



Christian Churches Monitoring Group Statement on Observation of the 3 February Parliamentary By-Election in Kabwata Constituency

5 February 2022

I. Introduction

The Christian Churches Monitoring Group (CCMG) observed both the pre-election period and election day for the 3 February 2022 Kabwata Constituency by election which was initially scheduled to take place on 20 January 2022, but was later canceled and rescheduled to 3 February 2022 following the resignation and withdrawal of one of the candidates in accordance with Article 52(6) of the Constitution of the Republic of Zambia¹. In the pre-election period, CCMG recruited, trained and deployed 10 Long-Term Observers (LTOs) and for election day, CCMG recruited, trained and deployed 131 monitors, one at every polling station in Kabwata Constituency. CCMG also deployed 5 ward supervisors who served as mobile monitors on election day. Election day monitors arrived at their assigned polling station at 05:30 hours and remained at their assigned polling station to observe the polling station setup and opening, voting, counting and the official announcement of results for the polling station. The objective of CCMG's by-election project was to contribute to enhanced **transparency and accountability** of the Kabwata Parliamentary by-election by providing systematic factual information on the conduct of the process, and **inclusion** by giving voters the confidence to participate in the electoral process.

II. Pre-Election Assessment

Despite the electoral environment being generally calm and peaceful, CCMG notes with concern three (3) incidents of violence which involved UPND as perpetrators while PF were victims in two incidents and community members in one, and one (1) use of inflammatory and insulting language. These acts violate the Electoral Code of Conduct and CCMG calls on the Electoral Commission of Zambia (ECZ) to enforce the Electoral Code of Conduct and the Police to investigate all acts of politically motivated violence and punish the perpetrators. CCMG also calls on UPND and PF, to immediately take disciplinary action against those members responsible for these acts and for all political parties to ensure that members found perpetrating violence or other violations of the Code face consequences.

¹ Article 52(6) *Where a candidate dies, resigns or becomes disqualified in accordance with Article 70, 100 or 153 or a court disqualifies a candidate for corruption or malpractice, after the close of nominations and before the election date, the Electoral Commission shall cancel the election and require the filing of fresh nominations by eligible candidates and elections shall be held within thirty days of the filing of the fresh nominations.*

Voter education, particularly targeting women, youth, and persons with disabilities, was low with 40% of CCMG's monitors reporting witnessing or hearing of voter information/education activities aimed at youth, 30% reporting witnessing or hearing of voter information/education activities aimed at women, and 10% reporting hearing of voter information/education activities aimed at persons with disabilities. CCMG calls on the ECZ, the District Voter Education Committees (DVEC), civil society organizations (CSOs), and the media to increase their efforts in future elections to provide accessible information to all voters, with a particular focus on marginalized groups and including information on COVID-19 mitigation measures.

III. Election Day Key Findings

Based on reports from CCMG's 131 Election Day Monitors and 5 Mobile Election Day Monitors, CCMG finds that the Kabwata Parliamentary by-elections mostly followed the standard procedures for the set-up, voting and counting processes. All of CCMG's monitors who deployed to polling stations were permitted to observe. At 1% of polling stations, polling officials did not check the fingers of potential voters for indelible ink prior to voting, and at 1% of polling stations, polling officials did not mark one (1) voter's finger with indelible ink prior to voting. At 1% of polling stations, at least one (1) individual voted without the requisite documents (NRC). CCMG further notes that 50% of polling stations did not have Braille Jackets for blind voters while all other required materials were present at the start of voting, and that political party representatives were present in all polling stations. CCMG notes that ECZ officials and stakeholders generally adhered to the COVID-19 protocols, including the use of social distancing in the set up of polling stations (82%) and providing hand washing or sanitizing facilities (93%). These rates are comparable to the rates seen in the 12 August 2021 elections. The use of thermo scanners continues to be low (11% compared to 14% in the Chisamba, Kaumbwe and Lusangazi by-elections in October 2021, and 14% for the 12 August 2021 elections), and CCMG encourages continued and increased adherence to all COVID-19 mitigation measures set out by the ECZ and Ministry of Health.

At those polling stations where there were voters in the queue at 18hrs, all were given an opportunity to vote. PF party agents were present for the counting of ballot papers at 99% of polling stations while UPND party agents were present for counting at 98% of polling stations. In all the polling stations where there were party agents for PF, UPND and other parties or independent candidates, they all agreed with the results, signed the results forms and each was given a copy. At all polling stations, ballot papers were counted at the polling station where they were cast; all ballot papers were shown to all party agents and monitors present so they could see how each ballot paper was marked; all ballot papers were sorted into individual piles by candidate. At 100% of polling stations where PF or UPND party agents were present they agreed with the by-election results. At 9% of polling stations, however, results were not posted at the polling station for the public to see.

