

THURSDAY 18TH FEBRUARY, 2021

**MINISTERIAL STATEMENT
ON THE
STATUS OF THE PUBLIC ORDER ACT**

BY THE

THE MINISTER OF JUSTICE (MR LUBINDA), MP

Mr Speaker, following the failure by this House to pass the Constitution of Zambia (Amendment) Bill, No. 10 of 2019, I wish to update this House on the status of the Bill. This House will recall that the hon. Minister of Home Affairs called for submissions from stakeholders on proposals to amend the Public Order Act on several occasions.

Mr Speaker, the Government demonstrated commitment to review the Public Order Act, Cap 113 of the laws of Zambia in line with Cap. 22 of the Patriotic Front (PF) manifesto which places an obligation on the Government to subject the review of the Public Order Act to enhance consultations with all stakeholders in order to arrive at consensus. In this regard, you will recall that in July, 2016, the Government through the Ministry of Home Affairs and the Ministry of Justice, respectively, called for submissions on the review of the Public Order Act, Cap 113 of the laws of Zambia. As a result of the few submissions received, the Zambia Centre for Inter-party Dialogue requested the Government to facilitate a meeting involving key stakeholders. To this effect, the Government invited all the key stakeholders to a national symposium for the drafting of a Political Party's Bill and the Public Order Bill which was held at the Mulungushi Conference Centre from 25th to 29th September, 2017.

Additionally, Sir, provincial consultative meetings were held from 13th to 16th October, 2018 in order to receive further submissions on the reforms to the Public Order Act. Following the failure by people to make submissions, Cabinet authorised the hon. Minister of Justice to facilitate the

receipt of submissions and stakeholders consultations on the Bill in order for the Bill to be drafted and presented to Parliament.

Mr Speaker, this consultation process culminated into a National Dialogue Forum which was held from April to May, 2019 and considered among other Bills the Public Order (Amendment) Bill which the forum approved for submission to Parliament. The Bill was later introduced to Parliament for the First Reading and at the Second Reading Stage the House resolved to defer consideration of the Bill to await the outcome of the Constitution of Zambia (Amendment) Bill No.10 of 2019. The Bill aimed at providing for among other things; the effective implementation of the Public Order Act in a transparent and fair manner.

Sir, you will recall that in March, 2019 the Inter-Parliamentary Union Network and the Mr Speaker of the National Assembly facilitated a meeting with all hon. Members of Parliament to share international best practices on matters relating to the Public Order Act. We received submissions thereafter on the amendment of the Public Order Act. This meeting which was held at Parliament from March 20th to 21st, 2019 gave rise to progressive submissions and recommendations which culminated in the drafting and subsequent introduction to Parliament of the Public Order Bill, No. 12 of 2019.

Mr Speaker, as you are aware, the Public Order Bill, No. 12 of 2019, as I said earlier, was deferred as we awaited the outcome and consideration of the Constitution of Zambia (Amendment) Bill, No. 10 of 2019.

Sir, let me indicate that the review of such politically sensitive Acts of Parliament such as the Public Order Bill, No. 12 of 2019 is best considered quite well before a General Election. I wish to state that this is because politically sensitive Bills require consultation and consensus building. The implementation of the Public Order Bill of 2019 will therefore, require further consultation because a lot of issues have arisen from the time the last consultative processes were undertaken from the time the Bill was drafted in May, 2019.

Even if the amendments were undertaken, Mr Speaker, the implementation would require sufficient time for law enforcement officers and other enforcement agencies to adequately prepare themselves and enforce the newly introduced measures.

Mr Speaker, in conclusion, let me state, in no uncertain terms, that the PF Government of His Excellency, Dr Edgar Chagwa Lungu, was the first to pronounce its desire to amend the Public Order Act. The PF did not act out of cohesion by anyone. The PF desired to present an opportunity to the Zambians to amend their Public Order Act. I want to reassure you, Sir, the House and the nation at large that His Excellency, Dr Edgar Chagwa Lungu, and his Government remain totally committed to the process of reviewing the Public Order Act.

Sir, had it not been for close proximity to the next elections, the process could have started now. Nonetheless, the proximity to the elections does not warrant or guarantee a smooth and objective handling of such an important piece of legislation. I would therefore, like to state that the Government is committed to initiating this process soon after the 2021 General Elections. I want to end by assuring the Zambian people that this is a commitment that the PF Government makes to the Zambian people.

I thank you, Sir.
