







The entire legal framework that was enacted and used for the 2016 general elections was applied for the 2021 general elections, with minor amendments to the Electoral Commission of Zambia Act, 2016,

In 2017, the government drafted the Political Parties Bill, which included provisions to establish a statutory instrument prescribing the maximum amount of money to be used by political parties for campaigns during elections as well as financial audit mechanisms for parties. However, the bill has not been passed by the National Assembly.

## **Campaign Environment**

The election campaign, held between May 14 and Aug. 11, was highly contentious. The prospects of electoral success were limited in practice to the two main political parties (PF and UPND) and their two presidential candidates. This was the third consecutive election in which the two candidates had competed against each other. The personal history of tension and ill will between the two candidates, Lungu and Hichilema, from the previous elections manifested itself again in negative personal accusations, particularly those directed against the UPND challenger, culminating in threats of arrest by the incumbent against the latter.

The overall political atmosphere was tense, and the parties used violence, hate speech, and misinformation, which contributed to the negative overall atmosphere. This highly politically polarized environment was characterized by the opposition's lack of trust in governmental institutions. W

Interlocutors in the traditional media raised the issue of self-censorship, noting the risk of political interference and pressure on journalists, with the potential adverse effect on the freedom of expression.

**Political Participation of Youth, Women, and LGB**

election, videos of in-person campaign events constituted a high proportion of most-viewed content. Consequently, the campaigning opportunities offered by social media failed to compensate for the partisan application of COVID-19 restrictions. Instead, it amplified the unlevel playing field between incumbent and opposition.

A recently expanded legal framework generated significant advantages in favor of the incumbent party. The Cyber Security and Cyber Crimes Act was passed less than two weeks before the election in a rushed process without adequate consultation with civil society. The act imposes stiff penalties, including imprisonment, based on vague and overly broad definitions of false information, harassment, and hate speech, contrary to Article 19 of the International Covenant on Civil and Political Rights (ICCPR)<sup>22</sup>. Consequently, numerous politicians, academics, and civil society leaders exercised a degree of self-censorship. While many nonetheless participated in a lively online campaign, they often perceived they were taking a risk by doing so.

The Data Protection Act, also passed in the leadup to the election, suffers from a similarly vague definition of national security









On July 31, the ECZ issued a press release announcing an investigation to take action against those responsible for the death of two PF supporters in Kanyama, Lusaka.<sup>59</sup> Following that incident, on Aug. 2, the commission suspended indefinitely all UPND campaign activities in the Kanyama constituency, linking alleged perpetrators to the opposition party.<sup>60</sup> Stakeholders were not consulted on while its investigation on the incident was ongoing.<sup>61</sup>

### **Polling and Tabulation Procedures**

Because of [redacted], the EEM deployed two roaming teams in Lusaka on election day, and hence was not able to conduct a robust assessment of the voting, counting, and tabulation processes. In light of this limitation, the EEM's analysis of election day processes in this section relies largely on the findings of the local monitors and international observer missions.

In general, election day was characterized by long queues of voters who waited from early morning to exercise their right to vote, as well as by a large presence of national observers and party agents in the polling stations. COVID-19 social distancing was generally not implemented.

The [redacted] ensure that all voters were able to cast their vote within the legal timeframe of 12 hours appeared insufficient, given the long queues of voters throughout the day and long waiting times. A number of polling stations closed late, delaying the process of counting a

the Constitutional Court Act, 2016 through the gazettelement of the Constitutional Court Rules, 2021. Under the new rules, the need to call witnesses by a petitioner has been lifted, adopting instead affidavit-based evidence for time efficiency.<sup>63</sup> The timeframe for giving reasons for its decision has been provided for by the amendment, and the court must now deliver its decision within 60 days from the last day of the hearing.

Most stakeholders that interacted with the EEM raised concerns about the impartiality and independence of the Constitutional Court, citing its failure to hear the 2016 presidential petition on its merits.<sup>64</sup> Stakeholders questioned the manner of appointment of judges under Article 140 of the constitution, perceived to be abused by the president to appoint friendly judges a practice that continues to compromise the independence of the judiciary.<sup>65</sup>

## **Conclusions**

On Aug. 12, 2021, Zambians turned out in large numbers and stood in line for long periods to exercise their constitutional democratic rights in an election perceived to be highly contentious.

The EEM noted an unlevel playing field that advantaged the ruling party, and a legal framework containing provisions that were applied selectively to narrow political space. Electoral activities by opposition parties were restricted by the enforcement of the ECZ