

**PRESS STATEMENT | THE JUDGEMENT OF THE CONSTITUTIONAL COURT  
IN THE CASE OF CHAPTER ONE FOUNDATION VERSUS THE ATTORNEY-  
GENERAL CAUSE NO. 2021/CCZ/022 ON LIFESTYLE AUDITS FOR PUBLIC  
OFFICIALS**

Chapter One Foundation is a civil society organization that promotes and protects human rights, the rule of law, constitutionalism, and social justice in Zambia. On 2nd February 2022, we received the judgement in the case of Chapter One Foundation v The Attorney-General Cause No. 2021/CCZ/022. In that case, Chapter One Foundation was seeking an interpretation as to whether the requirement by Ministers, the Speaker, and Deputy Speakers to declare their income, assets, and sources of income on an annual basis under the Ministerial Code of Conduct is still in tandem with the current constitutional provisions as amended in 2016.

The case was about the fact that under Section 10 of the Parliamentary and Ministerial Code of Conduct, Ministers, the Speaker, and Deputy Speakers are obliged to do annual lifestyle audits. In 2020, Chapter One Foundation did a search on the register at the Chief Justice's office and found that most of the Ministers and Parliamentary officials under the Patriotic Front government had not complied with the requirement to declare their assets, liabilities, and sources of income over the period of over four years. We then wrote to the late Chief Justice Irene Mambilima requesting that she set up a Tribunal over the failure of the public officials to adhere to the code of conduct. The Chief Justice refused to do so on the basis that the Ministerial Code of Conduct was no longer in compliance with Article 263 of the current constitution, which provides for a much lower standard of declaring income, assets, and liabilities, which is only when entering office OR when leaving office.

Chapter One Foundation subsequently took the matter to the Constitutional Court for interpretation of the relevant provisions. Chapter One Foundation argued that under Article 261 of the current constitution, public officials are required to adhere to the codes of conduct relevant to their office and that subsequently the Parliamentary and Ministerial Code of Conduct was still applicable to the relevant officials. We further argued that the provisions of the Constitution should be read in harmony to give effect to the intended purpose of the provisions, that is to promote accountability and transparency in public office and uphold the national values and principles such as good governance.

The Judgement of the Court was that there is no conflict between Article 261 and Article 263. Subsequently, the position of the law is that the Speaker, Deputy Speakers, and Ministers are still obliged to follow the Parliamentary and Ministerial Code of Conduct on the annual declaration of assets, liabilities, and sources of income to the standard set in the Code of Conduct. Chapter One Foundation will write to the current Chief Justice, to request all the officials to whom the Parliamentary and Ministerial Code of Conduct applies to comply with its provisions. We will continue to monitor the annual declaration of assets, liabilities, and source by these public officials, and we will seek remedial action from the courts where such public officials are found wanting.

Linda Kasonde  
Executive Director