



European Union  
Election Follow-up Mission

**ZAMBIA 2024**

Final Report



February 2024

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**EU Election Follow-up Mission to Zambia**  
**15 to 28 October 2023 and 22 January to 4 February 2024**



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*EU Election Follow-up Missions are independent from the institutions of the European Union. The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union.*

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## I. EXECUTIVE SUMMARY

An EU Election Follow-up Mission (EFM) was deployed to Zambia from 15 to 28 October 2023 and from 22 January to 4 February 2024. The EU EFM was led by Ms Maria Arena, a Member of the European Parliament and the Chief Observer of the 2021 EU Election Observation Mission (EOM) to Zambia. The main objectives of the EFM were to assess the progress made in electoral reform and the status of implementation of the 2021 EU EOM recommendations, as well as to discuss ways to achieve further progress in this regard. During her visit in the country from 29 January to 1 February 2024, Ms Maria Arena met with a wide range of interlocutors, including the President of the Republic of Zambia, Government representatives, the Electoral Commission of Zambia (ECZ), other state institutions, political parties, civil society, media representatives and development partners.

The EU EFM noted limited progress in the implementation of the 2021 EU EOM recommendations. Out of the 22 recommendations made by the 2021 EU EOM, one recommendation on the adoption of an Access to Information Act has been fully implemented and one on criminal defamation of the President has been partially implemented, while for several others, some activities are ongoing with uncertain outcomes, some have not been addressed and for a few it is too early in the electoral process to assess their status. Seven recommendations could be implemented, necessitating only administrative action by the ECZ while 15 recommendations require legislative changes in the form of repeal or revision of a law or enactment of new legislation, including two that require constitutional amendments.

Political will for electoral reform exists. The government and the ECZ have acknowledged the need for legislative changes in several areas of the electoral process. However, electoral reform initiatives are at an early stage and appear to be uncoordinated and partly overlapping, as the government has not yet prepared a roadmap for the electoral reform process. Following the change of power, President Hichilema embarked on a reform process with priorities focusing mainly on economic issues, given the economic challenges facing the country at the time, while the reform process on the rule of law, human rights, media freedom, and civil liberties, slowed down.

The adoption of the Access to Information Act and the removal of the offence of defamation of the President from the Penal Code were positive improvements in the legal framework. While the establishment of the Inter-Agency Working Group (IAWG) under the Ministry of Justice in August 2023 to analyse and report on the recommendations of eight domestic and international election observation missions was a constructive initiative, it appears to have been inconclusive, having met only once and with no conclusions on recommendations or timetable for public consultation published.

With the 2026 general elections two and a half years away, there is still time for comprehensive and effective electoral reforms provided that the government and the legislature prioritise such reforms on their agenda. There is an urgent need for the government to establish an electoral reform roadmap that can lead to an inclusive and transparent reform process. The ECZ, civil society, and the international community appear ready to engage. The Ministry of Justice, who serves as the oversight and coordination body for electoral reform, informed the EFM that it is committed to finalising the roadmap within the next few months and completing the necessary legislative changes by mid-2025.

Beyond the possibility to provide input to legal reform, there is considerable scope for the ECZ to improve its own systems and structures and enhance future electoral processes, using the powers already vested in the institution. Some of the 2021 EU EOM recommendations require only administrative action by the ECZ and relatively limited resources – such as formalised and meaningful engagement with civil society and political parties, easy access to key information on the electoral process for all stakeholders, continuous voter education, stakeholder involvement in the planning process for the voter register review, formalised cooperation with main social media platforms, accreditation procedures and polling stations.

The ECZ published its strategic plan for 2023-2027 in November pointing towards a number of key issues also identified by the EU EOM 2021. The EU EFM encourages the ECZ to finalise and publish its detailed operational plan for the 2026 elections has not yet been shared with stakeholders. Engaging in the electoral reform process, tackling some of the more administrative challenges and taking firm steps to enhance communication and engagement with stakeholders will be important to enhance public trust and confidence in the ECZ capable of delivering credible and transparent elections in 2026.

The EU EFM organised a roundtable on 1 February with 28 stakeholders to discuss progress in the implementation of the EU EOM 2021 recommendations and electoral reform in general. Participants agreed on the need to develop and implement a roadmap for electoral reform, including an improved legal framework and guarantees for its objective implementation. Stakeholders stressed the need for an electoral legal framework that protects fundamental freedoms and ensures a level playing field, including accountability for all candidates. They also noted the need for an independent and impartial ECZ and for greater stakeholder involvement in the electoral process.

## **II. MISSION INFORMATION**

An EU Election Follow-up Mission (EFM) was deployed to Zambia from 15 to 28 October 2023 and 22 January to 4 February 2024. The EU EFM was led by Ms Maria Arena, a Member of the European Parliament and the Chief Observer of the 2021 EU Election Observation Mission (EOM) to Zambia. The EU EFM was further comprised of two independent experts, specialising in electoral and legal issues. The main objectives of the EU EFM were to assess the progress made in electoral reform and the status of implementation of the 2021 EU EOM recommendations since the delivery of the final report, as well as to discuss ways to achieve further progress in this regard. During her visit in the country from 29 January to 1 February 2024, Ms Maria Arena met with a wide range of interlocutors, including the President of the Republic of Zambia, Government representatives, the Electoral Commission of Zambia (ECZ), other state institutions, political parties, civil society, media representatives and development partners. This report reflects the situation up to 4 February, 2024.

### III. CONTEXT

#### A. POLITICAL CONTEXT

The EU deployed EU EOMs to Zambia to observe the 2001, 2006, 2011, 2016, and 2021 general elections, consistently reconfirming its ongoing commitment and support to strengthening democracy, elections, political dialogue, and broader development in Zambia.<sup>1</sup>

The EU EOM in its final report concluded that *“The 2021 general elections took place against a background of deepening political polarisation. Throughout the campaign, there were widespread concerns about the potential escalation of violence. Despite COVID-19 challenges, the electoral process was technically well-managed. Arbitrary and selective application of the law hampered opposition candidates from competing under equal conditions and restricted freedoms of assembly and movement. The ruling party extensively used state resources, and its campaign was largely exempted from restrictions. The traditional and online media campaign was highly monetised, with the ruling party monopolising the prime time on state and private media. Disinformation and tribalism pervaded online debate to the detriment of voters.”*<sup>2</sup>

Hakainde Hichilema of the United Party for National Development (UPND) received 59.02 per cent of the votes, while Edgar Lungu of the Patriotic Front (PF) received 38.71 per cent. President Lungu conceded defeat, and the transition of power was peaceful.

In his inauguration speech, Hakainde Hichilema stressed the significance of national unity and committed to promoting a stronger democracy. His pre-electoral programme mainly focused on the improvement of economy by reducing the fiscal deficit, renegotiating the debt, attracting investment, and creating jobs. It also aimed to restore democracy, the rule of law, human rights, media freedom, and civil liberties, which had been eroded under the previous administration, by fighting corruption and impunity and strengthening the institutions that help to uphold accountability and transparency.<sup>3</sup> The programme aimed to reunite the country and heal the divisions that had been created by political violence, hate speech, and tribalism.

Following the change of power, President Hichilema embarked on a reform process with priorities focusing mainly on economic issues considering the challenges that the country was facing at that moment. In October 2023, a Memorandum of Understanding was signed with the International Monetary Fund to facilitate the restructuring of Zambia's debt with official creditors. Despite the government's efforts to improve the country's economic situation, high food prices and inflation have affected people's daily lives, leading to frustration and general discontent. The recent cholera outbreak in Lusaka, which has claimed more than 600 lives, poses an additional challenge to the government.

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<sup>1</sup> In addition, Election Expert Missions (EEMs) were deployed in 2008 and 2010, and an Election Follow-up Mission (EFM) was deployed in 2019.

<sup>2</sup> [2021 EU EOM to Zambia Final Report](#)

<sup>3</sup> The [UPND manifesto](#) included also electoral reforms such as the establishment of an independent Electoral Commission where the selection of the commissioners will no longer be at the discretion of the President with increased powers in initiating and drafting electoral bills. In addition, the manifesto pledged to reform the POA and prevent its abuse. During the 2021 [Summit for Democracy](#), the Government reconfirmed its commitment to ensure rule of law by protecting freedom of assembly and association, ensure free media and improve the independence and transparency of the ECZ.

With two and a half years to go before the 2026 general elections, the country has already entered a pre-election period in which all political actors are trying to secure political space and ensure positive results in the coming elections. The ruling UPND dominates the political landscape, while the main opposition party, the PF, suffers from internal divisions. Other political parties such as the Socialist Party (SP) and the Citizens First Party (CF) are vocal on the political scene. New political alliances are emerging among the opposition parties.

According to several EU EFM interlocutors, President Hichilema and his government did not deliver as expected on reforms to restore the rule of law, including fundamental rights and freedoms, and to strengthen democracy in Zambia during the first half of his term. Civil society organisations and opposition political parties strongly criticised the UPND government for using the same methods as the former ruling party, despite its pre-election promises of change, by selectively applying the Public Order Act (POA), restricting the rights of assembly and movement of opposition leaders and supporters, and curtailing freedom of expression, including online. In addition, some EU EFM interlocutors accused the President of reinforcing ethnic divisions in the country by appointing officials from UPND strongholds to key positions.

## **B. ELECTION-RELATED DEVELOPMENTS**

### **i. By-elections and continuous voter registration**

#### *By-elections*

Following the 2021 general elections, the ECZ conducted eleven by-elections for National Assembly members, council chairpersons and ward (local) councillors. In a few cases, the ECZ had to cancel the by-elections, set a new date and start the nomination process afresh, in accordance with the Constitution, due to the resignation, disqualification or death of a candidate. Political parties and civil society said that this practice was costly for the remaining candidates and the ECZ, and could create tensions between candidates.<sup>4</sup>

The ECZ introduced a formal campaign timetable system to record campaign events, in an effort to minimise tensions between political parties regarding dates and venues for campaigning. Despite the new system in place, opposition political parties reported to the EU EFM that on several occasions during the by-elections their campaign activities were cancelled at the last moment because the relevant venues had to be given to government officials, including the President and ministers to campaign for UPND candidates.

