Freedom House

FREEDOM IN THE WORLD 2020

Zambia

PARTLY FREE

54 /100

Political Rights	**22** /40
Civil Liberties	**32** /60

LAST YEAR'S SCORE & STATUS

54 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.

Overview

Zambia's political system features regular multiparty elections, and some civil liberties are respected. However, opposition parties face onerous legal and practical obstacles to fair competition, and the government regularly invokes restrictive laws to curb freedom of expression and ban peaceful demonstrations and meetings. Political violence remains a problem.

Key Developments in 2019

- Three opposition party supporters were killed in political violence over the course of the year, and opposition leaders continued to face harassment and arrests.
- The Constitutional Court in September reaffirmed its 2016 decision requiring 64 ministers from the ruling Patriotic Front (PF) to repay the government salaries they had received while improperly remaining in office during the 2016 election campaign.
- In November, the Constitutional Court turned back a challenge in which civil society organizations sought to halt the PF's attempt to introduce constitutional amendments that would give additional powers to the president.
- Both public figures and ordinary individuals continued to risk arrest for social media posts and other commentary that is critical of the government.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	**2** / 4

The president is directly elected to serve up to two five-year terms. In 2016, Edgar Lungu of the 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. 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 invocation of the Public Order Act to restrict opposition rallies. While expressing serious concern over these problems, international election monitors deemed the results credible.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	**2** / 4

The unicameral National Assembly comprises 156 elected members, up to 8 members appointed by the president, and 3 seats allocated for the vice president, the speaker, and a deputy speaker. The 2016 legislative polls were held concurrently with the presidential election and featured the same problems, though international monitors found the outcome generally credible. The PF won 80 seats, followed by the UPND with 58; independents and smaller parties took the remainder.

A number of Lungu's cabinet members in 2016 drew legal complaints over their failure to vacate their government posts while running for parliament seats. 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 that year ordered them to surrender pay for the three months they were deemed to have been illegally in office, and reaffirmed its decision in September 2019, but the order was apparently ignored through the end of 2019.

In an April 2019 by-election, the PF lost a parliament seat to the National Democratic Congress (NDC) party, led by former information minister Chishimba Kambwili. Political violence during the election period resulted in the death of an NDC youth leader.

A3 0-4 pts

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

Some elements of the 2016 electoral law 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.

In November 2019, the Constitutional Court rejected a legal challenge in which civil society groups sought to block the PF's introduction of constitutional amendments that would give the president greater control over changes to the electoral system, the appointment of judges and ministers, and monetary policies currently managed by the Central Bank. The court argued in part that it could not rule on the legislation before it had been adopted. The bill, which required a two-thirds majority to pass, was still under consideration at year's end.

B. Political Pluralism and Participation

B1 0-4 pts

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. However, in August 2019, the Registrar of Societies deregistered the opposition NDC on the grounds that it did not have a party constitution. The action was challenged in court and temporarily halted pending judicial review.

Opposition parties continued to face harassment, arrests, and other significant obstacles to their activities during 2019. Supporters of the ruling party disrupted private television and radio broadcasts and attacked media outlets that scheduled appearances by opposition members. Police repeatedly blocked UPND leader Hakainde Hichilema from holding party events in and around the capital city, Lusaka, while other opposition leaders encountered intimidation or prosecution for alleged defamation of the president. In one incident in April, PF supporters attacked NDC leader Chishimba Kambwili during an interview on a Kabwe radio station, damaging studio equipment.

B2 0-4 pts

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

Zambia had experienced only one democratic transfer of power between rival groups before the PF captured the presidency in 2011. The current opposition has regularly won seats in the legislature, and the UPND nearly doubled its representation in the 2016 elections, but its ability to compete was impeded by intense pressure on the private media, use of the Public Order Act to restrict opposition events, and political violence.

Laws against election-related violence are poorly enforced. In 2019, political violence involving the PF and opposition groups continued with impunity, especially in the run-up to parliamentary and local by-elections. An NDC supporter and two others from the UPND were killed in separate clashes with the PF in April and October. The opposition won both of the polls in question despite the violence.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	**3**/4

The people's political choices are for the most part free from domination by groups that are not democratically accountable, though the ruling party has at times been accused of undemocratic tactics including vote buying and political pressure on public employees to ensure election victories.

