

Zambia | Freedom House

POLITICAL RIGHTS: 22 / 40

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 UPND, who took 47.67 percent. 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, and 3 seats allocated for the vice president, the speaker, and the first deputy speaker. 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. In 2018, the PF added to its majority by winning two seats previously held by the UPND in hotly contested legislative by-elections in June and November.

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 the 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 2016 ordered them to vacate their offices and surrender back pay for the three months they were deemed to have been illegally in office. The court order had been ignored through the end of 2018.

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 US-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

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. Supporters of the ruling party sometimes disrupt private television and radio broadcasts, and even attack the stations when opposition politicians are scheduled to make appearances. In January 2018, National Democratic Congress (NDC) leader Chishimba Kambwili was forced to cancel a television appearance when reports surfaced that PF supporters intended to attack the studio during his interview.

Repression and arrests of opposition figures continued in 2018, as well, hindering their parties' ability to organize and function effectively. In April, New Labour Party leader Fresher Siwale was arrested and charged with defamation for accusing President Lungu of identity theft and claiming that Edgar Lungu is not his real name. He awaited trial at the end of the year.

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

Despite intense pressure on the private 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 leaders also face harassment and arrest on trumped-up charges, and the sidelining of such key figures can seriously hamper the ability of opposition parties to gain power in elections. Threats of arrest and violence continued for UPND leader Hakainde Hichilema, Zambia's most prominent opposition figure, in 2018. In November, Hichilema was summoned by the police for questioning after he was accused of inciting riots in the Copperbelt Province. Hichilema had appeared on a local radio show and claimed that state-owned timber company ZAFFICO would be sold to Chinese nationals, which, according to Copperbelt Province Minister Japhen Mwakalombe, caused the riots. Analysts assert that the accusations could be used as a pretext by authorities to disqualify Hichilema from challenging Lungu in the 2021 presidential election.

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. In July 2018, seven civil society groups released a joint statement declaring that they had evidence of widespread vote buying by the ruling party ahead of local elections held that month.

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 31 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 at the end of 2018.

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

The executive exhibits excessive dominance over the legislature. Nearly half of the PF's legislators hold positions in the cabinet, and the ruling party is able to push legislation through the National Assembly with little resistance from the opposition.

In 2017, the National Assembly approved an emergency decree following a string of arson attacks, which President Lungu blamed on the opposition. The three-month state of emergency further expanded presidential authority, allowing for the imposition of curfews, the prohibition of public gatherings, and detention of suspects without a warrant, among other powers. 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. The scope of corruption was shown with the September 2018 decision by the United Kingdom, Ireland, Finland, and Sweden to withdraw aid to Zambia amid allegations that \$4.7 million in donor funds had been embezzled by

government ministries. Lungu subsequently dismissed the minister of community development and social welfare and a senior Education Ministry official for their alleged roles in the scandal, but at the end of the year, no charges had been filed.

Limited funding and enforcement restricts the efficacy of institutional safeguards against corruption, and PF leaders and the government sometimes undermine the work of anticorruption bodies. The Financial Intelligence Centre (FIC), a government anticorruption watchdog, came under pressure over the June publication of its 2017 *Money Laundering/Terrorist Financing Trends Report*, which found that corruption cost the government 4.5 billion kwacha (US\$447 million) in 2017. In response to the report's publication, the PF's deputy media director called for the dissolution of the FIC and the arrest of the body's director.

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 according to the Extractive Industries Transparency Initiative (EITI), transparency in the mining sector has improved.

CIVIL LIBERTIES: 32 / 60 (–1)

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16 (–1)

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 frivolous lawsuits, arrest, 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.

In December 2018, Derrick Sinjela, editor-in-chief of *Rainbow Newspaper*, was handed an 18-month prison sentence for contempt of court by the Supreme Court, after publishing an article that alleged corruption in the high court. The Committee to Protect Journalists (CPJ) called the sentence “disproportional” and claimed that it “sends a very grave message that journalists, and Zambians in general, cannot criticize the judiciary without risking their liberty.”

