notice be increased from three (3) days to five (5) days in order to allow sufficient time for assessment of security concerns and consultation with relevant authorities where necessary.

5.6 Clause 9 - Discretionary Powers and Grounds for Restriction

Some stakeholders expressed concern regarding the powers conferred on authorised officers under clause 9 to restrict public gatherings. They submitted that the grounds for such restrictions, including the “reasonable belief” standard in relation to public disorder, safety or damage to property, are broadly framed and lack sufficient precision.

Stakeholders observed that the use of open-ended and subjective standards grants authorised officers wide latitude in determining whether a gathering should be restricted. In this regard, they cautioned that the absence of clearly defined thresholds or objective benchmarks may result in decisions being based on subjective assessment rather than demonstrable and objective risk. They further noted that the Bill does not provide sufficient guidance on the factors to be considered in forming such “reasonable belief,” thereby increasing the potential for inconsistent application.

Stakeholders also submitted that the combination of vague legal thresholds and broad discretionary authority creates a risk of arbitrary decision-making. They emphasised that this risk is particularly pronounced in relation to politically sensitive or contentious gatherings, where there may be heightened incentives to impose restrictions. In such circumstances, they cautioned that the provision may be applied in a manner that disproportionately limits the exercise of the right to freedom of assembly.

Stakeholders further observed that the Bill does not expressly require authorised officers to demonstrate that less restrictive measures have been considered before imposing restrictions, nor does it impose a clear obligation to justify decisions against objective criteria. They submitted that the absence of such safeguards may undermine transparency and accountability in the exercise of regulatory powers.

However, other stakeholders supported clause 9 and submitted that the discretionary powers conferred on authorised officers are necessary to enable timely intervention in circumstances where public order, safety or property may be at risk. They further observed that the requirement for restrictions to be communicated in writing with reasons provides an important safeguard against arbitrary action.

5.7 Clause 13 - Criminalisation of Non-Compliance

Stakeholders expressed concern regarding the creation of offences under clause 13 relating to the holding of public gatherings without complying with the notification

requirements. They submitted that the imposition of criminal sanctions in such circumstances is disproportionate and may have an alarming effect on the exercise of the right to assemble.

Stakeholders observed that the use of criminal law as a primary enforcement mechanism may discourage citizens from exercising their constitutional rights. In this regard, they recommended that the Bill should prioritise administrative and facilitative measures, rather than punitive approaches, in ensuring compliance with the law.

However, other stakeholders supported clause 13 and submitted that the provision is necessary to ensure compliance with the law and maintain public order and safety. They observed that the existence of sanctions serves as a deterrent against unlawful conduct and promotes orderly management of public gatherings.

5.8 Clause 15 - Appeal Mechanism

Stakeholders expressed concern regarding the appeal mechanism under clause 15, which provides for appeals against decisions of an authorised officer to the Minister and subsequently to the High Court. They submitted that the provision does not prescribe clear timelines within which appeals are to be lodged and determined, thereby creating uncertainty and the potential for delays.

Stakeholders observed that, given the time-sensitive nature of public gatherings, delays in the determination of appeals may render the right of appeal ineffective, as the intended date of the gathering may lapse before a decision is made. In this regard, they cautioned that the absence of defined timelines may undermine access to an effective remedy.

Stakeholders further noted that the placement of the Minister as the first appellate authority may raise concerns regarding impartiality, particularly in cases involving politically sensitive gatherings. They submitted that this may affect public confidence in the fairness and independence of the appeals process.

5.9 Clause 16 - Immunity of Authorised Officers

Stakeholders expressed concern regarding the immunity granted to authorised officers under clause 16 for acts done in good faith in the performance of their functions.

Stakeholders observed that while functional immunity is necessary, the absence of clear safeguards or accountability mechanisms may limit recourse in cases of abuse of power. In this regard, they cautioned that the provision may weaken oversight and accountability. They, therefore, recommended that the Bill should clarify the scope of immunity and ensure that it does not shield unlawful or negligent conduct.

However, other stakeholders supported clause 16 and submitted that immunity for acts done in good faith is necessary to enable authorised officers to perform their functions effectively and without fear of personal liability arising from lawful actions undertaken in the course of duty.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee notes that stakeholders were generally in support of the Bill and agrees that there is need to strengthen the legal framework governing public gatherings in order

to promote the effective exercise of the right to freedom of assembly while ensuring public order and safety.

The Committee further observes that the Bill represents a significant departure from the restrictive framework under the Public Order Act by adopting a more rights-based and facilitative approach to the regulation of public gatherings.

In this regard, the Committee supports the Bill and makes the observations and recommendations set out below.

