



Freedom in the World 2018

Zambia *Profile*

**FREEDOM
STATUS:
PARTLY
FREE**



Freedom in the World

Scores

Quick Facts

Freedom Rating



Political Rights



Civil Liberties



(1=Most Free, 7=Least Free)



Aggregate Score: 55/100 (0=Least

Free, 100=Most Free)

Overview:

While numerous political parties compete in regular elections, the opposition faces onerous legal and practical obstacles in their operations. The government regularly invokes the law to restrict freedom of expression and ban peaceful demonstrations.

Key Developments in 2017:

- In April, the government imprisoned opposition leader Hakainde Hichilema and charged him with treason after his convoy failed to yield to President Edgar Lungu’s motorcade. He was released and legal proceedings against him were halted after authorities came under international pressure, but a judge indicated that Hichilema had not been acquitted, and could be rearrested at any time.  
- Following a series of arson attacks in the capital, ruling-party lawmakers voted to approve a restrictive 90-day state of emergency. The vote took place in the absence of 48 opposition lawmakers who had been suspended from the parliament after they boycotted Lungu’s annual address.
- In October, the Judicial Complaints Commission ruled that the Constitutional Court had misinterpreted the constitution when it “abruptly terminated” consideration of an opposition petition against Lungu’s 2016 reelection before a required two-week review period had elapsed.

Political Rights and Civil Liberties:

POLITICAL RIGHTS:

22 / 40 (-1)

A. ELECTORAL PROCESS: 6 / 12



A1. Was the current head of government or other chief national authority elected through free and fair elections?

2 / 4

The president is elected to up to two five-year terms. In 2016, Edgar Lungu of the Patriotic Front (PF) was narrowly reelected with 50.35 percent of the vote, defeating Hakainde Hichilema of the United Party for National Development (UPND), who took 47.67 percent; Lungu has indicated a desire to serve a third term despite the two-term limit. The 2016 polls were marred by election-related violence between PF and UPND supporters, restrictions on opposition-aligned media, misuse of public resources by the ruling PF, and the use of the Public Order Act to restrict opposition rallies. While expressing serious concern over these issues, international election monitors deemed the results of the election credible.

A2. Were the current national legislative representatives elected through free and fair elections? 2 /

4

The unicameral National Assembly is comprised of 156 elected members, with 8 members appointed by the president. The 2016 legislative polls were held concurrently with the presidential election and were marred by the same issues, though as with the presidential election, international monitors found the polls generally credible. The PF won the majority of seats, followed by the UPND.

A number of Lungu's cabinet members ran for legislative seats in 2016, and drew legal complaints over their failure to vacate their cabinet offices when parliament was dissolved before the polls. (Election monitors and other critics said that by remaining in office during the campaign period, the ministers had improperly retained access to government resources.) The Constitutional Court in August 2016 ordered them to vacate their offices and surrender back pay for the three months they were deemed to have been illegally in office.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Some elements of a new electoral law passed in 2016 were not fully applied during that year's presidential and legislative polls, in part because stakeholders did not have enough time to thoroughly review the law's provisions, and due to discrepancies between its contents and elements of the constitution.

The Electoral Commission of Zambia (ECZ) is responsible for managing the election process, but lacks capacity. The U.S.-based Carter Center, which was among groups that monitored the 2016 polls, criticized the ECZ for "ineffective" management of vote tabulation and verification.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of

their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?



2 / 4

Political parties are registered under the Societies Act and do not regularly face onerous registration requirements; independent candidates may also run for office.

The major political parties are the PF and the UPND, but the opposition UPND faces harassment and significant obstacles in accessing media coverage. Repression and harassment of opposition figures continued in 2017. In June, following a boycott of Lungu's annual address to Parliament, 48 opposition parliamentarians were suspended without pay for 30 days. Later in the year, President Lungu claimed that the UPND was behind a string of arson attacks, saying they were carried out to "make the country ungovernable."

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4
(-1)

Despite intense pressure on opposition media, and the use of the Public Order Act to restrict opposition events, the opposition UPND almost doubled its representation in parliament in the 2016 elections, while the PF lost several seats. However, political violence and government restrictions on opposition activities ahead of the elections created an environment in which voters were less able to freely elect representatives to determine government policies.