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 of Prayer, Fasting, Repentance,

and Reconciliation, and building an interdenominational church.

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, and student demonstrators risk violent dispersal by the police and arrest. In October 2018, after protests over delayed meal allowances devolved into rioting at the University of Zambia, a student died when the police fired tear gas into her dorm room, while others were forced to jump out of their dorm windows.

In the aftermath of the riots, University of Zambia lecturer Austin Mbozi was arrested and charged with promoting tribal hate after he published an article which partially blamed President Lungu for the student's death.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (-1)

Private discussion is generally free in Zambia, though the government appears to monitor and periodically restricts access to opposition websites. In 2018, internet users increasingly faced legal penalties for online speech viewed as critical of the government. In January, for example, a Mongu court sentenced a doctor to seven years in prison for insulting the president on Facebook in 2017.

In August, the cabinet approved the vaguely worded draft Cyber Security and Cybercrime Bill. The bill, which had not yet been passed by the National Assembly at year's end, would create a new body, the Zambia National Cyber Security Agency, which rights activists claim could be used to monitor and punish social media users and limit freedom of expression.

Despite public opposition, in August the government passed a statutory order imposing a tax on phone calls through online platforms such as WhatsApp and Skype.

Score Change: The score declined from 3 to 2 because social media users increasingly faced legal penalties in retaliation for remarks 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, but is not consistently respected by the government. Peaceful protests against the government and political meetings are frequently restricted under the Public Order Act. Police must receive advance notice before all demonstrations. In 2018, police continued to deny permission for rallies, political meetings, and other demonstrations even after organizers had met legal requirements to host them.

In September, anticorruption protesters in Lusaka were attacked by suspected PF

supporters, who threw rocks at the demonstrators. Although several of the assailants were detained by police, it was unclear whether they were criminally charged for the assaults. In December, six anticorruption demonstrators were acquitted of unlawful assembly charges for a protest held in front of parliament in 2017.

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

Nongovernmental organizations (NGOs) operate in a restrictive environment. NGOs are required to register every five years under the 2009 NGO Act. In October 2018, the police disrupted a gathering in Ndola held by the Centre for Trade Policy and Development to discuss the 2019 national budget, and arrested several of the group's leaders and a pastor for holding a meeting without a police permit.

Despite the constraints on civil society, the justice minister conceded in November that the controversial Cyber Security and Cybercrime Bill had not yet passed due to the opposition of rights activists.

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 2018 warned that chaos would erupt if the Constitutional Court attempted to block his bid to run for a third term in 2021. In December, the court, comprised entirely of Lungu appointees, ruled unanimously that the president is eligible to run in 2021 without violating the two-term limit, because his first term only lasted one year and six months due to the death of former president Michael Sata in 2014.

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.

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. 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, and the law is actively enforced. 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 2018, nearly 50,000 refugees resided in Zambia. However, there were issues with refugees' access to education, conditions in detention centers, and gender-based violence, among others.

In August, the Zambian government denied Zimbabwean opposition leader Tendai Biti asylum, deporting him back to Zimbabwe where he faced arrest on spurious charges, despite a court order staying his deportation pending a scheduled hearing. The United Nations High Commissioner for Refugees (UNHCR) called for an investigation to establish whether Zambia had breached international refugee law with the deportation.

Resentment over China's increasing economic influence in Zambia has fueled anti-Chinese discrimination and a spate of xenophobic attacks on Chinese businesses.

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 can 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

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 years, 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.

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

Labor exploitation, child labor, and human trafficking remain prevalent despite laws meant to prevent them. Although Zambia significantly scaled back antitrafficking efforts in 2017, there were a number of arrests and prosecutions for trafficking in 2018. In April, three Congolese nationals and a Zambian were sentenced to 25 years in prison by the Mongu High Court for trafficking children.