B4 0-4 pts

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 30 women secured parliament seats in 2016, and few hold key positions in government. A requirement that elected officials be educated at least through high school effectively prevents 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 2019. One leading separatist was granted a presidential pardon in November, but his release was rescinded, and he remained in detention.

Criminalization of sexual activity between members of the same sex poses a major barrier to the ability of LGBT+ people to advocate for their interests through the political system.

C. Functioning of Government

C1 0-4 pts

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

Flawed elections undermine the democratic legitimacy of both the president and the National Assembly, and the executive exhibits excessive dominance over the legislature. A third of the PF's lawmakers hold positions in the cabinet, and the ruling party is able to push legislation through the National Assembly with little effective resistance from the opposition.

C2 0-4 pts

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 charges, when they do occur, are often thought to reflect political motivations. In a sign of the scope of the problem, the United Kingdom, Ireland, Finland, and Sweden decided in 2018 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. Charges of abuse of office were filed against the former minister, and a trial was pending at the end of 2019.

Limited funding and enforcement restrict 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 May 2019 publication of its 2018 *Money Laundering/Terrorist Financing Trends Report*, which found that corruption cost the government 6.1 billion kwacha (US$474 million) in 2018, up from 4.5 billion kwacha (US$350 million) in 2017. In June 2019, FIC staff reported receiving

death threats. By September, the existing FIC board had been replaced with a more progovernment panel.

C3 0-4 pts

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

Zambia continues to struggle with government accountability. There is no law guaranteeing public access to information, 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 disclosures to the parliament, and according to the Extractive Industries Transparency Initiative (EITI), transparency in the mining sector has improved.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	**1** / 4

Freedom of the press is constitutionally guaranteed but restricted in practice. Self-censorship remains common. Public media largely provide government points of view and neglect coverage of the opposition, though some private outlets carry sharp criticism of the government. Outlets that are perceived as aligned with the opposition are subject to arbitrary closure by authorities, while critical journalists risk

damage to equipment, frivolous lawsuits, arrest, and harassment by the government and political party supporters.

In March 2019, the broadcast regulator suspended Prime TV's license for nearly a month after a PF leader accused it of bias. In October, police shot and wounded a journalist covering the funeral of an opposition supporter. In November, Derrick Sinjela, editor in chief of *Rainbow Newspaper*, received a presidential pardon after serving 327 days of an 18-month prison sentence for contempt of court, having published allegations of corruption in the Lusaka High Court.

D2 0-4 pts

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 constitution declares Zambia to be a Christian nation, and the government has been criticized for increasingly engaging in activities that blur the separation of church and state, including backing an annual National Day of Prayer and building an interdenominational church. Religious groups must belong to approved umbrella bodies and are subject to regulations imposed by the Ministry of National Guidance and Religious Affairs.

D3 0-4 pts

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 do place pressure on student unions in response to protests, and student demonstrators risk arrest and violent dispersal by the police.

D4 0-4 pts

Are individuals free to express their personal views on political or other	**2**/4

sensitive topics without fear of surveillance or retribution?	

There is some freedom of private discussion and personal expression in Zambia, though the government appears to monitor citizens' speech on live radio call-in shows and social media, at times resulting in legal penalties. In March 2019, Sean Tembo of the opposition group Patriots for Economic Progress was arrested for allegedly defaming the president on social media. In May, a Luanshya man was arrested on similar charges for comments he made on a local radio station.

In 2018, the cabinet approved the vaguely worded draft Cyber Security and Cybercrime Bill. Though the legislation had yet to be adopted at the end of 2019, in February the government established a Special Joint Cybercrime Crack Squad (SJCCS), which was seen as the forerunner of an agency that would be created by the proposed law. Rights activists warned that it could be used to monitor and punish legitimate expression on social media.