Citizen observers reported that while the by-elections were generally well conducted, there was a trend towards election-related violence, mainly initiated by UPND cadres or supporters, and the involvement of civil servants and traditional and religious leaders in partisan politics. Several cases of vote buying were also observed. Also, opposition political parties accused the police of restricting their right to peaceful assembly and UPND cadres of attacking their candidates and party leaders.

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<sup>4</sup> The 2021 EU EOM in its Final report identified the implications that can occur from the implementation of article 56 (2) of the Constitution and recommended to *“Amend the law to avoid postponement of elections and new nomination processes for already registered contestants due to a resignation, death or disqualification of a candidate” (recommendation #10).*

### *Continuous voter registration*

The Electoral Process Act (EPA) and the Electoral Process (Registration of Voters) Regulations 2020 foresee that the ECZ should conduct continuous registration of voters.<sup>5</sup> However, due to budget constraints it was not implemented by the ECZ. In ECZ's 2021 General Election Review Report, the implementation of the continuous voter registration was one of the recommendations on voter registration. The ECZ announced in March 2022 its decision to conduct continuous voter registration in a number of districts. Continuous voter registration started in June 2022 in 10 districts – one per province – and 10 more districts were added in September 2023. From 1 June 2022 to 31 December 2023, approximately 42,400 voters were registered. The ECZ had trained staff for continuous voter registration and developed a voter information campaign to raise voter awareness.

## **ii. Electoral reform initiatives**

While the government and the ECZ have admitted that several areas in the electoral process require legal changes, including constitutional ones, progress on electoral reform has been slow. Following the 2021 general elections, electoral reform initiatives are at an early stage and appear to be uncoordinated and partly overlapping, as the government has not yet prepared a roadmap for the reform process. The Ministry of Justice is the oversight and coordination body for electoral reform, while the ECZ is the main institution involved in providing input on the necessary changes to be addressed.

Some improvements were made in 2022, underpinning respect for fundamental rights. In line with the President's electoral promises, amendments to the Penal Code abolished the death penalty, bringing Zambia into line with its international commitments. In addition, the criminal offence of defamation of the President was removed to enhance freedom of expression.<sup>6</sup> EU EFM interlocutors noted that the review was inconsistent, as remaining articles in the Penal Code could still be used to restrict freedoms.

A significant legal reform was the signing into law of the Access to Information Act (ATI).<sup>7</sup> After two decades of being introduced in parliament and following a consultation process with stakeholders, the ATI was passed by parliament on 7 November 2023 and subsequently assented to by the President in December 2023. The Human Rights Commission (HRC) is the oversight body and has the power to issue directives to information holders for the purpose of compliance with the ATI. To perform its new function, the HRC needs to adjust its mandate, review its mechanisms, and train its staff. It also requires additional financial backing. The deadline for information holders to comply with the ATI is within two years of its adoption (by December 2025), allowing some time for harmonisation and adjustments.

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<sup>5</sup> [Electoral Process Act \(EPA\) and the Electoral Process \(Registration of Voters\) Regulations 2020](#)

<sup>6</sup> The EU EOM 2021 recommended to “(...) *decriminalising defamation in favour of proportionate civil sanctions*” (*recommendation #14*). The EOM considered that this type of clause generates self-censorship, limits freedom of speech and stifles free expression of citizen. and the media.

<sup>7</sup> [Access to Information Act 2023](#)

The EU EOM 2021 observed that a deficient access to information affected the accuracy of news and hindered voter's ability to make an informed choice and recommended to “*Introduce legislation protecting the right to information of public interest*” (*recommendation #17*).

While human rights organisations see the ATI as a positive development, they have also identified a number of areas for improvement.<sup>8</sup> Some strong points include its broad coverage of public authorities, the obligation for information holders to proactively publish information and the power of the HRC to impose administrative sanctions on officials who fail to respect the law.<sup>9</sup> In addition, the ATI introduces a presumption in favour of access to all information, with limited legal exceptions. Identified challenges of the ATI include the lack of a broad definition of information, the lack of provisions to override secrecy stipulations in other laws, and the lack of a clear timeframe for decisions and appeals.

With the support of the UNDP Democracy Strengthening in Zambia project and under the leadership of the Ministry of Justice, the Inter-Agency Working Group (IAWG) was established in August 2023. The mandate of the IAWG is to guide the implementation, reporting and follow-up of the recommendations made by eight domestic and international election observation missions for the 2021 elections, including those of the 2021 EU EOM. The IAWG includes civil society, including faith-based organisations, the ECZ, relevant ministries, parliament, the judiciary and the Human Rights Commission. The IAWG has met only once since its establishment. No conclusions on priority recommendations or timetable for public consultation have been published. The IAWG has no legal authority to implement legal reforms, but it can make proposals to relevant ministries and government institutions to implement reforms. While the IAWG is a positive initiative focused on studying the recommendations of the EOMs, it appears to be inconclusive.

In parallel, the government agreed on a collaborative effort between the Ministry of Justice and the ECZ to develop a concept note for electoral reform, including the possibility of a national consultation process. The concept note could include specific changes to the Constitution regarding relatively non-contentious issues identified by the Ministry of Justice and Parliament, as well as election-related legislation such as the Electoral Process Act, the Electoral Commission of Zambia Act, and a Political Parties Act.

One of the non-controversial constitutional provisions that appears to have the consensus of the various political parties and the ECZ is the repeal of Article 52(6), which provides for fresh nominations and elections in the event of the resignation, disqualification or death of a candidate. The ease with which a party can disrupt the electoral process and postpone an election has led to cases of abuse by parties and resulted in a significant financial burden on the ECZ. ECZ officials told the EU EFM that the concept note for electoral reform has not yet been finalised.

In January 2023, the Zambia Law Development Commission (ZLDC) completed a review of the Public Order Act (POA) 1955. Stakeholders had criticised the POA for curbing fundamental rights such as freedom of expression, assembly, and association, particularly in relation to police regulation of public gatherings.<sup>10</sup> The ZLDC recommended the repeal of the POA, in accordance with recommendation 11 of the 2021 EU EOM. The draft Public Gatherings Bill, which the government intends to propose to replace the POA, seemingly includes the

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<sup>8</sup> [Zambia: Analysis of the Access to Information Act, 2023. Centre for Law and Democracy](#)

<sup>9</sup> The courts may also impose criminal penalties of up to five years imprisonment.

<sup>10</sup> On 3 May 2020, the government approved in principle the review of the POA, Chapter 113 of the Laws of Zambia. Two years later, on 23 June 2022, the Minister of Home Affairs and Internal Security requested the Zambia Law Development Commission to initiate the review. <https://acazambia.org/proposed-changes-to-the-public-order-act/>

discussions held with stakeholders and the outcomes of a national validation meeting that took place in September 2022. Stakeholders that participated in these discussions included civil society, the judiciary, academia, the Law Association of Zambia, and faith-based organisations.<sup>11</sup>

The ZLDC and civil society have proposed some progressive recommendations on the draft Public Gatherings Bill. These include appealing to the courts rather than the minister, allowing spontaneous gatherings, creating a register of notices that can be consulted by citizens, and requiring the police to respond within 48 hours to requests from parties for campaign venues.<sup>12</sup> The UNDP is also working with the police to develop and implement an online campaign venue management system to monitor police response times.

Civil society organisations are calling for the draft law on public assembly to be made available for public review before it goes through the legislative process in Parliament, as there appears to be uncertainty about the inclusion of recommendations validated during the consultation process in the draft. The draft law could be submitted to Parliament for discussion in the first half of 2024.

According to the Ministry of Justice, several laws, including the Cyber Security and Cyber Crime Act No2 of 2021,<sup>13</sup> the Data Protection Act 2021, the Zambia Information and Communications Technology Authority Act 2009 and the Independent Broadcasting Authority Act 2002 could be reviewed before the 2026 elections.

The ECZ envisages that the legal review could be implemented by the end of 2024, while the Ministry of Justice sees mid-2025 a more realistic timeframe. In the absence of a roadmap, these timelines appear unrealistic. Finalising the roadmap is now an urgent matter to ensure that electoral legal reforms can be adopted and effectively implemented, which would also require time needed for harmonisation, development and socialisation of the new laws and amendments. Any last-minute changes to the electoral laws could undermine interlocutors' confidence in the electoral process.

### **iii. The Judiciary**

The court system has seen a consistent increase in the number of contentious pre- and post-election disputes that need to be resolved making effective and expeditious electoral dispute resolution mechanisms crucial to ensuring independent and fair electoral justice.

The “Support to the Electoral Dispute Resolution Oversight and Capacity Building Zambia” (SEDROBZ) project<sup>14</sup> verified Zambia’s election dispute resolution (EDR) mechanisms against regional and international standards and tracked EDR cases with the ECZ and the courts during the 2021 electoral cycle. SEDROBZ offered eleven recommendations to improve the electoral

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<sup>11</sup> Some 23 civil society organisations, supported by NDI, presented recommendations.

<sup>12</sup> Fifteen civic society organisations' joint press statement on the ZLDC review of the POA: <https://acazambia.org/joint-press-statement-on-the-zldc-submission-of-the-public-gathering-bill/>

<sup>13</sup> The constitutionality of some provisions of the Cyber Security and Cyber Crime Act were challenged by several civil society organisations in the High Court in 2021. They claim that the constitutional rights to freedom of expression and to privacy online are not sufficiently protected. The case is pending a decision.

<sup>14</sup> SEDROBZ was implemented by the Southern African Institute for Policy and Research (SAIPAR) and supported by the Open Society Initiative for Southern Africa (OSISA).

dispute resolution process. These involved ECZ to reinforce its communication strategy to raise awareness of the existing EDR mechanisms, including on social media, to provide training on EDR to political parties and other stakeholders together with civil society organisations, to introduce timelines for the hearing and adjudication of appeals to the Constitutional Court, and short deadlines to allow for the speedy resolution of cases given the urgency of electoral matters.