IV. Recommendations and Conclusion

CCMG will endeavor to engage with key stakeholders, including the ECZ, the Zambia Police, political parties, media houses and CSOs, to share its findings and key recommendations below:

Electoral Commission of Zambia

- **Electoral Reform:** CCMG was concerned by the postponement of the Kabwata Parliamentary By-Election from January 20 to February 3 due to the withdrawal of a candidate who invoked article 52(6) of the Zambian Constitution, and calls on the ECZ

to urgently engage with stakeholders to kickstart the process for electoral reforms based on identified gaps in the legal framework governing elections in Zambia

- **Code of Conduct Violations:** CCMG calls on the ECZ to actively investigate the following breaches of the Electoral Code of Conduct which occurred during the two weeks preceding the by-election: 3 incidents of politically-motivated violence, and 1 incident of use of inflammatory and insulting language. According to the powers provided in the Electoral Process Act, the ECZ should take action against parties, candidates, and others that violate provisions of the Electoral Process Act. Failure to do so creates an environment of impunity and undermines voter confidence in electoral processes.
- **Accreditation:** CCMG continues to note that the ECZ's accreditation procedures for election monitors are unnecessarily cumbersome, burdensome and complicated, and continues to recommend that the ECZ revise its accreditation procedures in line with international best practices and regional standards that the ECZ is party to, notably the *Principles for Election Management, Monitoring, and Observation in the SADC Region (PEMMO)*. These include the simplification of the accreditation process; elimination of any requirement to provide the polling station where the monitor is to observe; elimination of the required multiple certified documents/application forms; and the elimination of the need to appear in-person for accreditation. Furthermore, CCMG notes that accreditation procedures continue to be applied unevenly by District Electoral Officers and recommends the simplification of these procedures and additional training for District Electoral Officers to enhance the transparency of the electoral process. CCMG further notes, with concern, the limit set on the accreditation of roving monitors for this by-election to one roving monitor per ward per organization, and urges the ECZ to refrain from imposing such limits on election observer groups as such acts threaten to undermine the integrity of an election.
- **Campaign Schedules:** CCMG noted that the ECZ developed and publicised campaign schedules, as it has done in past by-elections. CCMG observed that the publication of campaign schedules appears to have reduced party clashes at campaign events in past elections and therefore the ECZ should continue to work with political parties and the Zambia Police to develop these schedules, post them on accessible platforms including Facebook and the ECZ webpage, and ensure they are followed throughout the campaign period.
- **Posting of Election Results and Online Release:** CCMG notes that the Kabwata Parliamentary By-Election results were not posted at 9% of polling stations for the public to see, and calls on the ECZ to ensure that the results of any election are posted at all polling stations for the public as per standard procedure and for transparency. CCMG further calls on the ECZ to release the results of this and other elections on the ECZ website by polling station in an accessible format.
- **COVID-19 Protocols and Polling Officer Training:** CCMG encourages the ECZ to ensure that its officers are properly trained in COVID-19 mitigation measures throughout the set-up and voting processes, including social distancing, which was not maintained at 18% of polling stations during set-up.

Political Parties

- **Political Violence:** Despite the electoral environment being generally calm and peaceful, CCMG notes with concern three (3) incidents of violence where UPND cadres were the perpetrators, with PF supporters as the victims in two (2) of these incidents and community members in one (1), and one (1) use of inflammatory and insulting language. These acts violate the Electoral Code of Conduct, a trend that was noted during the 2021 electoral process and continues without action by parties. CCMG

strongly condemns the continued lack of action by parties and therefore calls on UPND and PF, to immediately take disciplinary action against those members responsible for these acts and for all political parties to ensure that members found perpetrating violence or other violations of the Code face consequences.

- **Campaign Schedules:** CCMG calls on political parties to continue to collaborate with the ECZ and the Police to develop campaign schedules and to circulate these schedules to their campaign teams and supporters. Political parties should adhere to the agreed-upon schedules and ensure that their members refrain from harassing other parties at their campaign events.
- **COVID-19 Protocols:** CCMG continues to call on political parties to enforce strict adherence to COVID-19 mitigation measures at all their activities, and notes with concern that adherence to these important protocols decreased throughout the campaign period, despite high infection rates experienced across Zambia during the electoral period. CCMG recommends that political party campaign teams appoint an official responsible for enforcing COVID-19 mitigation measures and for educating party members on COVID-19 prevention.