Opposition party leaders also face harassment and arrest or trumped-up charges, and the sidelining of such key figures can seriously hamper the ability of opposition parties to gain power in elections. In April 2017, UPND leader Hakainde Hichilema was arrested for treason after his convoy failed to move aside for President Lungu's motorcade. He was detained for four months before the prosecution against him was terminated in August, following an intervention from high-level Commonwealth officials. However, a High Court judge told Hichilema that the decision was conditional, that he had not been acquitted, and that he could be rearrested for the same offense at any time.



Score Change: The score declined from 3 to 2 due to the politically motivated arrest of the leader of the main opposition party, and threats to rearrest him after proceedings against him were terminated.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

The people's political choices are for the most part free from domination by groups that are not democratically accountable. However, public-sector employers at times have made employment conditional on support for the ruling party, and several cases of forced retirement of opposition-aligned government employees were reported in 2017.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant

groups) have full political rights and electoral opportunities? 3 / 4



Suffrage in Zambia is universal for adult citizens. Women have equal political rights according to the constitution, but only occupy 30 of 156 seats in parliament, and few hold key positions in government. A requirement that elected officials be educated at least through high school in effect precludes many women from declaring political candidacies.

Presidents since independence have failed to honor the 1964 Barotseland Agreement, which promised the Western Province, which is home to the Lozi ethnic group, limited local self-governance. Several people accused of leading a separatist movement there remained in prison for treason charges at the end of 2017.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Restrictions on the opposition during the 2016 elections benefit the PF, somewhat reducing the legitimacy of their decisions. In response to a string of arson attacks in 2017, ruling-party lawmakers approved a 90-day state of emergency. The vote was held in the absence of the 48 opposition lawmakers who were suspended over their decision to boycott Lungu's annual address.

C2. Are safeguards against official corruption strong and effective? 2 / 4



Corruption in government is widespread, and impunity is common. Prosecutions and court decisions on corruption cases, when they do occur, are often thought to reflect political motivations. Limited funding and enforcement restricts the efficacy of institutional safeguards against corruption.

C3. Does the government operate with openness and transparency? 2 / 4



Zambia continues to struggle with government accountability. There is no access to information law, and while the Anti-Corruption Act requires some public officeholders to make financial declarations, it is only loosely enforced. However, government ministers in recent years have made more unprompted statements to the parliament, and Lungu has held a handful of press conferences, including one in July 2017.

CIVIL LIBERTIES: 33 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 1 / 4

Freedom of the press is constitutionally guaranteed, but restricted in practice. Outlets perceived as aligned with the

opposition are subject to arbitrary closure by authorities,   journalists risk trumped-up lawsuits and harassment by the government and political party supporters, and self-censorship remains common. Public media report along progovernment lines and neglect coverage of the opposition, though some private outlets carry sharp criticism of the government.

A longstanding harassment campaign against prominent journalist Fred M'Membe continued in 2017. In February, police attempted to arrest M'Membe, but he was overseas at the time. During the raid on his home, police harassed and arrested his wife, the *Mast* newspaper owner, Mutinta Mazoka M'Membe. (The government shut down the popular *Post* weeks before the 2016 elections, allegedly for tax debt, and the *Mast* was opened to continue the work of the *Post*.) In April, authorities threatened to shut down the *Mast*, pointing to unverified claims that the *Mast* was using *Post* assets.

Separately, journalist Chanda Chimba III, who was suffering from a terminal illness, was pardoned by Lungu and unconditionally released from prison in April. Chanda Chimba had been convicted of failing to register a business and possessing illegally obtained assets, charges that were both related to his role in producing a 2011 television series critical of the PF.

The 90-day state of emergency imposed in July 2017 gave the government the authority to impose broad media restrictions, and was seen as a threat to press freedom.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Constitutional protections for religious freedom are generally respected. However, the government has been criticized for engaging in activities that blur the separation of church and state, including backing a National Day for Prayer and Fasting, and building an interdenominational church. Attacks on those suspected of witchcraft are an issue, and non-Christians are sometimes discriminated against or labeled as “Satanists.”



D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4



The government generally does not restrict academic freedom. However, authorities have placed pressure on student unions in response to protests. In 2017, student union activities at the University of Zambia were suspended, and some students were reportedly evicted from student housing, after protests over controversies surrounding the payment of student stipends.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally free in Zambia, though the government appears to monitor and periodically restricts access to opposition websites. Ordinary people risk arrest for online speech deemed critical of the government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly is guaranteed under the constitution,   is not consistently respected by the government. Peaceful protests against the government are frequently restricted under the Public Order Act. Police must receive advance notice before all demonstrations, and in 2017 police continued to deny permission for rallies, political meetings, and other demonstrations even after organizers had met legal requirements to host them.