The judiciary, with the support of the UNDP Democracy Strengthening in Zambia Project, is in the process of reviewing EDR rules and procedures applicable by the Constitutional Court and the High Courts. The aim is to streamline, strengthen and improve the efficiency and timely adjudication of electoral petitions.

## C. INSTITUTIONAL CONTEXT

### i. The Electoral Commission of Zambia

The ECZ is a constitutional, autonomous and permanent five-member body (chairperson, vice-chairperson and three commissioners) responsible for organising and conducting all elections.<sup>15</sup> ECZ members are appointed by the President, with the approval of the National Assembly, for a seven-year term, renewable once. The ECZ must ensure that electoral processes are inclusive, transparent and credible. A Chief Electoral Officer appointed by the Commission is responsible for implementing the decisions of the ECZ and managing its activities.

During the 2021 general elections, the EU EOM Final Report noted that the ECZ carried out its work professionally in a challenging pandemic environment, but stakeholder confidence in the ECZ remained low. The appointment system of ECZ members and the lack of decentralised ECZ structures did not enhance public trust in the institution.<sup>16</sup> The ECZ's unclear external communication at various stages raised concerns among stakeholders, while the lack of genuine stakeholder consultations reinforced perceptions of non-transparency and bias in the ECZ's decisions and actions.<sup>17</sup>

In December 2022, the National Assembly approved the three members of the ECZ appointed by the President.<sup>18</sup> At the time, civil society organisations and opposition political parties called for a more transparent and independent recruitment process for the appointment of ECZ members and accused the President of appointing individuals with direct links to the ruling party.

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<sup>15</sup> In particular, the ECZ is responsible for conducting the registration of voters; prepare, publicise and maintain the voter register; determine the names and boundaries of constituencies and wards; resolve disputes of an administrative nature that may arise from the organisation and the administration of the elections; conduct voter education and voter information programmes to promote public awareness of the electoral process; provide information and advice to state institutions on electoral matters; conduct and promote research into electoral matters and; establish and maintain liaison and cooperation with political parties. The Commission has the legal power to issue regulations and guidelines and the duty to enforce the Code of Conduct embedded in the Electoral Process Act. The ECZ was established by the Constitution in 1996 and the Electoral Commission of Zambia Act No. 25 of 2016 (as amended in 2019).

<sup>16</sup> The ECZ relies on local administration, with provincial and district officers acting ad hoc as electoral officers without a precise legal basis.

<sup>17</sup> [EU EOM Zambia 2021 Final Report](#)

<sup>18</sup> Ms Mwangala Zaloumis is the new Chairperson of the ECZ. Mr Simwinga's tenure was renewed, and he is the new vice-chairperson, while a civil society and human rights activist, Mr McDonald Chipenzi, was appointed as a member.

On 1 November 2023, the ECZ announced the appointment of Mr Brown Kasaro as its new Chief Electoral Officer (CEO).<sup>19</sup> The CEO position had been vacant since August 2022, when the contract of the previous CEO ended. Civil society organisations and political parties strongly criticised the ECZ's delay in appointing a new CEO, which has delayed the ECZ's planning and activities ahead of the 2026 general elections. On the other hand, the ECZ stated that the delay was due to a rigorous and thorough recruitment process adopted by the ECZ to ensure transparency of the process and the most qualified candidates for the position.

In December 2022, the ECZ disseminated its 2021 General Election Review Report.<sup>20</sup> The report was the result of several meetings with relevant stakeholders, including citizen observer groups, civil society organisations and political parties. According to the report, the general elections were successfully conducted under a satisfactory legal framework, in the midst of the COVID-19 pandemic. In addition, the report identified issues at every stage of the electoral process that required further improvement and actions by the ECZ.<sup>21</sup> Several recommendations proposed by international observers,<sup>22</sup> including the EU EOM, were reflected in the ECZ recommendations such as on delimitation, voter education, nominations accreditation, campaigning, election day, stakeholder engagement and participation of women, youth and persons with disabilities.

#### *ECZ 2023-2027 Strategic Plan*

In November 2023, the ECZ presented its 2023-2027 Strategic Plan (herein Strategic Plan) which focuses on three strategic areas: election management, communication and stakeholder engagement, and institutional capacity.<sup>23</sup> Strategic objectives include updating and maintaining an accurate voters' register, reviewing electoral boundaries, declaring national election results within 72 hours after the last polling stations closing, increasing conflict resolution mechanisms, and improving accessibility and convenience in election management.

The ECZ also plans to improve stakeholder engagement, participation in the electoral process, and their perception of ECZ's work. ECZ's institutional capacity focus involves improving internal systems to achieve effective and efficient operations and service delivery in financial management and human resources, while enhancing security and optimising critical Information and Communication Technology (ICT) systems.

In terms of content, the ECZ Strategic Plan presented to stakeholders is general and lacks precise planning and timeframes. Overall, the Strategic Plan is in line with some 2021 EU EOM recommendations related to election management and communication and stakeholder engagement. According to the ECZ, the operational plan for the 2026 elections is ready but not yet published and it includes in detail specific activities and timelines. Given the limited time

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<sup>19</sup> Mr Kasaro was the Director of the Information and Communications Technology department at the ECZ for 11 years.

<sup>20</sup> The **2021 General Election Review Report** is not available online. Hard copies of the report are provided upon request.

<sup>21</sup> Over 50 recommendations were offered to improve the delimitation process, voter education, voter registration and inspection of the provisional voter register, candidate nominations, campaign, conflict management, stakeholder engagement, election day activities and results management.

<sup>22</sup> Six International EOMs (IEOM) were deployed to observe the 2021 general elections: the African Union EOM, the Carter Center Election Expert Mission, the Common Market for Eastern and Southern Africa (COMESA) EOM, the Commonwealth Observer Group, the EU EOM and the International Conference on the Great Lakes Region (ICGLR) EOM.

<sup>23</sup> The **2023-2027 Strategic Plan** is not available online. Hard copies are provided upon request.

before the 2026 general elections, the ECZ informed the EU EFM that it intends to carry out the delimitation of constituencies, wards and polling stations in 2024 and a nationwide voter registration exercise in 2025. Some EFM interlocutors criticised the ECZ's policy of not facilitating easy access to key information about the electoral process such as the Strategic Plan and the operational plan with electoral stakeholders.

## **ii. Civil society and electoral reform**

Civil society organisations in Zambia have been active, vocal and systematic in initiatives to promote national dialogue and reconciliation, and constitutional and electoral reforms. Following the 2021 elections, civil society organisations contributed to the 2021 General Election Review Report prepared by the ECZ and are part of the IAWG. Civil society organisations were consulted on the draft Public Gatherings Bill and the Access to Information Bill. MISA Zambia submitted a paper to Parliament outlining some concerns and recommendations on the Access to Information Bill. Transparency International Zambia is working on a proposal for a possible law on political parties and campaign financing. CCMG, in addition to observing by-elections and the ongoing voter registration process, has published a series of discussion papers on elections-related matters, including EPA and Electoral Code of Conduct, diaspora and prisoners voting, independence of the ECZ, transparency of the ECZ, and Constitutional reform. Several other organisations are working on specific issues such as women's participation, inclusion of persons with disabilities and constitutional issues. Civil society is ready to participate actively in electoral reform initiatives if the Ministry of Justice presents a concrete plan for electoral reform.

## **D. EU ACTIONS ON EOM FOLLOW-UP**

The EFM to Zambia noted the strong interest and commitment of the international community to continue supporting the electoral process towards the 2026 general elections. The EU Delegation to Zambia and COMESA are continuously monitoring the implementation of the 2021 EOM recommendations through their engagement with various state and non-state actors and through support to institutions and organisations involved in electoral reform. These recommendations form part of the EU Delegation's political and policy dialogue with the Government and the National Assembly throughout the electoral cycle.

The EU has contributed EUR 6 million to the Democracy Strengthening in Zambia (DSZ) project, a three-year multi-donor fund (2020-2022) managed by UNDP, which has been extended until the end of 2024.<sup>24</sup> The project aims to strengthen electoral institutions and processes and support programming for peace. The EU is also in the process of programming new support (EUR 6 million) to reinforce democratic processes in Zambia, which aims to contribute to the creation of a conducive environment for the exercise of civil rights and to strengthen democratic institutions and the role of civil society in electoral and democratic processes.

In addition, the EU Delegation supports various programmes in Zambia, including the co-funded by Germany “Enabling Access to Justice, Civil Society Participation and Transparency

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<sup>24</sup> Other donors include Germany, Ireland, Sweden, USAID, FCDO, France and UNDP.

(EnACT)” project and a Citizen's Voice programme aiming at increasing the transparency and accountability of the National Assembly of Zambia.

Other international organisations are also active. USAID continues to support civil society organisations and projects, including election observation activities, legal reforms on freedom of speech and digital rights as well as the ECZ. Donor support may be beneficial in areas such as technical assistance to the HRC, capacity building for stakeholders on the ATI Act, citizen observation and parallel voter tabulation, advocacy efforts, and electoral reform processes.

