



Freedom in the World 2013 - Zambia

Publisher [Freedom House](#)

Publication Date 5 March 2013

Cite as Freedom House, *Freedom in the World 2013 - Zambia*, 5 March 2013, available at: <http://www.refworld.org/docid/5139c2551a.html> [accessed 23 August 2013]

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2013 Scores

Status: Partly Free
Freedom Rating: 3.5
Civil Liberties: 4
Political Rights: 3

Overview

In its first full year in office, President Michael Sata's government began taking some outwardly positive steps to fight corruption, open up the media environment, and reform the constitution. However, it had not followed through with many concrete measures by the end of 2012. Meanwhile, Sata proved to be highly intolerant of dissenting viewpoints, using questionable legal tactics and politically motivated prosecutions against the opposition and critical journalists.

Zambia gained independence from Britain in 1964. President Kenneth Kaunda and his United National Independence Party subsequently ruled Zambia as a one-party state until free elections were held in October 1991, in which former labor leader Frederick Chiluba and his Movement for Multiparty Democracy (MMD) captured both the presidency and the National Assembly by wide margins. In the 1996 campaign, the MMD-led government manipulated the electoral process in favor of the incumbents, leading most opposition parties to boycott the polls and to an MMD victory. Dissent within the MMD, as well as protests by opposition parties and civil society, forced Chiluba to abandon an effort to change the constitution and seek a third term in 2001. Instead, the MMD nominated Levy Mwanawasa, who went on to win the 2001 elections. The MMD also captured a plurality of elected parliament seats amid charges of serious irregularities. In September 2006, Mwanawasa won a second term, and the MMD won concurrent legislative elections, with the opposition Patriotic Front (PF) placing second. The polls were deemed the freest and fairest in 15 years.

Mwanawasa died in August 2008 and was succeeded by Vice President Rupiah Banda, who went on to win an October special election. Banda's presidency was characterized by contentious politics, increasing infringements on civil liberties, and weakened anticorruption efforts. The government and MMD supporters took aggressive and violent actions against the political opposition and elements of civil society that they considered hostile to the president.

In the September 2011 presidential election, the PF's Michael Sata defeated Banda, 43 percent to 36 percent. Banda accepted the result, marking the second time in Zambian history that an incumbent peacefully surrendered the presidency after losing an election. In concurrent parliamentary elections, the PF won a plurality, taking 61 seats, to 55 for the MMD and 29 for the United Party for National Development (UPND). Although the elections were characterized by fierce campaigning, the misuse of state resources by the MMD, and isolated rioting that claimed at least two lives, the polls were deemed free and credible by international observers.

In 2012, the Sata administration made halting steps to fulfill campaign promises, including constitutional reform, anticorruption efforts, and press freedom initiatives. In April, a draft of the new constitution was unveiled, containing provisions including a requirement that a presidential candidate gain more than 50 percent of the vote to win. It would also make the electoral commission more independent and create a bill of rights. However, critics have asserted that the draft awards too much power to the president, especially regarding the appointment of key government officials. The charter's approval process has been criticized for delays and a lack of clarity in the way provincial and national consultations are conducted, as well as in the timeline for a national referendum. The final version of the constitution was scheduled to have been submitted by September; that date has been pushed back to 2013, and a referendum date has yet to be set. In September, Justice Minister Wynter Kabimba called for workshops being organized by civil society groups on the constitution-making process to be halted, on the grounds that only the government's technical committee should convene such meetings.

Under the Sata government, the climate of highly charged, polarized politics seen during the Banda administration continued. In a move condemned as politically motivated, the registrar of societies deregistered the MMD as a political party in March because it had not paid its registration fees going back 20 years, and declared its parliamentary seats vacant. However, the MMD won a stay of the deregistration days later, and a high court judge overturned the suspension in June. Since taking office, Sata has filed a number of defamation lawsuits against his critics, including UPND leader Hakainde Hichilema and opposition news outlets.

Several by-elections were triggered during 2012 as a result of successful PF court challenges of seats it had lost in 2011, resulting in the PF gaining at least four more seats in the National Assembly at the expense of the MMD. The PF has also increased its power by encouraging MMD members to defect through offers of government posts.

Political Rights and Civil Liberties

Zambia is an electoral democracy. The long-ruling MMD relinquished control of both the presidency and the parliament in 2011, and local and international observers declared the voting to be generally free and credible. The president and the unicameral National Assembly are elected to serve concurrent five-year terms. The National Assembly includes 150 elected members, as well as 8 members appointed by the president.

The major political parties are the ruling PF, the MMD, and the UPND; the MMD was weakened considerably during 2012 due to infighting and a concerted effort by the PF to coopt its members.

Corruption is believed to be widespread, though the government of President Michael Sata has taken some steps to fight graft. In June 2010, the Global Fund to Fight AIDS, Malaria and Tuberculosis had suspended \$300 million in funding, mainly out of concern over corruption in the Health Ministry, but it restored \$100 million in June 2012 after several officials were fired. In April, the PF-controlled National Assembly reinserted an "abuse of office" clause into the Anti-Corruption Act, which had been removed by the MMD-dominated body in 2010. The clause allowed for the prosecution of public officials for violations such as abuse of authority or misuse of public funds, and was key to fighting government corruption. Meanwhile, Sata's administration launched corruption investigations against several former MMD ministers and officials, as well as

