

WEDNESDAY, 3 OCTOBER, 2018

MINISTERIAL STATEMENT
ON THE
AMENDMENT OF THE PUBLIC ORDER ACT

BY THE HON. MINISTER OF JUSTICE, MR LUBINDA

Mr Speaker, thank you for affording me this opportunity to update the House and, through it, the nation on the issue of the amendment of very important Public Order Act.

Sir, as the House will recall, early in 2017, the Ministry of Justice requested the public to make submissions to the Ministry of Justice on the review of the Public Order Act. Throughout the year 2017, the Ministry of Justice and other Government departments and agencies, led by His Excellency the President, kept urging citizens and other organisations, particularly, political parties to submit their views on how to make the Public Order Act responsive to the needs of our dynamic society. By the end of the year, the Ministry of Justice had received submissions from institutions and individuals on the review of the Act.

Mr Speaker, after receiving the submissions, the Government constituted a technical working group consisting of officers from the Ministry of Home Affairs, the Ministry of Justice and the Law Development Commission as lead facilitator in the review process. In May, 2018, the Zambia Law Development Commission submitted a comprehensive report to the Ministry of Justice regarding areas of possible review of the Act. The recommendations of the report were that:

- (a) consultations on the review of the Public Order Act should be subjected to a wider stakeholder consultative process;
- (b) a platform be created for allow to countrywide consultations with stakeholders;
- (c) case law relating to the Public Order Act be identified and critically reviewed;

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- (d) the Zambia Police Service be fully involved in the consultative process;
- (e) a draft Bill be prepared for consideration by Cabinet and submission to Parliament; and
- (f) adequate time be allocated for capacity building, sensitisation and awareness on the amendment to the Public Order Act Cap. 113 of the Laws of Zambia before the next general elections.

Mr Speaker, in light of these recommendations from the Zambia Law Development Commission, the Ministry of Justice in consultation with the Ministry of Home Affairs commenced the drafting of the Draft Public Order Amendment Bill 2018.

Sir, His Excellency the President in his address on the occasion of the Official Opening of the Third Session of the Twelfth National Assembly at paragraph 144 said, and I quote:

“In our quest to promote a culture of tolerance and national unity, the Government has continued to engage political parties and other stakeholders. These engagements have begun to yield some positive results with political youth leaders agreeing that there is more that binds us together as Zambians than what divides us. This is in line with our ideals as a Christian nation and indeed our national values and principles”.

He concluded his reflections on this matter at paragraph 145 where he said, and I quote:

“The Government remains committed to amending the Public Order Act Cap. 113 of the Laws of Zambia”.

In keeping with this statement, Cabinet, at its meeting, directed that the Bill be subjected to a multi-stakeholder consultation before its consideration by Cabinet and subsequent presentation before this House. In this regard, the multi-stakeholder meetings for the review of the Public Order Act will be conducted as provincial public awareness meetings. These meetings will be

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held in all the ten provinces of Zambia beginning in the third week of October by officers from the Ministry of Home Affairs, the Ministry of Justice and the Law Development Commission.

The objective of these meetings is to sensitise stakeholders on the current provisions of the Public Order Act and to solicit stakeholder views on the areas of proposed reform.

Sir, you may wish to note that the committee of the Inter-parliamentary Union of the World Organisation of National Parliaments has offered to facilitate a workshop on the review of the Public Order Act for various stakeholders, which include Parliamentary Committees, relevant line ministries, political parties, the police, the Human Rights Commission, Law Association of Zambia and other relevant stakeholders for exchange of experiences and practices of other countries.

The Government has welcomed the gesture and the workshop is scheduled to take place immediately after the provincial public consultative meetings. The outcome of this process is anticipated to be the making of recommendations on the areas of reform and the Public Order Act in order to facilitate the drafting process before final enactment by this Parliament.

Sir, the Public Order Act (POA) is among the pieces of legislation that have been earmarked for review in the Seventh National Development Plan, 2017/2021. Further, Chapter 22 of the Patriotic Front (PF) Party Manifesto states that the Government will consult all stakeholders in the review and amendment of the POA. Like I said earlier, this position was reiterated by His Excellency the President when he addressed the House and emphasised the need for the review of the POA.

Sir, I want to emphasise that the Government remains committed to ensuring that a legal framework that supports freedom of assembly, association and participation, especially in politics and other spheres of human endeavour is put in place to support the growth of inclusive democracy in our country. In this vein, I wish to conclude by stating that once all the necessary consultations have been included, the Bill to reform the POA will be presented to this House for

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enactment. We hope this could be done during this session, but if we do not manage, it certainly should be concluded during the legislative sitting of Parliament in February, 2019.

Sir, I would, therefore, like to call upon all interested groups and individuals to take keen interest and participation in this noble task.

Mr Speaker, I thank you.