#### IV. IMPLEMENTATION STATUS OF 2021 EU EOM RECOMMENDATIONS

The assessment of the status of implementation of the 2021 EU EOM recommendations shows limited progress. Out of the 22 recommendations made by the 2021 EU EOM, including six priority recommendations, all remain relevant. The recommendation to adopt an Access to Information Act has been fully implemented while the establishment of structures to ensure the implementation of the law remains pending.<sup>25</sup> Also, the recommendation related to criminal defamation of the President has been partially implemented.<sup>26</sup>

For eight recommendations, actions or activities are ongoing. These include recommendations to revise the EPA and regulations, ECZ's formalised stakeholder consultations and easy access to key information for all stakeholders, voter education, adoption of a law on political parties, repeal of the POA, revision of the ICT legal framework and accreditation procedures.<sup>27</sup> It is too early to assess the overall status of implementation of four recommendations related to delimitation, voter registration, social media platforms and disinformation, and polling stations size and location.<sup>28</sup>

Eight recommendations have not yet been addressed. These include recommendations on the decentralised structures of the ECZ, candidacy requirements, resignation or death of a candidate, undue campaign privileges, campaign finance, state media, paid political advertising and women's participation.<sup>29</sup>

Out of the 22 recommendations, 15 require legislative changes in the form of repeal or review of a law or enactment of new legislation, including two that require constitutional amendments. Seven recommendations could be implemented only via administrative action by the ECZ.

A detailed overview of the implementation status of each recommendation is provided in Annex B. This assessment reflects the status as of February 2024 and it is based on the information gathered by the EU EFM.

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<sup>25</sup> 2021 EU EOM Final Report, Recommendations no. 17.

<sup>26</sup> 2021 EU EOM Final Report, Recommendations no. 14.

<sup>27</sup> 2021 EU EOM Final Report, Recommendations no. 1,2,4,5,8,11,18 and 21.

<sup>28</sup> 2021 EU EOM Final Report, Recommendations no. 6,7,19 and 22.

<sup>29</sup> 2021 EU EOM Final Report, Recommendations no. 3,9,10,12,13,15,16 and 20.

## A. LEGAL FRAMEWORK

The EU EOM 2021 assessed that the legal framework provided a reasonable basis for democratic elections and that several legal improvements had been introduced regarding the independence of the ECZ, the inclusion of prisoners in the electoral process and the removal of some restrictions on the right to register for persons with intellectual disabilities. At the same time, the report also identified several shortcomings. It noted that legal inadequacies and ambiguities remained, including timelines for different stages and aspects of the electoral process, rules on the exercise of the special vote, registration of persons with a mental disability, second-round presidential election procedures and specific nomination rules if the Constitutional Court annuls an election. In addition, modalities and timelines for access to key information, candidate nomination forms, declarations of assets and liabilities and comprehensive results information remained insufficiently specified.

The 2021 EU EOM recommended to “***Revise the law and regulations to ensure clear, coherent and transparent rules and timelines for each stage of the electoral process. Effective revisions require addressing candidate nominations, second round processes and providing for prompt access to information of public interest, including results.***” (Rec #1) While different initiatives, at a very early stage, for legal review are ongoing, implementation of the recommendation has not yet been confirmed. The Presidency and the Ministry of Justice confirmed willingness to review relevant election laws that could address some shortcomings, but a firm commitment remains to be demonstrated. Established and official initiatives such as the IAWG and the Ministry of Justice/ECZ agreement for cooperation for legal reform are relevant but the lack of a detailed roadmap and definition of priorities for review currently appears to hold up much-needed and timely reforms.

## B. DELIMITATION OF ELECTORAL BOUNDARIES

The 2021 EU EOM highlighted a deep inequality of the vote. The ECZ has a constitutional mandate to redraw boundaries at intervals of no more than ten years and is restricted from increasing the number of constituencies, as a constitutional provision limits this.<sup>30</sup> In 2019, the ECZ proposed a review of the number of National Assembly constituencies, raising them from 156 to 246. This effort was not matched at the time with the constitutional change required by the National Assembly. According to EU EOM interlocutors the 2019 delimitation exercise lacked transparency while the final report was never made public.

The 2021 EU EOM recommended to “***Guarantee periodic delimitation of electoral boundaries through an independent, inclusive and transparent process establishing equality in voting and representation on a timeline compatible with the electoral calendar and underpinned by effective access to judicial remedy.***” (Rec #6) The ECZ, as it is foreseen in its Strategic Plan, intends to review electoral boundaries (constituencies, wards and polling districts, and polling stations) in 2024. The delimitation, in line with an ECZ recommendation in its 2021 General Election Review Report, will be based on the Census of Population and Housing of 2022.<sup>31</sup> The main objective of the 2024 delimitation exercise will be to promote effective representation of citizens and make electoral services more accessible to voters with the delimitation of polling

<sup>30</sup> Constitution of Zambia (Amendment) 2016. Articles 58(5) and 68(2).

<sup>31</sup> [Census of Population and Housing-Preliminary Report 2022](#)

districts forming the basis for voter registration. The EU EFM encourages the ECZ to conduct the delimitation exercise based on the principles of impartiality, representativeness, non-discrimination and transparency and ensure inclusion of stakeholders in the process.

### C. ELECTION ADMINISTRATION

The 2021 EU EOM, in its final report, noted that almost all political parties and civil society expressed dissatisfaction at the level of consultations and communication with the ECZ at each stage of the electoral process. The ECZ failed to fully satisfy concerns about delays and restricted time for voter registration in some areas and, closer to elections, regarding observer accreditations. Civil society was excluded from consultations at several stages of the election process. At the same time, access to the results verification at the national results centre was allowed only to political parties' agents.

The EU EOM thus proposed a recommendation to ***“Promote transparency through improved clarity and consultation on decisions and decision-making processes. Establish and enforce improved mechanisms for genuine, inclusive and formalised consultations with political parties, civil society and media throughout all stages of the electoral process.”*** (Rec #2) Whereas ECZ officials considers that communication with all stakeholders has been improved, EU EFM interlocutors from civil society and political parties are not satisfied with the format, frequency and quality of the interaction. According to them, ECZ's communication strategy is informative and does not include consultation on decisions and decision-making processes. A key areas of focus in the Strategic Plan is communication and stakeholder engagement to improve stakeholder perception, engagement and participation in the electoral process. The ECZ could actively engage electoral stakeholders in the planning and the activities leading up to 2026 elections such as the delimitation and voter registration.

The Constitution allows ECZ structures to be decentralised at the provincial and district levels. This was not done. The ECZ relies on local administration, with provincial and district officers playing an *ad hoc* role without a precise legal basis. Full oversight of electoral processes and the assurance of standardised practices are not guaranteed. The EU EOM observers noted diverging implementation of procedures at different stages of the process and varying levels of efficiency during the 2021 general elections. The EU EOM recommended to ***“Implement decentralised ECZ structures with professional electoral staff, clearly prescribed functions and responsibilities, and an adequate budget.”*** (Rec #3) The current economic challenges do not favour the implementation of this recommendation before the 2026 elections. The ECZ considers this recommendation essential, and there were some initiatives to establish decentralised structures with professional electoral staff at the provincial level, but budget constraints are likely to delay the implementation.

During the 2021 general elections, the ECZ made information of public interest, including media briefs and notifications, swiftly available on its website or Facebook page. However, various important public information was not always readily accessible; the legal framework was only partially accessible through the ECZ website. Key legal documents were difficult to locate and scattered in other government and non-government sources. Therefore, the EU EOM proposed a recommendation to ***“Ensure prompt and easy access to key information on electoral processes for all stakeholders. Compile and publish in a unified manner and accessible format, online and in print, all relevant legal instruments and guidelines.”*** (Rec

#4) This recommendation remains unimplemented. ECZ's Facebook page provides up-to-date information on ECZ events and electoral activities. However, it does not provide access to legal instruments, other guidelines, or reports such as for example 2021 Election Review Report and the 2023-2027 Strategic Plan. Its website needs an urgent upgrade and a user-friendly layout. ECZ has enough time to implement this recommendation, which requires only an administrative decision by the ECZ and a reasonable budget.

#### D. THE RIGHT TO VOTE AND VOTER REGISTRATION

By law, the ECZ is responsible for organising and conducting voter registration. Overall, stakeholders expressed confidence in the quality of the new voter register established prior to the 2021 general elections. However, some questioned its inclusiveness. All stakeholders criticised the ECZ for inadequate planning, lack of broad consultations and limited time and opportunity for citizens to register. The EU EOM recommended to ***“Involve all stakeholders in the planning process of future reviews of the voter register.”*** (Rec #7) It is too early in the electoral cycle to assess implementation of the recommendation. In June 2022, the ECZ launched continuous voter registration in a few districts. Stakeholders informed the EU EFM that they were not consulted or involved in the continuous voter registration planning process. Also, observer groups were only issued accreditations to observe the process in September 2023 onwards. Most recently, CCMG asked the ECZ to install ramps at the voter registration centres to ensure independent access to persons with reduced mobility. In 2025, the ECZ plans to launch a nationwide voter registration exercise during which it will be possible to assess the involvement of stakeholders in a more comprehensive way.

#### E. THE RIGHT TO STAND AND REGISTRATION OF CANDIDATES

The 2021 EU EOM noted that the law imposes some restrictions on the right to stand for elections, which is inconsistent with Zambia's international obligations. These included excessive and non-refundable registration fees, although positively costs were lower for women and under-represented groups, and same educational qualifications for candidates for all elections (presidential, national assembly and local elections). The 2021 EU EOM recommended as a priority to ***“Revise candidacy requirements to enhance the right and the opportunity to stand by ensuring registration fees do not deter participation and are refundable, and removing educational requirements for the right to stand.”*** (Rec #9) Changing these stipulations requires a constitutional revision.<sup>32</sup> While all interlocutors are in favour of revising the requirements for candidacy in terms of registration fees, the majority are not in favour of abolishing the educational requirements for the presidential and national assembly elections, which is unlikely to be implemented. In addition, several interlocutors are more in favour of revising these requirements for candidates in the local elections.

The 2021 EU EOM verified that the constitutional requirement for the ECZ to cancel all nominations and repeat the candidate registration process in a given constituency in case a candidate dies, resigns, or is disqualified before election day,<sup>33</sup> introduces a high degree of uncertainty to the electoral process while increasing the costs of the elections for the ECZ and

<sup>32</sup> Constitution of Zambia (Amendment) 2016. Articles 70(1)(d), 82(2)(d), 100(1)(d), and 153 (4)(c).

