

Zambia

PARTLY FREE

54
/100

<u>Political Rights</u>	23 /40
<u>Civil Liberties</u>	31 /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. While Zambia experiences democratic transfers of power, most recently in 2021, opposition parties face onerous legal and practical obstacles to fair competition. Restrictive laws that narrow political space and online speech remain in force.

Key Developments in 2023

- Police regularly withheld permits for opposition rallies during the year, and opposition protesters faced arbitrary arrest both during and after demonstrations—including those that had been permitted by police. In March, police in Lusaka arrested 23 opposition leaders and supporters protesting United Party for National Development (UPND) policies.
- Journalists continued to face harassment and intimidation by police, political-party figures, and government officials during the year, and UPND supporters disrupted the work of several media outlets featuring opposition figures.

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 August 2021, United Party for National Development (UPND) candidate Hakainde Hichilema defeated incumbent Edgar Lungu of the Patriotic Front (PF) in what was Hichilema's third attempt against Lungu. Hichilema won 59 percent of the vote, while Lungu won 38.7 percent. Turnout was high at 70.6 percent. Lungu initially questioned the results but later conceded; Hichilema assumed office later that month.

The electoral period was marred by violence between PF and UPND members; the Electoral Commission of Zambia (ECZ) consequently ordered a temporary halt to campaigning in four provinces that June. Hate speech and social media disruptions also affected the election.

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 August 2021 polls were held concurrently with the presidential election and featured the same problems. The UPND won a majority, displacing the PF as the largest party in the National Assembly. As of December 2023, the UPND held 85 seats, the PF held 58, and the Party of National Unity and Progress held 1. The remaining 12 elected seats were held by independent lawmakers.

Two PF lawmakers were removed from their seats in 2022; in July, Bowman Lusambo lost his seat due to voter-fraud allegations while Joseph Malanji was disqualified in August because he lacked an educational certificate. In late August, the ECZ said it would not consider their renewed candidacies. The by-elections for those seats were ultimately held in October; the UPND gained both amid allegations of vote buying, improper use of government resources, and political violence by supporters.

A3 0-4 pts

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

2/4

The ECZ is responsible for managing the election process but lacks capacity. The US-based Carter Center, which monitored the 2021 polls, criticized the ECZ for managing the electoral process “without proper consultation with stakeholders” and noted that the government did not implement previous recommendations to independently select commissioners. In June 2022, President Hichilema did not

reappoint ECZ chairman Essau Chulu or vice chairperson Emily Sikazwe to their posts.

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. However, in 2023, the government threatened to deregister the opposition PF if the party did not hold a convention to formally select a president to fill the long-term vacancy left by former president Edgar Lungu's 2021 resignation. In October 2023, the PF splintered, creating a pro-UPND faction led by PF parliamentarian Miles Sampa, a former Hichilema ally. Sampa unilaterally held a party convention, which elected him president, and officially registered the presidency with the Registrar of Societies. Later that month, the High Court issued a temporary order compelling Sampa to stop portraying himself as a member of the PF or as the party's leader. The party expelled Sampa later the same month; the matter remained contested in court at year's end. Also in October, former president Lungu announced his return to politics following his 2021 electoral defeat and later resignation.

Opposition leaders and officials faced violent threats and harassment as well as arbitrary criminal and administrative charges during 2023. In November, Socialist Party leader Fred M'membe and PF secretary general Raphael Nakacinda were arrested and charged with espionage for criticizing President Hichilema in a foreign documentary. In December, leaders of the Economic Freedom Fighters (EFF) were attacked by UPND supporters while traveling to Kitwe for a press conference. Police later broke up the conference and arrested the EFF leaders for holding an illegal assembly.

B2 0-4 pts

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

3/4

Zambia experienced its third democratic transfer of power between rival groups in August 2021. Opposition parties regularly win National Assembly seats. However, laws against election-related violence are poorly enforced and opposition parties face onerous legal and practical obstacles to fair competition.

Opposition leaders faced harassment, arrest, and detention due to their peaceful political activities during 2023. In one case in April, police arrested Socialist Party leader Fred M'membe after he reported a clash with UPND supporters during a council by-election campaign in Serenje. Police regularly denied or withheld permits for opposition rallies.

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 largely free from domination by democratically unaccountable groups, though political parties are accused of employing undemocratic tactics, including vote buying, 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. Although women have equal political rights under the constitution, gender equality legislation is not consistently applied. Successive administrations, including in 2023, have overlooked the application of the 2015 Gender Equity and Equality Act to guarantee that legal gender-related provisions are implemented.