Zambia Police

- **Equitable Provision of Security and Response:** CCMG commends the Police for providing security to contesting political parties and candidates during the campaign period. CCMG however calls on the Police to act quickly and transparently in investigating allegations of violence and ensure that perpetrators are dealt with in accordance with the law, while ensuring that parties and their supporters are able to campaign freely and in accordance with the campaign schedule and not face threats or politically-motivated violence.

Civil Society Organizations

- **Voter Education:** Voter education remains a key component of the electoral process to enhance citizen's participation in the electoral process. As CCMG monitors documented very low voter information/education by CSOs during the campaign, CCMG calls on CSOs to increase and enhance their voter education and information campaigns for future by-elections/electoral processes, particularly those activities targeted to the needs of women, youth, and persons with disabilities. CCMG notes the need to increase sensitization efforts on COVID-19 prevention, including mitigation measures for political and electoral activities by CSOs, in order to enhance compliance by stakeholders participating in electoral processes.

Media

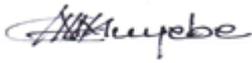
- **Voter Education and Information:** As monitors reported a relatively low level of voter education and information through media, for future by-elections/electoral processes CCMG calls on local media to increase their efforts to provide citizens with accessible information on electoral processes, including sensitizing the public on adherence to COVID-19 mitigation measures at all times during the electoral process.



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Overview of CCMG

The Christian Churches Monitoring Group (CCMG) is an alliance of four faith-based organisations formed to help promote credible elections through non-partisan citizen monitoring. The CCMG partner organisations are Council of Churches in Zambia (CCZ); Evangelical Fellowship of Zambia (EFZ); Jesuit Centre for Theological Reflections (JCTR); and Zambia Conference of Catholic Bishops (ZCCB), formerly the Zambia Conference of Catholic Bishops (ZCCB), through Caritas Zambia. CCMG was founded ahead of the 20th January 2015 presidential by-election. CCMG is a member of the Global Network of Domestic Election Monitors (GNDEM) (<https://gndem.org/>) and conducts all of its observation efforts in conformity with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations (<https://gndem.org/declaration-of-global-principles/>). CCMG is strictly independent and non-partisan. We support no political party or candidate.

Detailed Findings Addendum

A. Detailed Findings from Election Day

Setup and Opening of Polling Stations

- 21% of polling stations were open by 06:00 and all polling stations were open by 06:30;
- At 97% of polling stations an agent for PF was present during opening and setup;
- At 100% of polling stations an agent for UPND was present during opening and setup;
- At 87% of polling stations at least one agent for other parties (not PF or UPND) or for an independent candidate was present during opening and setup;
- At 98% of polling stations a security officer was present during opening and setup;
- At 100% of polling stations the ballot box was shown to be empty before being closed and sealed at the polling station; and
- All polling stations had a voters' register, the correct ballot papers, the official stamp/mark, and permanent/indelible ink for marking voters' fingers.

Voting Process

- At 100% of polling stations election officials stamped ballot papers with the official mark/stamp;
- At 99% of polling stations indelible ink was applied to voters' fingers;
- At 100% of polling stations no one was permitted to vote if they did not have their NRC and Voter's Card with them, if they already had indelible ink on their finger, or if they did not appear in the voters register;
- At 2% of polling stations a few (one to five) eligible voters were turned away and not permitted to vote even though they had their NRC and Voter's Card with them, did not have indelible ink on their finger, and their names were on the voters register;
- At 7% of polling stations a few (one to five) men voted on behalf of an able-bodied woman (not physically disabled); and
- At 1% of polling stations someone (other than polling officials) assisted multiple people to vote.

Counting Process

- At 100% of polling stations all party polling agents present were permitted to observe the counting of ballot papers;
- At 96% of polling stations there was sufficient light during the counting of ballot papers;
- At 99% of polling stations a representative for PF was present during counting;
- At 98% of polling stations a representative for UPND was present during counting;
- At 99% of polling stations a representative for another party (neither PF or UPND) was present during counting process;
- At 100% of polling stations, polling officials showed the ballot papers to all party representatives so that they could see how each was marked;

Party Agents during Counting Process

- At 100% of the polling station where PF party agents were present during the counting process, all agreed with the by election results, signed the results forms, and were issued a copy of the form;
- At 100% of the polling stations where UPND agents were present during the counting processes, all agreed with the results, signed the results forms and were issued with a copy of the form; and

- At 100% of polling stations where an agent for other parties (not PF or UPND) or an independent candidate was present during the counting process, all agreed with the results, signed the results forms and were issued with a copy of the form.