<sup>33</sup> Constitution of Zambia (Amendment) 2016. Article 52(6).

the fees for affected candidates. The 2021 EU EOM recommended to ***“Amend the law to avoid postponement of elections and new nomination processes for already registered contestants due to a resignation, death or disqualification of a candidate.”*** (Rec #10) In relation to by-elections organised after the 2021 elections, the ECZ has stated that the stipulation calling for fresh nominations has a negative impact on the ECZ's capacity to implement elections and constitutes a heavy financial burden. There is a consensus among the ECZ, civil society and some political parties on the need for addressing the issue. To initiate the process of legal review, the ECZ could draft the proposal to amend article 52.6 of the Constitution.

#### F. POLITICAL PARTIES, CAMPAIGN FINANCE AND ELECTION CAMPAIGN

The Constitution foresees a law on political parties and also requires political parties to promote and practice internal democracy through regular and credible internal elections. However, no such law has been enacted. Additionally, the registration of political parties takes place under an outdated and inadequate Societies Act of 1958. In the 2021 general elections, the selection of candidates lacked transparency and inclusivity and was marred by malpractices and corruption. These factors led the EU EOM 2021 to recommend to ***“Enact a law on political parties stipulating registration requirements and guaranteeing internal party democracy, inclusivity, transparency and accountability, with adequate institutional oversight.”*** (Rec #8) Efforts in the past to pass a comprehensive political parties' law have failed, leaving this susceptible area poorly regulated with negative consequences to the electoral process and in violation of the Constitution of Zambia and international commitments for democratic elections. Ongoing civil society initiatives, supported by the international community, include the drafting of proposals for a law on political parties. Despite the ongoing initiatives and some willingness on the part of the government to enact such a law, there is no indication of when this recommendation will be implemented.

The 2021 EU EOM noted that implementation of the outdated Public Order Act (POA) of 1955 restricted fundamental freedoms of assembly, movement and expression in violation of international standards and national laws, especially during the campaign involving excessive use of force by the police to curb opposition campaigning. Earlier attempts to review the POA were irresolute and did not bring significant change. The 2021 EU EOM recommended as a priority to ***“Repeal the Public Order Act and ensure in law adherence to regional and international standards for freedom of assembly, movement and expression.”*** (Rec #11) Actions are ongoing in relation to this recommendation, and importantly the review of the POA is a priority for the government. At the end of 2023, the Zambia Law Development Commission concluded the review process, including broad stakeholder discussions. While a draft of the Public Gatherings Bill 2023 awaits submission to the Parliament, the EU EFM recommends the draft to be made accessible to the public to allow for continuous scrutiny.

The Code of Conduct, embedded in the EPA, regulates key aspects of campaigning but exempts the President and the Vice-President from restrictions on using state-owned transportation and facilities in connection with their offices. The law makes no clear distinction between official action and political campaigning, thus entailing an undue advantage for incumbents and weakening the prohibitions on partisan activity by public officials. Further, the President and Vice-President are exempted from the POA provisions mandating the notification of public gatherings, which amplified the uneven playing field in the campaign. Media reports confirmed

that senior civil servants and traditional leaders campaigned openly for the ruling party and were offered rewards for such canvassing. The ECZ did not appear to sanction such breaches of the Code. In light of this situation, the EU EOM 2021 recommended to ***“Remove from the law undue campaign privileges for the President and Vice-President to ensure equal campaign conditions for all candidates.”*** (Rec #12) This priority recommendation has not been implemented. No initiatives have been taken to discuss these established privileges publicly, and political parties seem uninterested in pushing for changes to address this inequality.

The 2021 EU EOM observed substantial monetisation of the campaign, which disrupted the fair competition and insufficient protocols and mechanisms to scrutinise political financing and campaign expenditure. Inadequate legal stipulations regarding financial oversight, accountability, and publication have led to a lack of transparency in the sources and expenditures of political parties, candidates and third-party agencies during campaigning. As a result of these findings, the 2021 EU EOM recommended to ***“Enact a law on campaign finance including reporting requirements for political parties, candidates, and traditional and social media. Mandate standardised, timely disclosure before and after elections. Income and expenditure reports have to be audited by a competent, independent body with investigative, sanctioning, and enforcement powers.”*** (Rec #13) This priority recommendation has not been implemented. While there are ongoing initiatives by civil society to propose legislation to address these shortcomings, including clauses on public funding, campaign spending and auditing, there seems to be lack of interest by political parties to discuss these matters and no commitment by the government for its implementation.

## G. TRADITIONAL MEDIA, DIGITAL COMMUNICATIONS AND SOCIAL MEDIA

The 2021 EU EOM determined that specific legal provisions limit freedom of speech and impede the free expression of citizens and the media, highlighting inadequate protection of these fundamental rights. The Penal Code allows the President to ban publications that damage the "public interest". In addition, existing stipulations criminalise defamation of the President. In view of these findings, the EU EOM 2021 recommended to ***“Protect freedom of expression by repealing the powers of the President to ban publications and by decriminalising defamation in favour of proportionate civil sanctions.”*** (Rec #14) This recommendation has been partly implemented. In a review of the Penal Code in December 2023, the controversial criminal offence of defamation against the President was removed to enhance freedom of speech.<sup>34</sup> Civil society noted that the review was inconsistent, as criminal defamation remained in the Penal Code, restricting freedoms and curbing dissent.<sup>35</sup> The recommendation to repeal the powers of the President to ban publications has not been implemented, and no consultations among stakeholders are taking place. The likelihood of its implementation before the 2026 elections appears remote.

The Ministry of Information and Broadcasting oversees the state-run ZNBC TV and radio. The minister appoints the board, subject to ratification by the National Assembly. The Act provides

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<sup>34</sup> [Penal Code \(Amendment\) Bill December 2022](#) The removed article 69 of the Penal Code on defamation against the President stated: 'Any person who, with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter, (...), is guilty of an offence and is liable on conviction to imprisonment for a period not exceeding three years.'

<sup>35</sup> Penal Code, Articles 191 and 192.

limited tenure security to ZNBC's management. A large part of ZNBC's budget is subjected to a yearly allocation by the National Assembly. The legal and regulatory framework does not guarantee ZNBC's editorial independence. It has led to overwhelming coverage of the president, the government' and the ruling party, curbing voters' access to diverse, factual, and pluralistic information. Therefore, the 2021 EU EOM proposed a recommendation to ***“Transform state media into a genuine public service outlet by appointing ZNBC's management in a transparent and inclusive manner and establishing legal safeguards for editorial and financial independence, and operational sustainability.”*** (Rec #15) The recommendation has not yet been implemented. Although the new government immediately replaced the ZNBC's management, there has been no substantial improvement in how the state media function. There are some initiatives on amending the Independent Broadcasting Authority Act to regulate also state media.

The law does not set a limit on paid campaign political advertisements. Most political broadcasts, including talk-shows and call-in programmes, were paid for by parties or candidates. The legal gap disadvantaged contestants with less financial resources. Such programming also interfered with voters' ability to make an informed choice, as policies expressed in paid-for shows were not subject to journalistic scrutiny. Due to unregulated campaign finance, voters were unaware of who paid for political programmes. The EU EOM recommended to ***“Protect freedom of opinion, including voters' informed choice, by setting a reasonable limit on the amount of hourly paid political advertising on broadcast media in line with international best practice.”*** (Rec #16) No action has been taken to implement this recommendation. Electoral stakeholders agreed that the implementation of this recommendation would contribute to levelling the playing field and provide voters with a plurality of options to make an informed choice. However, for the media outlets, the election campaign is a profitable period, and they would resist such a regulation.

The 2021 EU EOM noted that a lack of access to information affected the accuracy of news and diminished the right of the electorate to make an informed choice. There was a legal gap; neither the Constitution nor statutory law protects the right to seek information or mandates public institutions to share information of public interest openly. The need to enact a law on access to information had been identified by past governments but was protracted for two decades. The 2021 EU EOM recommended to ***“Introduce legislation protecting the right to information of public interest.”*** (Rec #17) The recommendation has been fully implemented, giving effect to the right to access information as foreseen in the United Nations Convention against Corruption and the African Charter on Human and Peoples' Rights. In December 2023, the National Assembly passed the Access to Information Act (ATI).<sup>36</sup>

The Global Right to Information Rating rated the ATI in 70<sup>th</sup> position among 138 countries.<sup>37</sup> A study by the Centre of Law and Democracy on the ATI offered 26 recommendations, including introducing clear guidelines to assist persons with disabilities or illiterate persons

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<sup>36</sup> See also section *Electoral reform initiatives* of this report.

<sup>37</sup> The Centre of Law and Democracy produces the Freedom to Information Rating based on 61 indicators and seven categories: right of access and scope, proactive disclosure, requesting procedures, exceptions and refusals, appeals, sanctions and promotions, and promotional measures

with their requests, opening to foreigners and legal entities the right to access information in Zambia and clearly stating that appeals are free of charge and do not require a lawyer.<sup>38</sup>

### *Digital rights and social media*

The 2021 EU EOM assessed that the legal framework for digital communication and social media, including the Information and Communication Technology Act (ICT) and the Cyber Security and Cyber Crimes Act (CSA), prescribe comprehensive powers to the Zambia Information and Communications Technology Authority (ZICTA), but lack stipulations on transparency and accountability. Both laws are vague on the procedures and criteria to block access to the Internet or online platforms. The mission also noted that the Penal Code and the CSA disproportionately restrict freedom of expression and criminalise defamation, hate speech and publication of false information. The 2021 EU EOM considered the legal restrictions against international standards on freedom of speech and led to self-censorship. As such, it recommended to ***"Amend the legal framework for the ICT sector to prescribe clear and exhaustive criteria for only exceptional blocking or restricting access to the Internet, to decriminalise defamation and publication of false content, and to narrow the legal definition of hate speech. Ensure that enhanced transparency and accountability in ZICTA's decision-making process are central to the review"*** (Rec #18). A review process of the CSA has been initiated, but the recommendation has not yet been implemented. Following the cabinet's agreement to start the review of the CSA, the Zambia Law Development Commission (ZLDC) held a national stakeholder consultative meeting in mid-2023 to review the draft Cyber Security and Cyber Crimes Bill 2023 proposed by the Ministry of Technology and Science. No roadmap has been made public, and it is unclear when the review could be concluded. Rights groups, civil society organisations and the media continue to stress the need to repeal or review these laws.