In September, police in Lusaka broke up an anticorruption protest and arrested the organizers. PF supporters also attempted to intimidate participants, though they eventually assented to police requests that they leave.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

Freedom of association is guaranteed by law, but is not always respected in practice. NGOs are required to register every five years under the 2009 NGO Act. The government in the past indicated a willingness to allow NGOs to self-regulate, but the government does not recognize any such mechanism, and NGOs still must adhere to the 2009 law.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The law provides for the right to join unions, strike, and bargain collectively. Historically, Zambia's trade unions were among Africa's strongest, but the leading bodies, including the

Zambia Congress of Trade Unions (ZCTU), have faced marginalization under PF rule.



F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence is guaranteed by law, but in practice the judiciary is subject to political pressure, including by Lungu, who in November 2017 warned the Constitutional Court that chaos would erupt in the country if it attempted to block his bid to run for a third term in 2021.

Separately, in October, the Judicial Complaints Commission ruled that the Constitutional Court had misinterpreted the constitution when it “abruptly terminated” consideration of an opposition petition against Lungu’s 2016 reelection before the required two week review period had elapsed. The UPND had filed a petition with the Constitutional Court disputing the election results, saying that the PF and the ECZ had worked together to manipulate the poll.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Pretrial detainees are sometimes held for years under harsh conditions, and many of the accused lack access to legal aid, owing to limited resources. In rural areas, customary courts of variable quality and consistency—whose decisions often conflict with the constitution and national law—decide many civil matters. Zambia’s courts lack qualified personnel and

resources, and significant trial delays are common. Bail is frequently denied to detainees.



During the 90-day state of emergency that began in July 2017, police were awarded increased powers to effect arrests and lengthy detentions without the need for a warrant. Several individuals were arrested and held for the maximum seven days allowed during a state of emergency without charge or trial.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Allegations of police brutality are widespread, and security forces generally operate with impunity. In March 2017, a Zambian air force officer was brutally beaten and killed while being detained for a minor traffic violation, in an incident the Human Rights Commission ruled amounted to his torture. The police officers and inmates responsible were arrested and charged for his murder.

Conditions in pretrial detention facilities and prisons are poor, and reports of forced labor, abuse of inmates by authorities, and deplorable health conditions continue.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Consensual sexual activity between members of the same sex is illegal and punishable by between 15 years and life in prison. Activists promoting LGBT (lesbian, gay, bisexual, transgender) rights face arrest or harassment. Women are

constitutionally guaranteed the same rights as men, but in practice discrimination and sexual harassment of women are prevalent.



Refugees are protected under local and international law and as of December 2017, approximately 65,000 refugees were residing in Zambia. However, there were issues with refugees' access to education, conditions in detention centers, and gender-based violence, among others.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The government generally respects the constitutionally protected right to free internal movement and foreign travel. However, internal movement is often impeded by petty corruption, such as police demands for bribes at roadblocks.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Most agricultural land is administered according to customary law. However, the president retains ultimate authority over all land, and can intercede to block or compel its sale or transfer. Women frequently experience discrimination in matters involving property and inheritance rights. The process of

meeting requirements for starting and operating businesses be opaque and time-consuming.



G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4 (+1)

Societal discrimination, low literacy levels, and violence remain serious obstacles to women's rights. Domestic abuse is common, and traditional norms inhibit many women from reporting assaults. Rape is widespread and punishable by up to life in prison with hard labor, but the law is not frequently enforced.

The rate of child marriage has decreased significantly in recent year, due in large part to the enactment of a 2016 national action plan to eliminate early marriage, which has had an effect on local and customary laws that permitted the practice.

Score Change: The score improved from 1 to 2 because the rate of child marriage has declined, due in part to a national action plan designed to address the problem.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4 (-1)

Labor exploitation, child labor, and human trafficking remain prevalent despite laws meant to prevent them. Zambia significantly scaled back antitrafficking efforts in 2017, and, because no trafficking cases were prosecuted, almost no victims were identified or received victim services.

Score Change: The score declined from 2 to 1 because antitrafficking efforts were scaled back, resulting in a lack of prosecutions and services for victims of human trafficking.



Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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