Accessibility of Voting for People with Disabilities

- 50% of polling stations had Braille jackets for blind voters.
- At 50% of polling stations, voters had to go up the stairs to reach the polling station.
- At 98% of polling stations people with disabilities, pregnant women and nursing mothers were allowed to go to the front of the queue

COVID-19 Mitigation Measures

- 93% of polling stations had hand washing/sanitizing facilities. For the 12 August 2021 elections, 95% of polling stations had hand washing/sanitizing facilities.
- At 99% of polling stations ECZ officials were using COVID-19 protective wear, such as masks and sanitizers. For the 12 August 2021 elections, ECZ officials were using COVID-19 protective wear at 99% of polling stations.
- At 82% of polling stations social distancing (1 meter) was maintained between all persons in the set-up for the polling station.
- At 17% of polling stations a thermometer/thermo scanner was used to take the temperature of all persons entering the polling station. Similarly, for the 12 August 2021 elections, 14% of polling stations used a thermometer/thermo scanner to take the temperature of all persons entering the polling station.
- At 3% of polling stations a few people (one to five) were turned away and not allowed to vote as they did not comply with COVID-19 mitigation measures (including use of face masks and handwashing). For the 12 August 2021 elections, at 12% of polling stations a few people (one to five) were not permitted to vote due to noncompliance with COVID-19 mitigation measures.

Participation of Women

- Out of an average of 6 ECZ officials in the polling stations, 4 were women;
- 57% of the polling stations had a female security officer; and
- 57% of party representatives for PF were women, 54% for UPND were women, and other parties' representatives were 76% women.

Election Day Critical incidents

CCMG's monitors reported five (5) critical incidents on election day. In one incident, a CCMG monitor in Chilenje reported an incident of violence outside Valetta Community School where UPND members and PF members clashed after the PF candidate was seen distributing money and other unidentified items to voters to the displeasure of the UPND members. Police intervened and dispersed the crowds, and two (2) people of unknown affiliation were arrested. In another incident, a Presiding Officer at New Kamwala South Primary School was harassed and insulted by PF agents for not allowing more than one agent into the polling station when at least two PF agents attempted to enter the polling station, while in another incident at Kabwata Primary School, a male voter was allowed to vote with a soft copy of an NRC. Another incident was reported at Valetta Community School, PF cadres distributed campaign fliers within 400m of the polling station before they were stopped by the police. In another incident at Kamulanga Secondary School, a polling official was intimidated and harassed by an unidentified individual following a dispute over insufficient light inside the polling station during counting of ballot papers.

B. Detailed Key Findings from the Pre-Election Period

Voter Education/Information

Thirty percent (30%) of CCMG's monitors reported witnessing or hearing of voter education/information by the ECZ and 16% reported witnessing or hearing of voter education/information by the District Voter Education Committee (DVEC). Voter education/information activities by both CSOs and local media was very low with 20% of CCMG monitors witnessing or hearing of voter education by CSOs and 36% of the monitors witnessing or hearing of voter education/information by local media during that period.

The CCMG monitors that either witnessed or heard of voter education activities being conducted by different stakeholders reported that voter education/information targeting marginalised groups throughout the campaign period. Thirty percent (30%) of CCMG monitors reported either hearing of or witnessing voter education targeting women, with 40% hearing of or witnessing voter education activities targeting youth and 10% targeted towards persons with disabilities (PWDs) during the final week of the campaign period.

Election Preparations

A total of 64% of CCMG's monitors reported witnessing or hearing of preparations for the by-elections by the ECZ, while 26% of CCMG's monitors reported having witnessed or heard of training of ECZ officials. These preparations included nominations and accreditation of monitors and party agents.

Political Parties Campaign Activities

CCMG's monitors reported political party campaign activities during, with 68% of CCMG's monitors witnessing or hearing of campaign activities conducted by PF, 72% by UPND, and 66% by other parties (not PF or UPND).

CCMG's monitors reported that throughout the campaign period, security was provided by police at 39% of campaign events by PF, 51% of events by UPND and 38% of events by other parties (not PF or UPND) large enough to require a security presence.

Throughout the campaign period, 16% of CCMG monitors reported that political parties provided COVID-19 supplies (both branded and unbranded), including face masks and hand sanitisers.

During the campaign period, none of CCMG's monitors witnessed or heard of a political party being prevented from conducting a campaign activity due to COVID-19 mitigation measures, nor any use of any government vehicles for campaign activities. CCMG monitors did not report any campaign activities taking place in a prohibited place, or the use of military attire by political party supporters.