The 2021 EU EOM Final Report noted that Facebook did not act to preserve electoral integrity on the platform. In addition, the company did not introduce its key transparency tool for political advertising *Ad Library Report* prior to the elections, did not hire a sufficient number of content moderators in local languages, and did not meaningfully and in a timely manner engage with the ECZ or civil society. Hate speech was not removed from the platform, posts containing false information were not labelled as such, and they were even promoted as paid-for advertisements, distorting the online debate to the detriment of voters. Therefore, the EU EOM recommended as a priority to ***"Formalise cooperation between the ECZ, civil society and main social media platforms to develop an efficient mechanism ensuring transparency of online campaigning, including its financing and countering hate speech and disinformation. Civil society, in coordination with the ECZ, could initiate the signing of an agreement ensuring that social media platforms, including Facebook, introduce best practices in Zambia, including engagement with the ECZ, employment of content moderators, and prompt removal of damaging and dangerous content"*** (Rec #19). It is too early in the electoral cycle to assess the status of this recommendation. The ECZ and all stakeholders acknowledge the severe impact of hate speech and disinformation in the electoral process. The ECZ plans to meet with Facebook representatives in the region to discuss the issue closer to the 2026 general elections.

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<sup>38</sup> [Analysis of the ATI Act 2023](#)

## H. CIVIC AND VOTER EDUCATION

The 2021 EU EOM noted that there was a lack of long-term engagement in voter education by the ECZ, with activities only conducted during a limited two-month period prior to the 2021 general elections. The COVID-19 pandemic limited voter education to voter information activities carried out by the ECZ and civil society organisations with small-scale meetings and door-to-door activities. Only two weeks before election day, the dissemination of voter information was partially enhanced by additional sensitisation via traditional and social media. The EU EOM recommended to ***“Develop continuous, effective and broad-reaching voter education, including clear messages on key stages of the electoral process, specially tailored for youth, women, persons with disabilities, prisoners and marginalised groups. Ensure consistency of voter education messages across traditional and online media. The ECZ could enhance the use of varied digital tools.”*** (Rec #5) Some action or activity is ongoing, but implementation of the recommendation has not been confirmed. According to the ECZ, voter information activities are taking place throughout the electoral cycle, during the continuous voter registration and before each by-election. The ECZ, in cooperation with the Ministry of Education, has amended the school curriculum to harmonise it with the 2016 Amendments to the Constitution in particular the changes in the electoral system.<sup>39</sup> The ECZ engages civil society organisations in voter education. However, so far, there is no voter education plan.

## I. PARTICIPATION OF WOMEN

The 2021 EU EOM assessed that women remain underrepresented in the political sphere, with few female candidates in party structures and elected positions of power, despite the constitutional mandate to achieve gender equity in the National Assembly and local councils. Zambia is a largely patriarchal society with a predominance of customary laws that discriminate against women. Lack of political will has hampered the full implementation of the Gender Equity and Equality Act of 2015, including the 50 per cent target for equal representation under the SADC protocol on gender and development. The elimination of the Ministry of Gender by the current president and the declining position of Zambia in the Gender Inequality Index (slipping from 62<sup>nd</sup> to 85<sup>th</sup> place out of 156 countries in 2023) have raised concerns among civil society organisations, who claim a lack of genuine will to advance meaningful reforms. The EU EOM 2021 recommended to ***“Enhance the right and opportunity for women’s equal participation in elections by operationalising the 2015 Gender Equity and Equality Act to promote non-discrimination and wide-ranging affirmative actions.”*** (Rec #20) This recommendation remains unimplemented. The political will to implement the existing legal framework and bring effective results-driven measures is needed to engage more women in the public space and deepen their democratic participation.<sup>40</sup>

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<sup>39</sup> Following the amendments to the Constitution in 2016, the president is elected in a single national constituency through a majoritarian electoral system for a five-year term and a maximum of two terms. The vice-president is directly elected as the running mate of the presidential candidate. The winning candidate must receive fifty per cent plus one vote of the valid votes cast. If no candidate secures such a majority, a second-round will be held between the two leading candidates within 37 days from the initial ballot. No threshold exists in the run-off; whoever gets the majority of the votes cast is declared the winner.

<sup>40</sup> Several studies emphasise the persisting challenges for Zambian women's participation in decision-making while offering recommendations to tackle inequalities. For example, a World Bank report provides analysis and recommendations. [Zambia Gender Assessment](#)

## J. CITIZEN OBSERVATION

The law provides for observation by national and international observers as well as media and party agents accredited by the ECZ. For the 2021 general elections, the ECZ introduced a decentralised accreditation process at the district level, setting a tight deadline, which was later extended twice. The procedures were published late and included cumbersome requirements for the accreditation of national observers, such as certified copies of the national registration card and the physical presence of the observers at the accreditation centres. EU EOM observers noted that the district electoral officers implemented the procedures in an inconsistent manner. Access to the verification process at the National Results Centre was restricted, except to some political party representatives. The EU EOM thus proposed a recommendation to ***“Embed in ECZ regulations clear and transparent procedures for timely and inclusive accreditations of observers, party agents and media, ensuring unhindered access to all aspects of polling, counting and tabulation, including at the national results centre.”*** (Rec #21) Some action or activity is ongoing, but implementation of the recommendation has not been confirmed. According to the ECZ, it is currently reviewing the accreditation procedures. However, no information on the review process and content has been shared with civil society organisations, political parties and media. During by-elections, the CCMG described the accreditation process as problematic and chaotic. Furthermore, domestic observers got accreditations to observe the registration process only after 16 September 2023. There is a general request from civil society for a clear, consistent, user-friendly and formalised accreditation process.

## K. POLLING, COUNTING AND TABULATION

The 2021 EU EOM noted long, densely packed queues of voters in and at many urban polling stations. Voters waited an excessively long time to vote and, in some cases, late into the night. This contrasted with calmer and more orderly voting in rural areas. Several polling stations were packed into unsuitable building spaces. Electoral staff were faced with undue delays and had difficulty managing crowds. These factors led the 2021 EU EOM to recommend to ***“Designate additional suitable in size premises in a timely manner to avoid congestion at and in polling stations, especially in urban areas.”*** (Rec #22) It is too early in the electoral cycle to assess the status of this recommendation. According to the ECZ, in 2024 it will conduct polling station delimitation to determine the need for increasing the number of polling stations in each polling district. The final list of polling stations will be available after the certification of the voter list.

## V. THE STAKEHOLDER ROUNDTABLE

The stakeholder roundtable was held in Lusaka on 1 February 2024. A total of 28 participants representing 17 organisations attended. These included the ECZ, opposition political parties, civil society and citizen observer organisations, media representatives and donor partners.

Participants agreed on the need to develop and implement a roadmap for electoral reform, including a sound legal framework and guarantees for its objective implementation. Stakeholders stressed the need for an electoral legal framework that protects fundamental freedoms and provides a level playing field, including accountability for all candidates. They

also noted the need for an independent and impartial ECZ and for greater stakeholder involvement.

The discussion was divided into six thematic areas. The first thematic area focused on the repeal of the Public Order Act (POA) and the Access to Information Act (Rec #11 and #17). Regarding the repeal of the POA, all participants agreed that the law should be repealed and pointed to the selective implementation of the law by the police during the by-elections. Opposition political parties noted that the new administration continued to implement the law in a restrictive and selective manner, turning a simple notification for a political gathering into a permit, *de facto* restricting freedom of assembly. Although civil society provided input to the draft law on public gatherings, which will replace the POA, the draft has been with the Ministry of Justice for some time and its current content remains unknown. Media representatives noted that, under the POA, the media was subject to censorship and that media houses had been attacked and journalists beaten for critical reporting, limiting freedom of expression. While media representatives noted the need for a comprehensive review and harmonisation of media and ICT sector legislation, they expressed concern that the government may introduce additional restrictions on freedom of expression.

Participants considered the passage of the Access to Information Act by the National Assembly as a positive development. However, they expressed serious concerns about some of the provisions of the law, such as the lack of supremacy clauses over other relevant laws and its practical implementation due to the lack of adequate resources to establish the enforcement mechanism.

The second thematic area concerned the adoption of a law on political parties and campaign financing (Rec #8 and #13). Participants acknowledged the need for such a law and the difficulties in reaching consensus on a draft.

The third topic of discussion was the amendment of Article 52 (6) of the Constitution to avoid the postponement of elections due to the resignation, death or disqualification of a candidate (Rec #10) and the removal from the law of undue campaign privileges for the President and Vice-President to ensure a level playing field for all candidates (Rec #12). All participants agreed that the implementation of both recommendations would improve the electoral process. Some noted that during the by-elections, ministers campaigned using state vehicles and other resources in their official capacity.

The fourth topic of discussion was inclusive and formal consultation with political parties, civil society and the media at all stages of the electoral process and easy access to key information for all stakeholders (Rec #2 and #4). The ECZ acknowledged the importance of stakeholder engagement. However, civil society was critical, pointing out that they had only one formal engagement with the ECZ per year and that access to key information remained problematic and inadequate.

The fifth topic of discussion was the ECZ's decentralised structures with professional staff and the accreditation of observers, party agents and media (Rec #3 and #21). Participants agreed on the importance of the decentralised structure of the ECZ for the integrity of the electoral process. However, the system will remain the same for the 2026 general elections due to lack of funding. Regarding the accreditation of observers, the ECZ said it was reviewing procedures and civil society made suggestions on how to improve them.

