



FREEDOM IN THE WORLD 2021

Zambia

PARTLY FREE

52
/100

<u>Political Rights</u>	20 /40
<u>Civil Liberties</u>	32 /60

LAST YEAR’S SCORE & STATUS

54 /100 Partly Free

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



TOP

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 2020

- In April, the country's media regulator forced the closure of a popular private television station that had a history of tensions with the government. The move came after the station's owner said it would not air government advertisements related to the COVID-19 pandemic for free, citing unpaid debts for previous state advertisements.
- An audit report released in November found that some 1.3 billion kwacha (\$70 million) in public funds pertaining to COVID-19 had been mismanaged between February and July, including through dubious procurement contracts. Health Minister Chitalu Chilufya had been acquitted in August of unrelated corruption charges.
- Chishimba Kambwili, leader of the opposition National Democratic Congress (NDC) party, was sentenced in October to a year in prison on forgery charges and released on bail pending an appeal. Opposition members criticized the case as a politically motivated attempt to eliminate Kambwili from the 2021 presidential race.
- Also in October, the parliament rejected constitutional amendments introduced by the ruling Patriotic Front (PF) that would have increased the power of the presidency and allowed major changes to the electoral system.

Political Rights

A. Electoral Process

TOP

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.

During the 2016 campaign period, 64 of Lungu's ministers failed to vacate their government posts while running for parliament seats, giving them improper access to government resources. In December 2020, the Constitutional Court reaffirmed a four-year-old order calling on them to return the public funds they received during the illegal overstay.

The PF won two September 2020 by-elections to fill seats that were left vacant by the deaths of the incumbents, retaining one seat and gaining another that was held by an independent.

A3 0-4 pts

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

**TOP
2/4**

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 August 2020, multiple lawsuits challenged the ECZ’s decision to discard the existing voter rolls and embark on a new, 30-day registration drive ahead of the 2021 elections. Litigants from the opposition and civil society argued that the move amounted to a breach of the constitution and electoral laws. The matter had not been resolved at year’s end, but in December the ECZ announced that it had registered over seven million of the targeted 8.4 million eligible voters.

In October, a PF-sponsored package of constitutional amendments failed to reach the necessary two-thirds majority in the parliament, effectively ending the initiative. The controversial amendments would have given the president greater control over the judiciary, the electoral system, and monetary policy.

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, the Registrar of Societies deregistered the opposition NDC in 2019 on the grounds that its party constitution was flawed. A court restored the party’s registration in August 2020.

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Opposition parties continued to face harassment, intimidation, arrests, and other significant obstacles to their activities during 2020. In October, NDC leader Chishimba Kambwili was sentenced to a year in prison on forgery charges that his supporters

said were politically motivated. He was granted bail pending an appeal of the conviction, which threatened to affect his 2021 presidential bid. In late December, police summoned UPND leader Hakainde Hichilema for questioning in a fraud investigation. After hundreds of UPND supporters gathered nearby to protest police harassment of Hichilema, officers attacked the crowd, and two people—a UPND supporter and a state prosecutor—were shot dead in the confusion that followed. Facing a public outcry, Lungu dismissed two senior police officials. Meanwhile, prosecutors organized a work stoppage to demand justice for the killing of their colleague.

B2 0-4 pts

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

2/4

Zambia has experienced two democratic transfers of power between rival groups. The current ruling party, the PF, took power in 2011. Opposition parties have 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, and violent incidents involving the PF and opposition groups remain common, especially in the run-up to parliamentary and local elections.

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 forces 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, racial, 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 rural women from declaring political candidacies, given their low educational completion rates.

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 2020. In August, one leading Barotse separatist died in prison of unknown causes.

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.

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C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

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. 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. In 2018, the United Kingdom, Ireland, Finland, and Sweden withdrew aid to Zambia amid allegations that donor funds had been embezzled by government ministries.

The Financial Intelligence Centre (FIC), a government anticorruption watchdog, released its 2019 report in September 2020, observing that government officials used their positions to award noncompetitive contracts in exchange for kickbacks, or to sell favors to businesspeople, particularly foreign actors. While a number of the president's aides and associates faced corruption charges during 2020, their cases ended without convictions. In August, for example, Health Minister Chitalu Chilufya was acquitted of charges that he had amassed illicit wealth from public office between 2016 and 2018.

In November 2020, the Auditor General's Office reported that some 1.3 billion kwacha (\$70 million) in public funds pertaining to COVID-19 had been mismanaged between February and July, including through dubious procurement contracts. More than two dozen officials were reportedly cited for possible disciplinary action.