Women's political representation is low. As of early 2023, approximately 15 percent of parliamentary seats were held by women.

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

Candidates elected in 2021 were able to assume power smoothly. The UPND passes legislation with little effective resistance from opposition legislators.

In November 2023, 17 opposition and independent lawmakers were suspended from the National Assembly for protesting during the debate of the national budget. Earlier, in March 2022, 30 opposition PF lawmakers were suspended for 30 days for protesting over an issue with the national budget.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2 / 4

Corruption in government is widespread, and impunity is common. The Anti-Corruption Commission (ACC), Anti-Financial and Economics Crimes Commission, and the public prosecutor operate under the president's office. Since taking office, Hichilema has named independent nominees to the ACC.

Arrests and investigations of high-profile corruption, particularly involving PF members, increased significantly during 2022. However, highly publicized cases are thought to reflect political motivations as mainly opposition-aligned figures were arrested and prosecuted without thorough investigation.

The ACC reported making 71 arrests and securing 8 convictions in 2022; in 2023, the anticorruption agency reported making 38 arrests and securing 17 convictions.

Calls for Hichilema to address corruption in his party and government increased in 2023. During the year, Hichilema dismissed several senior officials in his UPND

government. In July, the president dismissed Luapula provincial minister Derricky Chilundika, a UPND member of parliament, following allegations that Chilundika had solicited a bribe in relation to his involvement in an illegal mining scheme. In December, Hichilema's foreign minister, Stanley Kakubo, resigned after a video purporting to show him receiving thousands of US dollars from a foreign national for a mining deal was leaked to the media. Authorities were investigating the matter, which Kakubo dismissed as a transaction between his "private family business" and a business partner, at year's end.

C3 0-4 pts

Does the government operate with openness and transparency?	2/4
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The Anti-Corruption Act, which requires some public officeholders to make financial declarations, is loosely enforced. An access-to-information bill first drafted in 2002 was passed in December 2023 and enacted by President Hichilema that same month. Some rights activists and civil society groups have expressed concern that the law does not adhere to regional or international standards.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	1/4
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Press freedom is constitutionally guaranteed but restricted in practice. Public outlets continue to exhibit a progovernment bias while private outlets are largely polarized. Self-censorship remains common. Police officers have arrested and intimidated journalists for reporting critical stories; journalists have also faced retaliation from political actors. Press freedom is also impacted by the 2021 Cyber

Security and Cyber Crimes Act (CSCCA), which received civil society criticism upon its passage.

In 2023, watchdogs continued to report harassment of journalists by police, political-party figures, and government officials. The Center for the Protection of Journalists (CPJ) reported that in March, two journalists from the privately owned Millennium TV were arrested while covering an opposition protest. The journalists were detained for several hours before being released without charge. In April, CPJ reported that three journalists and a radio station manager were physically assaulted by UPND supporters in a politically motivated attack.

UPND supporters also disrupted several media outlets in Lusaka featuring opposition figures during the year. In January, UPND supporters disrupted operations at Mafken Radio and threatened to burn down the radio station if it hosted Economic and Equity Party (EEP) leader Chilufya Tayali on a radio program. In May, a senior government official disrupted a live broadcast featuring a PF member on Diamond TV; a similar incident occurred in September, when a national UPND party chairperson attempted to interrupt a broadcast featuring a PF party chairperson on 5fm radio. In recent years, the government has also reportedly restricted media freedoms through the state-run Independent Broadcasting Authority (IBA).

Domestic and international media freedom watchdogs have called for an immediate end to the attacks and for the UPND to uphold media freedoms and independence.

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, in September 2023, police in Ndola canceled an interdenominational service organized by the United Church of Zambia (UCZ) that former president Edgar Lungu was expected to attend. Authorities claimed the meeting did not have police permission to proceed, although the POA exempts the UCZ and other churches from notifying the police to hold church meetings. One of the meeting

organizers was arrested for “conduct likely to breach the peace” after confronting police over the cancelation; he was later released after paying a fine.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

The government generally does not restrict academic freedom and student associations freely protest issues of a political nature.