The last thematic area was the delimitation of electoral boundaries, voter registration and voter education (Rec #6, #5, #7). The ECZ stated that it would carry out the delimitation of polling stations and constituencies. The ECZ is conducting continuous voter registration in 20 districts and will conduct a nationwide voter registration exercise in 2025. Participants noted the need for continuous voter education throughout the electoral cycle.

## VI. CONCLUSIONS

The EU EFM noted limited progress in the implementation of the 2021 EU EOM recommendations. Of the 22 recommendations made by the EU EOM 2021, one recommendation has been fully implemented; one has been partially implemented, while for several others, some activities are ongoing with uncertain outcomes, and some have not been addressed. There are also a number of recommendations for which it is too early in the electoral process to assess the status.

The political will for electoral reform exists, and there is now an urgent need for the government to establish an electoral reform roadmap and coordination mechanisms, as well as mandates and division of labour between the various initiatives that will contribute to implementing the roadmap. While President Hichilema has focused most of his attention on economic issues, he must now deliver on his pre-electoral promises and accelerate the reform process on the rule of law, human rights, media freedom and civil liberties.

With the 2026 general elections two and a half years away, the window of opportunity is narrowing. However, there is still time for comprehensive and effective electoral reforms, provided that the government and the legislature prioritise such reforms on their agenda. The ECZ, civil society, and the international community appear ready to engage. However, reform is ultimately in the hands of the government and the legislature, and the responsibility is now on the government to establish a roadmap that can lead to an inclusive and transparent reform process.

Beyond legal reform, there is considerable scope for the ECZ to improve its own systems and structures and enhance future electoral processes, using the powers already vested in the institution. Some of the 2021 EU EOM recommendations require only administrative action by the ECZ and relatively limited resources – such as formalised and meaningful engagement with civil society and political parties, easy access to key information on electoral processes for all stakeholders, continuous voter education, stakeholder involvement in the planning process for the voter register review, formalised cooperation with main social media platforms, accreditation procedures and polling stations. ECZ actions on these matters as well as the finalisation and publication of the operational plan could help demonstrating ECZ capacity and hence contribute to enhancing trust and confidence in the institution. With a view towards the 2026 general elections, ECZ independence and capacity to deliver on communication and meaningful stakeholder engagement will be key.

## VII. ANNEXES

### ANNEX A



## European Union Election Follow-up Mission Zambia, 2023-2024

### PRESS RELEASE

**The EU Election Follow-up Mission urges the Zambian authorities to accelerate electoral reform initiatives well before the 2026 general elections to ensure a level playing field for all contestants in line with Zambia’s international and regional commitments.**

**Lusaka, 1 February 2024,**

The European Union has deployed an Election Follow-up Mission (EFM) to Zambia to assess the progress made in the electoral reform process and the implementation status of the 2021 EU Election Observation Mission (EU EOM) recommendations. The EU EFM is headed by Maria Arena, a Member of the European Parliament and Chief Observer of the 2021 EU EOM.

The EU EFM has met with various interlocutors in the electoral process, including the Electoral Commission of Zambia (ECZ), the Government of Zambia and relevant state institutions, political parties, civil society, media representatives, and development partners. On 1 February, the mission organised a roundtable meeting of electoral stakeholders, where participants discussed the progress made so far in implementing the 2021 EU EOM's recommendations and of the way forward for electoral reform.

At a press conference held today in Lusaka, Ms Arena said: *“In the spirit of the strong partnership between the EU and Zambia, we welcome the achievements made so far in implementing some of the 2021 EU EOM recommendations, but urge further action for great progress on legal reform prior to the elections.”* The 2021 EU EOM proposed 22 recommendations, including six to be considered as a priority. Two recommendations related to the enactment of the Access to Information Act and the removal from the Penal Code of the criminal defamation of the President have been implemented.

Ms Maria Arena noted: *“The passing by the National Assembly of the Access to Information Act is a positive step in the right direction. The law has some strong points such as its broad coverage of the legislature and the judiciary and the power of the Human Rights Commission to impose administrative sanctions on officials who fail to respect the law. However, it lacks, among others, a broad definition of information and does not clearly overrides secrecy provisions in other laws. We look forward to seeing how the law will be implemented.”*

She pointed out that two and a half years before the 2026 general elections, the window of opportunity for comprehensive and effective legal reforms gets narrower and encouraged the government and all electoral stakeholders to accelerate this work. Repealing the Public Order Act, enacting legislation on political parties and revising the legal framework governing the media and ICT sector were highlighted as key to ensure a level playing field to all contestants ahead of the 2026 general elections.

Ms Arena underlined the importance of transparency in the electoral reform process, inclusion, and cooperation of electoral stakeholders with the ECZ, including civil society organisations and observer groups. Concluding the press conference, Ms Arena said: *“The EU and Member States will continue to support electoral reform initiatives in Zambia.”*

A comprehensive final report of the EU Follow-up Mission will be published in the next few months. The full archive of EU election observation reports and recommendations can be found at <http://database.eueom.eu>

## ANNEX B

| No. | Recommendation                                                                                                                                                                                                                                                                                                   | Electoral Theme         | Status (1-6)                       | Comments and Additional information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Revise the law and regulations to ensure clear, coherent and transparent rules and timelines for each stage of the electoral process. Effective revisions require addressing candidate nominations, second round processes and providing for prompt access to information of public interest, including results. | LEGAL FRAMEWORK         | 2<br>Action or activity is ongoing | <ul style="list-style-type: none"> <li>• Different initiatives for legal review are at very early stage.</li> <li>• The Presidency and the Ministry of Justice confirmed willingness to review relevant election laws that could address some shortcomings, but a firm commitment remains to be demonstrated.</li> <li>• Established and official initiatives such as the IAWG and the Ministry of Justice/ECZ agreement for cooperation for legal reform are relevant but the lack of a detailed roadmap and definition of priorities for review currently appears to hold up much-needed and timely reforms.</li> </ul>                                                     |
| 2   | Promote transparency through improved clarity and consultation on decisions and decision-making processes. Establish and enforce improved mechanisms for genuine, inclusive and formalised consultations with political parties, civil society and media throughout all stages of the electoral process.         | ELECTION ADMINISTRATION | 2<br>Action or activity is ongoing | <ul style="list-style-type: none"> <li>• A key area of focus in ECZ's Strategic Plan is communication and stakeholder engagement to improve stakeholder perception, engagement and participation in the electoral process.</li> <li>• ECZ officials considers that communication with all stakeholders has been improved.</li> <li>• EFM interlocutors from civil society and some political parties are not satisfied with the format, frequency and quality of the interaction.</li> <li>• The ECZ could actively engage electoral stakeholders in the planning and the activities leading up to 2026 elections such as the delimitation and voter registration.</li> </ul> |
| 3   | Implement decentralised ECZ structures with professional electoral staff, clearly prescribed functions and responsibilities, and an adequate budget.                                                                                                                                                             | ELECTION ADMINISTRATION | 1<br>No change                     | <ul style="list-style-type: none"> <li>• The ECZ considers this recommendation essential, and there were some initiatives to establish decentralised structures with professional electoral staff at the provincial level, but budget constraints will delay the implementation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                   |

*EU Election Follow-up Missions are independent from the institutions of the European Union. The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union.*

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| 4 | Ensure prompt and easy access to key information on electoral processes for all stakeholders. Compile and publish in unified manner and accessible format, on-line and in print, all relevant legal instruments and guidelines.                                                                                                                                              | ELECTION ADMINISTRATION              | 2<br>Action or activity is ongoing             | <ul style="list-style-type: none"> <li>• ECZ Facebook page provides up-to-date information on ECZ events and electoral activities but lacks some legal instruments, guidelines, and reports.</li> <li>• The ECZ informed it is in the process of revising its website structure to become more informative and increase transparency.</li> <li>• The ECZ has enough time to implement this recommendation, which requires only an administrative decision by the ECZ and a reasonable budget.</li> </ul> |
| 5 | Develop continuous, effective and broad-reaching voter education, including clear messages on key stages of the electoral process, specially tailored for youth, women, persons with disabilities, prisoners and marginalised groups. Ensure consistency of voter education messages across traditional and online media. The ECZ could enhance use of varied digital tools. | VOTER EDUCATION                      | 2<br>Action or activity is ongoing             | <ul style="list-style-type: none"> <li>• According to ECZ officials, voter education activities are taking place during the continuous voter registration and before each by-election.</li> <li>• The ECZ has amended the school curriculum for voter education.</li> <li>• The ECZ engages civil society organisations in voter education.</li> </ul>                                                                                                                                                   |
| 6 | Guarantee periodic delimitation of electoral boundaries through an independent, inclusive and transparent process establishing equality in voting and representation on a timeline compatible with the electoral calendar and underpinned by effective access to judicial remedy.                                                                                            | DELIMITATION OF ELECTORAL BOUNDARIES | 5<br>Too early in electoral cycle to determine | <ul style="list-style-type: none"> <li>• The ECZ, as it is foreseen in its Strategic Plan, intends to review electoral boundaries (constituencies, wards and polling districts, and polling stations) in 2024.</li> <li>• The delimitation, in line with an ECZ recommendation in its 2021 General Election Review Report, will be based on the Census of Population and Housing of 2022.</li> </ul>                                                                                                     |