Score Change: The score declined from 2 to 1 due to the authorities' failure to successfully prosecute senior officials despite evidence of corruption in recent years.

C3 0-4 pts

Does the government operate with openness and transparency?

1 / 4

Zambia continues to struggle with government transparency and 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.

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In addition to the irregular transfers and contracts involving COVID-19 funds that were identified by the Auditor General's Office during 2020, some donated equipment also reportedly went missing. For example, of the one million masks and 200,000 test kits

provided to Zambia by China's Jack Ma Foundation in March, only about 20,000 masks and 200 test kits were recorded as received by the government's medical supplies entity, according to the audit report.

President Lungu dismissed the central bank governor, a former World Bank official, in the middle of his contract without explanation in August 2020, adding to concerns about the transparency of Zambia's fiscal and economic management. Lungu named a close ally, Christopher Mvunga, to fill the post, and the appointment was confirmed by the parliament in October even as some lawmakers questioned Mvunga's qualifications.

Score Change: The score declined from 2 to 1 due to the president's abrupt replacement of the central bank governor with a close political ally and reports of irregularities surrounding public funds, contracts, and supplies related to the COVID-19 pandemic.

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 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 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.

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In April 2020, the Independent Broadcasting Authority (IBA) permanently shut down the privately owned outlet Prime TV following a protracted dispute with the government. The station had refused to air the government's COVID-19 awareness advertising free of charge, citing outstanding payments for previous government ads. Prior to its license revocation, Prime TV was officially banned from receiving government advertising, its journalists were excluded from official events, and its signal was removed from a partly state-owned carrier. In 2019, the IBA had temporarily suspended the station's license after the PF accused it of favoring the opposition.

Also during 2020, police and PF supporters repeatedly interfered with local radio stations to prevent opposition leaders from appearing on call-in or prerecorded programs. In July, PF supporters threatened to burn down Mafken Radio in Mufulira, and similar incidents were reported at other radio stations in Muchinga Province earlier in the year. In August, PASME community radio station in Petauke, Eastern Province, accused the district commissioner of illegally disrupting the broadcast of a prerecorded interview with the leader of the UPND.

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, building an interdenominational church, and attempting to include "Christian morality" in the constitution through the proposed amendments that failed in the parliament in October 2020. 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

TOP

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 sensitive topics without fear of surveillance or retribution?

2/4

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 2020, police announced several cases in which social media users faced questioning or arrest for online speech. A 15-year-old boy from Kapiri Mposhi was arrested for insulting the president and making other defamatory remarks on Facebook. Four other Facebook users were arrested for similar offenses, and police summoned four WhatsApp group administrators for conversations they moderated on that platform.

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 public meetings and ~~top~~ assert that such events do not have permission to proceed. Police repeatedly arrested activists and opposition party supporters on charges of unlawful assembly in 2020. In July, for example, a group of UPND members were arrested while conducting intraparty elections on a farm.

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. In October 2020, the government approved draft legislation that would amend the 2009 law to increase monitoring of NGO funds for possible illegal activities such as money laundering and the financing of terrorism. The measure was under consideration in the parliament at year's end.

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, issued a unanimous ruling that appeared to support Lungu's eligibility for another term, though legal experts and political figures continued to debate the issue as of

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2020. Lungu had first taken office in 2014, after the death of then president Michael Sata, and won election to a full five-year term in 2016.

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.

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Refugees are protected under local and international law, and there were about 70,000 refugees in Zambia as of 2020. 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. In the spring of 2020, some government officials and police officers reportedly advocated or engaged in beatings to enforce social-distancing regulations meant to prevent the spread of COVID-19.

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?

4

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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 2018 data from the UN Children's Fund.

In 2020, plans by the Education Ministry to fully integrate comprehensive sexuality education (CSE) into the school curriculum met with opposition from a church group, the Evangelical Fellowship of Zambia, as well as the religious affairs minister.

Supporters of the plan said it would help address high rates of child marriage, sexually transmitted diseases, and school dropouts due to pregnancy, while opponents alleged that it would promote immorality and extramarital sex. The matter remained under discussion at year's end.

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 antitrafficking efforts, notably decreasing investigations of related crimes and funding for victim assistance, according to the US State Department's 2020 report on trafficking in persons. 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, but victims from other African countries and China have also been drawn into exploitative working conditions.



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On Zambia

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Country Facts

Global Freedom Score

52/100 **Partly Free**

Internet Freedom Score

59/100 **Partly Free**

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2020

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