Politically-Motivated Violence, Use of Hate Speech and Other Electoral Offences

CCMG notes that there were three instances of politically-motivated violence, as follows:

Political Violence – 6% of the observers reported with 3 incidents. Of the incidents reported, UPND was the main perpetrators/participants in all incidents and PF was the target in two incidents while community members were targeted in one incident.

| Incident | Ward | Constituency | Participants/Perpetrators | Targets | Police Action |
|----------|------|--------------|---------------------------|---------|---------------|
|----------|------|--------------|---------------------------|---------|---------------|

| | | | | | |
|---|-----------|---------|------|---|------------------------|
| UPND youth attacked people who allegedly flashed PF symbols to them during a UPND mini rally. (December 28) | Chilenje | Kabwata | UPND | PF; 3 injuries reported | No known police action |
| A PF cadre was beaten up badly by UPND cadres for insulting them after the nominations event (December 29) | Chilenje | Kabwata | UPND | PF; 1 injured | No known police action |
| UPND supporters allegedly attacked people at Liyayi market during their campaign activity (January 29) | Kamulanga | Kabwata | UPND | Community members; no injuries reported | No known police action |

One observer reported use of insulting and defamatory language during the campaign period.

Inflammatory, defamatory, vulgar, offensive language – 1 observer; The incident was perpetrated by the PF with UPND being the target.

| Type | Ward | Constituency | Participants/Perpetrators | Targets | Police Action |
|--|----------|--------------|---------------------------|---------|------------------------|
| PF supporters insulted and used defamatory language towards the UPND cadres at the nominations centre leading to a violent clash | Chilenje | Kabwata | PF | UPND | No known police action |

Throughout the campaign period, only one observer reported use of a vehicle without number plates for campaign purposes as detailed below.

1 observer with PF involved in 4 incidents, UPND in 1 incident and the Socialist Party in 1 incident.

| Type | Constituency | Province | Party/Candidate |
|--|--------------|----------|-----------------|
| UPND supporters reportedly used vehicles without number plates during their road show. | Chilenje | Kabwata | UPND |

Throughout the campaign period, 10% of CCMG's monitors reported that political parties distributed handouts during the campaigns.

| Type | Ward | Constituency | Perpetrator | Handouts |
|------|------|--------------|-------------|----------|
|------|------|--------------|-------------|----------|

| | | | | |
|---|----------|---------|------|-----------------------------|
| UPND supporters gave out money and merchandise during a campaign activity | Chilenje | Kabwata | UPND | Branded party apparel, cash |
| PF supporters went round the area distributing their merchandise in support of their candidate. | Kamwala | Kabwata | PF | Branded party apparel |
| UPND supporters conducted a door to door activity distributing their merchandise | Libala | Kabwata | UPND | Branded party apparel |

During the campaign period, one observer reported an instance of youth being ferried from outside the constituency for campaign purposes.

| Reason | Ward | Constituency | Party/Candidate |
|--|---------|--------------|-----------------|
| The UPND party candidate ferried supporters from Matero constituency to drum support for his candidature | Kabwata | Kabwata | UPND |

V. Critical Incidents

Critical incidents are incidents that are serious in nature and which are reported immediately by CCMG observers and on which there is follow-up and verification of all available details. All of the critical incidents are cited in the tables under the Detailed Findings section above. In this reporting period, CCMG received a total of four (4) critical incident reports with three (3) incidents of politically-motivated violence, and one (1) incident of a party member or supporter using inflammatory, defamatory, vulgar, offensive or insulting language. These incidents are described in detail below:

Politically-Motivated Violence (3 incidents)

- On December 28, A CCMG observer in Chilenje reported that as UPND youths were conducting a mini road show in Chilenje area of Kabwata Constituency near Green Avocado Shopping Complex, some people around the shopping area flashed PF symbols, an act which annoyed some UPND supporters who later beat up those who flashed PF symbols. Three people were reportedly badly injured as a result of the beating and had to be taken to a hospital. The Observer reported that there was no police action at the time of the incident.
- On December 29, a CCMG observer in Chilenje reported that a PF cadre was beaten and hospitalized at Chilenje Level One Hospital after UPND cadres beat him up shortly after nominations for insulting UPND supporters. No known police action was reported.
- On January 29, a CCMG observer in Kamulanga reported that UPND women supporters attacked a man of unknown affiliation claiming he had provoked them during their campaign activity. No injuries or police action were reported.

Party Member or Supporter Using Inflammatory, Defamatory, Vulgar, Offensive, Insulting Language (1 incident)

- On December 29, a CCMG observer in Chilenje reported that PF supporters insulted and used defamatory language on UPND cadres after the nominations exercise leading to the beating of a PF supporter. No known police action was reported.