

It is clear from the information shared here and people exposition that:

- The Act is a serious threat to democracy not only because of its content but also because of the discriminatory manner in which it is applied.
- There is need to amend the Public Order Act so that it conforms to the imperatives of the Constitution and the new democratic order.
- Maintaining legislation that is aimed at stifling political dissent contravenes the principles of good governance.
- The Police should be professional in their work and resist being used as instruments to silence dissent.
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It is strongly believed that....

The application of the Public Order Act (POA) is an impediment to the enjoyment of political rights such as the freedom of speech, assembly and association and the developing of the democratic process in Zambia. There is no doubt that the Public Order Act, inherited from the colonial government, has been used as a tool by successive governments to suppress political dissent and depress the civil society from actively participating in matters of national interests.

The truth is that....

The severe sanctions and restrictions imposed by the POA has a negative result on our freedom of expression and assembly as contained in the Constitution and International Instruments to which Zambia is a party to. Therefore, the Act should be amended to align it to the principles of constitutionalism and democracy.



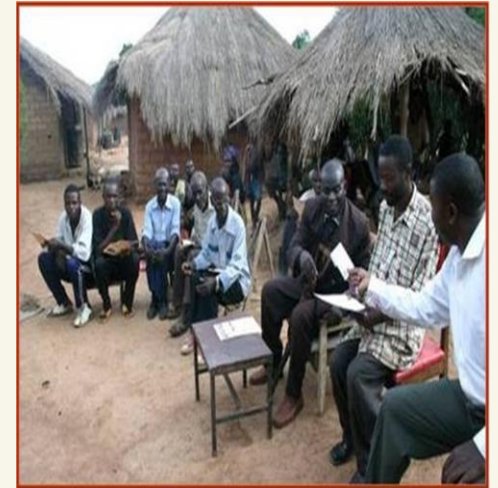
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Jesuit Centre for Theological Reflection- JCTR
P. O Box 37774
10101 Lusaka-Zambia
3813 martin Mwamba Road,
Olympia Park

Phone | +260 211 290410
Fax | +260 211 290759

www.jctr.org.zm

PUBLIC ORDER ACT: AN IMPEDIMENT TO DEMOCRACY?



"The rights to freedom of peaceful assembly and of association satisfy people's fundamental desire to take control of their own destinies....these rights are indeed fundamental – not simply because they are inscribed in the law, but because they speak to something present inside each and every one of us as human beings" (*Maina Kiai, UN Special Rapporteur*) -2014

WHAT IS THE PUBLIC ORDER ACT?

- The Public Order Act, Chapter 113, Volume 9 of the laws of Zambia" was enacted into law on the 19th of August, 1955.
- The Act was enacted for the maintenance of public order.
- It regulates public meetings and processions and provides powers necessary for preserving public order and safety at special event areas and public places.

- However some of the salient provisions have a bearing on the enjoyment of human rights in the constitution.
- The salient features are found in section 5 of the Act which regulates assemblies, public meetings and procession.

WHAT ELSE SHOULD YOU KNOW ABOUT THE PUBLIC ORDER ACT?

- The law regulates assemblies, public meetings and processions by providing that every person who intends to assemble or convene a public meeting, procession or demonstration shall give police at least seven days' notice of that person's intention to assemble or convene such a meeting, procession or demonstration.
- The Act demands that anyone who participates or organises a meeting or procession for which a notification to the police has not been done or issued may be arrested without warrant and charged with unauthorized assembly.
- The law also prohibits weapons at public meetings and processions.
- The law prohibits engaging in offensive conduct conducive to breaches of peace
- The law imposes a penalty for making statements or doing acts intended to promote hostility between sections of the community
- The law imposes a penalty for uttering of words or doing any act or thing whatever with intent to excite enmity between tribe and tribe or between one or more sections of the community on the one hand.

WHAT CONDITIONS DOES THE PUBLIC ORDER ACT IMPOSE REGARDING THE REGULATION OF ASSEMBLIES, PUBLIC MEETINGS AND PROCESSIONS?

According to Section 5(5) of the Public Order Act, the law outlines the following Requirements:

- The date, place and time at which the assembly, public meeting or procession is authorised to take place;
- The maximum duration of the assembly, public meeting or procession;
- In the case of an assembly or public meeting the persons who may or may not be permitted to address such assembly or public meeting and the matters which may not be discussed at such assembly or public meeting;
- The granting of adequate facilities for the recording of the proceedings of such assembly or public meeting in such manner and by such person or class of person as the regulating officer may specify;
- Any other matter designed to preserve public peace and order.

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Brochure

Public Order Act

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