Banda's family, and controversially reversed certain deals with foreign companies made by the MMD government on the grounds that they had been improperly awarded. However, the PF's own anticorruption credentials were called into question following cases in which party allies were acquitted of corruption. In one instance, Henry Kapoko, a distant relative of Sata, was acquitted in separate trials in November and December 2012 of engaging in theft and money laundering while he was a human resources officer at the Health Ministry; Kapoko had been involved in the scandal that triggered the Global Fund to Fight AIDS to suspend its funding. In October, however, the Anti-Corruption Commission opened ongoing corruption investigations of Justice Minister Wynter Kabimba and Defense Minister Geoffrey Mwamba, both leading members of the PF. Zambia was ranked 88 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedoms of speech and the press are constitutionally guaranteed, though the Banda government had restricted these rights in practice. Sata and the PF pledged to open up the media environment, but their accomplishments have been uneven. One of those promises was to free the editorial boards at the public media – consisting of the widely circulated *Zambia Daily Mail* and *Times of Zambia*, as well as the Zambia National Broadcasting Corporation (ZNBC) – from government control. However, these outlets have generally continued to report along pro-government lines, and journalists practice self-censorship. The other main daily is the independent but pro-PF *Post*; as a result, all the major print publications now favor Sata's government. The ZNBC dominates the broadcast media, although several independent stations have the capacity to reach large portions of the population. The government has the authority to appoint the management boards of ZNBC and the Independent Broadcasting Authority, which regulates the industry and grants licenses to prospective broadcasters. Sata's government has made repeated promises to pass an access to information law, but had not done so by the end of 2012.

Independent and critical journalists continue to face intimidation from law enforcement officials and PF supporters, as well as the threat of legal action, and there have been numerous cases of attacks on journalists by opposition supporters. Sata and PF members have filed several criminal libel and defamation suits against journalists and opposition figures in response to critical stories and public statements. In one prominent case, Sata in May filed a defamation suit against UPND leader Hakainde Hichilema; Lloyd Himaambo, editor of the critical website *Zambian Watchdog*; and Richard Sakala, editor of the independent opposition *Daily Nation* newspaper, in connection with a May press release issued by Hichilema in which he accused Sata of corruption. The two media outlets – which were the subject of several other similar lawsuits in 2012 – were targeted for publishing stories about the press release. The case was ongoing at year's end. Also in May, the *Zambian Watchdog* claimed to have suffered harassment and distributed-denial-of-service (DDoS) attacks in response to its reporting.

Constitutionally protected religious freedom is respected in practice. Sata became the country's first Catholic president in 2011. The government does not restrict academic freedom.

Under the Public Order Act, police must receive a week's notice before all demonstrations. While the law does not require permits, the police have frequently broken up "illegal" protests because the organizers lacked permits. The police can choose where and when rallies are held, as well as who can address them. The opposition has alleged that Sata's government often employs the Public Order Act to break up its protests. Nongovernmental organizations (NGOs) are required to register and reregister every five years. The law also established a board to provide guidelines and regulate NGO activity in the country.

The law provides for the right to join unions, strike, and bargain collectively. Zambia's trade unions are among Africa's strongest, and the Zambia Congress of Trade Unions operates democratically without state interference. However, there is significant labor exploitation in some sectors of the economy. Tensions between workers and management at Chinese-owned mines have been increasing. Labor abuses in Chinese-operated copper mines, including unsafe working

conditions, resistance to unionization, and much lower pay than at other Zambian mines have been reported. In August 2012, a Chinese mine manager was killed during a protest at the Collum Coal Mine in which workers were demanding that their wages be increased to equal Zambia's new national minimum wage for laborers.

Judicial independence is guaranteed by law. However, Sata's critics charge that he has interfered in the judiciary. Upon taking office, Sata replaced most top judges and judicial officials, alleging that the system was corrupt and needed reform. In April 2012, Sata suspended three top judges for misconduct, a move that critics alleged was in retribution for a judgment they had issued against the president's allies. Legislation passed in 2009 allowed the executive to increase the number of judges serving on the High and Supreme Courts. However, the courts lack qualified personnel and significant trial delays are common. 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.

Allegations of police corruption and brutality are widespread, and security forces have generally operated with impunity. There are reports of forced labor, abuse of inmates by authorities, and deplorable health conditions in Zambia's prisons. The death penalty was included in the new draft constitution, but a network of civil society organizations is lobbying for its removal.

Barotseland, a traditionally poor and marginalized region in western Zambia, has repeatedly demanded to secede from Zambia. Sata had pledged, if elected, to honor the 1964 Barotseland Agreement, which gave the region limited local self-governance and provided for future discussions of greater autonomy or independence. In March 2012, Sata reneged on his campaign promise, and Barotseland's governing council subsequently declared independence. In October, Barotseland's king inaugurated a caretaker government. Later that month, reports emerged that prison guards and paramilitary police severely beat jailed Barotse activists.

Societal discrimination remains a serious obstacle to women's rights. Women won just 17 of the 150 elected seats in the National Assembly in the September 2011 polls; 2 were later appointed to the 20-member cabinet, and 5 to the 11-member Supreme Court. Women are denied full economic participation, and rural, poor women often require male consent to obtain credit. Discrimination against women is especially prevalent in customary courts, where they are considered subordinate with respect to property, inheritance, and marriage. Domestic violence and rape are major problems, and traditional norms inhibit many women from reporting assaults. Consensual sexual activity between members of the same sex is illegal and punishable by prison sentences of up to 15 years. There are no registered civil society organizations that advocate for LGBT (lesbian, gay, bisexual, and transgender) rights. People living with HIV/AIDS routinely face discrimination in society and for employment.

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