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| 7  | Involve all stakeholders in the planning process of future reviews of the voter register.                                                                                                                                                                        | VOTER REGISTRATION                               | 5<br>Too early in the electoral cycle to determine | <ul style="list-style-type: none"> <li>• In June 2022, the ECZ launched continuous voter registration in a few districts. However, observer groups were issued accreditations to observe the process in September 2023.</li> <li>• Most recently, CCMG asked the ECZ to install ramps at the voter registration centres to ensure independent access to persons with reduced mobility.</li> <li>• In 2025, the ECZ plans to launch a nationwide voter registration exercise.</li> </ul> |
| 8  | <u>Priority recommendation</u><br><br>Enact a law on political parties stipulating registration requirements and guaranteeing internal party democracy, inclusivity, transparency and accountability, with adequate institutional oversight.                     | REGISTRATION OF CANDIDATES AND POLITICAL PARTIES | 2<br>Action or activity is ongoing                 | <ul style="list-style-type: none"> <li>• Efforts in the past to pass a comprehensive political parties' law have failed.</li> <li>• Ongoing civil society initiatives, supported by the international community, include the drafting proposals for a law on political parties. Despite the ongoing initiatives and some willingness on the part of the government to enact such a law, there is no indication of when this recommendation will be implemented.</li> </ul>              |
| 9  | <u>Priority recommendation</u><br><br>Revise candidacy requirements to enhance the right and the opportunity to stand by ensuring registration fees do not deter participation and are refundable, and removing educational requirements for the right to stand. | REGISTRATION OF CANDIDATES AND POLITICAL PARTIES | 1<br>No change                                     | <ul style="list-style-type: none"> <li>• Implementation of this recommendation requires a constitutional amendment.</li> <li>• All interlocutors are in favour of revising the requirements for candidacy in terms of registration fees.</li> <li>• Most interlocutors are not in favour of abolishing the educational requirements for the presidential and national assembly elections, making this part of the recommendation unlikely to be implemented.</li> </ul>                 |
| 10 | Amend the law to avoid postponement of elections and new nomination processes for already registered contestants due to a resignation, death or disqualification of a candidate.                                                                                 | REGISTRATION OF CANDIDATES AND POLITICAL PARTIES | 1<br>No change                                     | <ul style="list-style-type: none"> <li>• The ECZ has stated that the stipulation calling for fresh nominations has a negative impact on the ECZ's capacity to implement elections and constitutes a heavy financial burden.</li> <li>• There is a consensus among the ECZ, civil society and some political parties on addressing the issue.</li> </ul>                                                                                                                                 |

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|    |                                                                                                                                                                                                                                                                                                                                                                                             |                      |                                        | <ul style="list-style-type: none"> <li>• To initiate the process of legal review regarding this recommendation, the ECZ could draft the proposal to amend article 52.6 of the Constitution.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                             |
| 11 | <u>Priority recommendation</u><br><br>Repeal the Public Order Act and ensure in law adherence to regional and international standards for freedom of assembly, movement and expression.                                                                                                                                                                                                     | CAMPAIGN ENVIRONMENT | 2<br><br>Action or activity is ongoing | <ul style="list-style-type: none"> <li>• The review of the POA is a priority for the government.</li> <li>• At the end of 2023, the Zambia Law Development Commission concluded the review process, including broad stakeholder discussions of the draft Public Gatherings Bill which is foreseen to replace the POA.</li> <li>• The draft of the Public Gatherings Bill 2023 is currently with the Government and awaits submission to the Parliament</li> <li>• The EU EFM recommends the draft to be made accessible to the public to allow for continuous scrutiny.</li> </ul> |
| 12 | <u>Priority recommendation</u><br><br>Remove from the law undue campaign privileges for the President and Vice-President to ensure equal campaign conditions for all candidates.                                                                                                                                                                                                            | CAMPAIGN ENVIRONMENT | 1<br><br>No change                     | <ul style="list-style-type: none"> <li>• No initiatives have been taken to discuss these established privileges publicly, and political parties seem uninterested in pushing for changes to address this inequality.</li> </ul>                                                                                                                                                                                                                                                                                                                                                    |
| 13 | <u>Priority recommendation</u><br><br>Enact a law on campaign finance including reporting requirements for political parties, candidates, and traditional and social media. Mandate standardised, timely disclosure before and after elections. Income and expenditure reports have to be audited by a competent, independent body with investigative, sanctioning, and enforcement powers. | CAMPAIGN FINANCE     | 1<br><br>No change                     | <ul style="list-style-type: none"> <li>• There is no commitment by the government for the implementation of the recommendation and no interest by political parties to discuss campaign finance matters.</li> <li>• Civil society may at some stage propose legislation to address shortcomings in clauses on public funding, campaign spending and auditing.</li> </ul>                                                                                                                                                                                                           |

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| 14 | Protect freedom of expression by repealing the powers of the President to ban publications and by decriminalising defamation in favour of proportionate civil sanctions.                                                                       | MEDIA                                           | 3<br>Partial<br>implementation<br>of<br>recommendation | <ul style="list-style-type: none"> <li>• The recommendation has been partly addressed.</li> <li>• The criminal offence of defamation against the President was removed from the Penal Code.</li> </ul>                                                                                                                                      |
| 15 | Transform state media into a genuine public service outlet by appointing ZNBC's management in a transparent and inclusive manner and establishing legal safeguards for editorial and financial independence, and operational sustainability.   | MEDIA                                           | 1<br>No change                                         | <ul style="list-style-type: none"> <li>• Although the new government immediately replaced the ZNBC's management, there has been no substantial improvement in how the state media function.</li> <li>• There are some initiatives on amending the Independent Broadcasting Authority Act (IBA Act) to regulate also state media.</li> </ul> |
| 16 | Protect freedom of opinion, including voters' informed choice by setting a reasonable limit on the amount of hourly paid political advertising on broadcast media in line with international best practice.                                    | MEDIA                                           | 1<br>No change                                         | <ul style="list-style-type: none"> <li>• Electoral stakeholders agreed that the implementation of this recommendation would contribute to levelling the playing field and provide voters with a plurality of options to make an informed choice.</li> </ul>                                                                                 |
| 17 | Introduce legislation protecting the right to information of public interest.                                                                                                                                                                  | MEDIA                                           | 4<br>Full<br>implementation                            | <ul style="list-style-type: none"> <li>• The Access to Information Act was enacted in December 2023.</li> <li>• The law foresees a two-year period for the establishment of the implementation mechanism.</li> </ul>                                                                                                                        |
| 18 | Amend the legal framework for the ICT sector to prescribe clear and exhaustive criteria for only exceptional blocking or restricting access to Internet, to decriminalise defamation and publication of false content, and to narrow the legal | DIGITAL<br>COMMUNICATION<br>AND SOCIAL<br>MEDIA | 2<br>Action or<br>activity is<br>ongoing               | <ul style="list-style-type: none"> <li>• A review process of the Cyber Security and Cyber Crime Act has been initiated. The Zambia Law Development Commission held a national stakeholder consultation on the draft Cyber Security and Cyber Crimes Bill 2023 proposed by the Ministry of Technology and Science.</li> </ul>                |

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|    | definition of hate speech. Ensure that enhanced transparency and accountability in ZICTA's decision-making process are central to the review.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                                           |                                                                                                                                                                                                                                                           |
| 19 | <p><u>Priority recommendation</u></p> <p>Formalise cooperation between the ECZ, civil society and main social media platforms to develop an efficient mechanism ensuring transparency of online campaigning, including its financing and countering hate speech and disinformation. Civil society in coordination with the ECZ could initiate signing of an agreement ensuring that social media platforms, including Facebook, introduce best practices in Zambia, including engagement with the ECZ, employment of content moderators, and prompt removal of damaging and dangerous content.</p> |                        | <p>5</p> <p>Too early in electoral cycle to determine</p> | <ul style="list-style-type: none"> <li>• The ECZ plans to have meetings with Facebook regional representatives and develop a policy line against disinformation and hate speech.</li> </ul>                                                               |
| 20 | Enhance the right and opportunity for women's equal participation in elections by operationalising the 2015 Gender Equity and Equality Act to promote non-discrimination and wide-ranging affirmative actions.                                                                                                                                                                                                                                                                                                                                                                                     | PARTICIPATION OF WOMEN | <p>1</p> <p>No change</p>                                 | <ul style="list-style-type: none"> <li>• The political will to implement the existing legal framework and bring effective results-driven measures is needed to engage more women in the public space and deepen their democratic participation</li> </ul> |
| 21 | Embed in ECZ regulations clear and transparent procedures for timely and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CIVIL SOCIETY AND      | <p>2</p>                                                  | <ul style="list-style-type: none"> <li>• According to the ECZ, it is currently reviewing the accreditation procedures. However, no information on the</li> </ul>                                                                                          |

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|    | inclusive accreditations of observers, party agents and media, ensuring unhindered access to all aspects of polling, counting and tabulation, including at the national results centre. | INTERNATIONAL OBSERVATION        | Action or activity is ongoing                             | <p>review process and content has been shared with civil society organisations, political parties and media.</p> <ul style="list-style-type: none"> <li>• Domestic observers noted challenges concerning accreditation for by-elections as well as the for the continuous voter registration process.</li> <li>• There is a general request from civil society for a clear, consistent, user-friendly and formalised accreditation process.</li> </ul> |
| 22 | Designate additional suitable in size premises in a timely manner to avoid congestion at and in polling stations, especially in urban areas.                                            | POLLING, COUNTING AND TABULATION | <p>5</p> <p>Too early in electoral cycle to determine</p> | <ul style="list-style-type: none"> <li>• According to the ECZ, it will conduct polling district and polling station delimitation in 2024 to determine the need for increasing the number of polling stations in each polling district. The final list of polling stations will be available after the certification of the voter list.</li> </ul>                                                                                                      |

| Category | Description                                                                                       | Guidance                                                                                                                                                                                          |
|----------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | No change                                                                                         | No action has been taken to implement this recommendation.                                                                                                                                        |
| 2        | Action or activity is ongoing but implementation of the recommendation has not yet been confirmed | Examples may include the formation of a working group to review legislation, or the preparation of a legislative bill of reform, but the change has not yet been confirmed by legislative change. |
| 3        | Partial implementation of recommendation                                                          | The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.                                                                      |
| 4        | Full implementation of recommendation                                                             | The recommendation has been implemented in full e.g. electoral legislation has been amended and all aspects of the recommendation have been addressed.                                            |
| 5        | Too early in electoral cycle to determine                                                         | Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e. strengthening of civic/voter information                                       |
| 6        | Recommendation is no longer relevant                                                              | For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.                                                       |