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

Zambians enjoy some freedom of private discussion, though penal-code provisions criminalizing insults remained in force in 2023. Despite the repeal of a legal provision criminalizing insults towards the president in 2022, critics of the UPND were arrested in 2023 for allegedly insulting Hichilema. Online activity is impacted by the Cyber Security and Cyber Crimes Act (CSCCA).

During 2023, opposition leaders were arrested for their online and offline criticism of the Hichilema administration. In January, EEP leader Chilufya Tayali was arrested for hate speech for making social media posts that were allegedly critical of some traditional leaders and defense commanders. In September, independent parliamentarian Munir Zulu was arrested for alleged “seditious practices” after he falsely claimed that President Hichilema was planning to dissolve Parliament. In August, Socialist Party president Fred M’membe was arrested on charges of libel after criticizing President Hichilema online and in interviews; M’membe received a warning about communicating “certain information” on social media. In September, Patriots for Economic Progress leader Sean Tembo was detained for several days for allegedly publishing hate speech against the president on social media. PF spokesperson Emmanuel Mwamba was arrested on sedition charges in November for a social media post that police alleged was “likely to incite disaffection against the administration of justice.”

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

2/4

Freedom of assembly is constitutionally guaranteed. However, that freedom is not consistently respected by the government.

Police regularly withheld permits for opposition rallies in 2023. In August and September, police denied the PF permission to hold public rallies in Lusaka and Kabwe, respectively, while in October and December, police banned SP from holding rallies in Kitwe and Lusaka, respectively.

Opposition protesters faced arbitrary arrest both during and after demonstrations—including those that had been permitted by police. In March, police in Lusaka arrested 23 opposition leaders and supporters protesting UPND policies. Among those arrested and released were Golden Party Zambia president Jackson Silavwe, New Heritage Party leader Chisala Kateka, and EFF leader Kasonde Mwenda, along with at least one journalist covering the protest.

Under the Public Order Act (POA), authorities must be notified of all public gatherings in advance; however, police have been known to misapply the law. In May 2022, the cabinet gave its initial approval of a bill that would amend the POA, though the law remained in force in 2023.

E2 0-4 pts

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

2/4

NGOs operate in a restrictive environment and must register every five years under the 2009 NGO Act. In 2020, the PF government amended the law to increase monitoring of NGO funds for possible illegal activities such as money

laundering and the financing of terrorism. The Hichilema cabinet committed to repealing and replacing the act in June 2022, though it remained in force at the end of 2023.

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, including the mining industry.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

2/4

Judicial independence is guaranteed by law, but the judiciary is subject to political pressure in practice.

In 2023, governance activists challenged the transparency of the appointment of new judges by the president. In September, the Constitutional Court ruled that the judges in question had been legally appointed but noted that to enhance transparency, the National Assembly must pass laws that will guide future appointments.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

2/4

Pretrial detainees are sometimes held for years without trial owing to case backlogs. Many of the accused lack legal representation. Bail is frequently denied to detainees. The Human Rights Commission has called on the police to uphold suspects' rights to bail and a speedy trial.

In rural areas, customary courts of variable quality—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. 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.

In 2022, the government removed a penal-code provision allowing for the death penalty. However, the penalty remains in the Bill of Rights, which can only be amended by a referendum.

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 criminalized and is punishable by up to life in prison.

Refugees are protected under local and international law but often suffer from limited access to basic services and 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 2023, Zambian authorities restricted former president Edgar Lungu's ability to travel, requiring him to obtain government permission for both internal and external travel. In September, police warned Lungu that he required police clearance for his morning jogs with his supporters, which police claim the former president uses for political activism.

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

Agricultural land in rural areas is mostly administered under traditional authorities. However, the president retains ultimate authority over all land and can intercede to block or compel its sale or transfer. Women are frequently discriminated against in property and inheritance matters. 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. In December 2023, the Zambian government enacted a legal amendment raising the minimum marriageable age to 18, including for marriages performed under customary law.

Domestic abuse is common, and traditional norms inhibit many women from reporting assaults.

G4 0-4 pts

Labor exploitation, child labor, and human trafficking are prevalent in Zambia. According to the US State Department's *Trafficking in Persons Report 2023*, Zambia does not meet the minimum standards for eliminating human trafficking. Cross-border and domestic trafficking for labor and sexual exploitation are common. In 2022, the government amended the Anti-Trafficking Act prohibiting child trafficking.



On Zambia

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Country Facts

Population

20,020,000

Global Freedom Score

54/100 **Partly Free**

Internet Freedom Score

62/100 **Partly Free**

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