6.1 Threshold for a Public Gathering

The Committee observes that the definition of a public gathering under clause 2 is intended to ensure that gatherings capable of affecting public order and safety are subject to regulation under the Act.

The Committee is satisfied that the proposed threshold is intended to enable early coordination and management of public gatherings in the interest of maintaining public order and safety.

6.2 Approval of Public Gatherings

The Committee observes that clause 8 provides for the approval of public gatherings and empowers authorised officers to impose conditions in appropriate circumstances. The Committee is satisfied that the provision seeks to ensure orderly coordination of public gatherings while balancing the exercise of constitutional freedoms with the need to preserve public order and safety.

6.3 Notice Period for Public Gatherings

The Committee observes that clause 6 prescribes a notice period for public gatherings in order to facilitate adequate planning and coordination by organisers and law enforcement authorities. The Committee is satisfied that the notice requirement is intended to promote the orderly conduct of public gatherings and minimise the risk of conflict or disruption.

6.4 Exemptions and Equality before the Law

The Committee observes that clause 3 provides for exemptions in respect of certain categories of persons and gatherings. The Committee recognises that some of the exemptions may be necessary to enable certain office holders and persons to effectively perform their official or civic duties. The Committee further notes that these exemptions do not apply during an election period or after the dissolution of Parliament, which serves as an important safeguard.

6.5 Discretionary Powers and Grounds for Restriction

The Committee observes that clause 9 confers powers on authorised officers to restrict public gatherings on specified grounds relating to public order, safety and the protection of property. The Committee notes that the powers provided under the clause are intended to enable authorised officers to respond to situations that may pose risks to public safety or disrupt lawful activities. The Committee further notes that the Bill requires restrictions to be communicated in writing with reasons.

6.6 Role of the Police in Public Gatherings

The Committee observes that the Bill sets out the duties and obligations of authorised officers in relation to the management of public gatherings. The Committee is satisfied that the Bill seeks to promote the protection of constitutional rights and freedoms while maintaining public order and safety.

6.7 Appeal Mechanism

The Committee observes that clause 15 provides for a right of appeal by an aggrieved person against a decision of an authorised officer. The Committee, however, notes concerns regarding accessibility to the appeals process for persons residing in areas far from Lusaka or provincial centres where the High Court is ordinarily situated.

The Committee, therefore, recommends that clause 15 be amended to provide for an alternative and more accessible appeal mechanism that ensures timely and effective access to justice for all persons affected by decisions made under the Act.

6.8 Immunity of Authorised Officers

The Committee observes that clause 16 grants immunity to authorised officers for acts done in good faith in the performance of their functions under the Act.

The Committee is satisfied that the provision is necessary to enable authorised officers to discharge their functions without fear of personal liability arising from actions undertaken lawfully and in good faith.

6.9 Criminalisation of Non-Compliance

The Committee observes that clause 13 creates offences relating to non-compliance with the requirements of the Act. The Committee is satisfied that the provision is intended to promote compliance with the law and ensure the orderly conduct of public gatherings.

7.0 CONCLUSION

The Committee has carefully considered the Public Gathering Bill, N.A.B. No. 71 of 2026, together with the submissions from stakeholders.

The Committee is satisfied that the Bill represents an important step towards establishing a modern legal framework for the regulation of public gatherings that is consistent with constitutional principles and democratic governance. The Committee further notes that the Bill seeks to replace the Public Order Act with a more structured and rights-based framework that promotes the protection of the freedom of assembly while ensuring public order and safety.

The Committee is of the view that the Bill will contribute towards greater clarity, predictability and accountability in the management of public gatherings and will strengthen the legal framework governing the exercise of constitutional freedoms in Zambia.

In light of the foregoing, the Committee supports the Bill and urges the Executive to take into account the recommendation made in this Report in order to further strengthen the proposed legislation and enhance access to justice under the appeals process.

We have the honour to be, Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance mandated to consider the Public Gathering Bill, N.A.B. No. 71 of 2026.

A handwritten signature in black ink, appearing to be 'Chinga Miyutu', with a small dash at the end.

Mr Chinga Miyutu, MP
CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Charles Haambote, Director of Committees (SC)
Mrs Chitalu K Mumba, Deputy Director of Committees (SC)
Mr Charles Chishimba, Senior Committee Clerk (FC-1)
Ms. Prisca Shimalungwe, Committee Clerk
Mr Ronald Muthoiwa Semani, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II - List of Witnesses

Ministry of Justice

Ministry of Home Affairs and Internal Security

Zambia Police Service

Human Rights Commission

National Prosecution Authority

Zambia Law Development Commission

Law Association of Zambia

Chapter One Foundation

Consortium of Civil Society Organisations on Good Governance and Constitutionalism

UNZALAW Legal Editorial Board