E. Associational and Organizational Rights

E1 0-4 pts

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 organized by the opposition are frequently restricted under the Public Order Act. Police must receive advance notice before all demonstrations and often assert that such events do not have permission to proceed.

In September 2019, the Lusaka High Court awarded monetary damages to PEP leader Sean Tembo after police prevented the group from peacefully protesting against a case of alleged state corruption involving the purchase of fire trucks at inflated

prices. At a subsequent protest in November that received police approval, Tembo was assaulted and robbed; he identified two of the attackers as PF cadres.

E2 0-4 pts

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 and are required to register every five years under the 2009 NGO Act. Throughout 2019, an NGO Technical Working Group continued to advance efforts to repeal and replace the existing law.

In December 2019, police detained activist and musician Fumba "Pilato" Chama for holding a youth meeting at a Catholic church in the southern city of Livingstone. Two other activists were arrested when they attempted to negotiate Pilato's release with police. All three were later freed on bail.

E3 0-4 pts

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

The law generally provides for the right to join unions, strike, and bargain collectively, though workers in essential services do not have the right to strike, and the category is defined to include the mining industry. Historically, Zambia's trade unions were among Africa's strongest, but their leading bodies, including the Zambia Congress of Trade Unions (ZCTU), have faced interference and marginalization under PF rule.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	**2** / 4

Judicial independence is guaranteed by law, but in practice the judiciary is subject to political pressure. In November 2018, for example, Lungu warned that chaos would erupt if the Constitutional Court attempted to block his bid to run for a third term in 2021. In December of that year, the court, composed entirely of Lungu appointees, ruled unanimously that the president was eligible to run in 2021 without violating the two-term limit, because his first term had lasted only one year and six months and represented the completion of the term of Michael Sata, who died in office in 2014.

F2 0-4 pts

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 case backlogs and limited resources. Bail is frequently denied to detainees. In rural areas, customary courts of variable quality and consistency—whose decisions often conflict with the constitution and national law—decide many civil matters.

F3 0-4 pts

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

Allegations of police brutality, including the use of torture to extract confessions, are widespread, and security forces generally operate with impunity. Conditions in pretrial detention facilities and prisons are poor, with reports of forced labor, abuse of inmates by authorities, and deplorable health conditions.

F4 0-4 pts

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

Women are constitutionally guaranteed the same rights as men, but gender-based discrimination and sexual harassment are prevalent in practice.

Same-sex sexual activity is illegal and can be punished with between 15 years and life in prison. The law is actively enforced. In June 2019, the religious affairs minister barred South African gay entertainer Somizi Mhlongo from entering Zambia for a scheduled appearance at a Lusaka fashion event on the grounds that he would harm Zambian Christian morals. In November, two men convicted of "acts against the order of nature" in 2018 were sentenced to 15 years in prison.

Refugees are protected under local and international law, and there were about 85,000 refugees in Zambia as of 2019. However, they often suffer from limited access to basic services and particular vulnerability to gender-based violence.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

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 checkpoints.

G2 0-4 pts

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 regulatory requirements for starting and operating businesses can be lengthy and opaque.

G3 0-4 pts

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

Personal status issues such as marriage and divorce are governed by either statutory or customary law, with customary practices varying among different ethnic groups. Due in large part to a government-backed strategy in place since 2016, the rate of child marriage has decreased significantly in recent years, though more than 30 percent of women aged 20 to 24 were married before age 18, according to 2017 data from the UN Children's Fund..

Domestic abuse is common, and traditional norms inhibit many women from reporting assaults. Rape can draw a maximum penalty of life in prison with hard labor, but the problem is widespread, and the law is not frequently enforced.

G4 0-4 pts

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. The authorities have struggled to sustain efforts to identify trafficking victims and prosecute perpetrators. Most human trafficking in the country reportedly entails the exploitation of women and children from rural areas in economic pursuits ranging from domestic work to mining and agriculture.

On Zambia

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Country Facts

Global Freedom Score

54 /100 **Partly Free**

Internet Freedom Score

58 /100 **Partly Free**

Other Years

2019

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