



Christian Churches Monitoring Group Statement on Observation of the 21 October National Assembly By-Election in Kabushi and Kwacha Constituencies

For Immediate Release

27 October 2022

I. Introduction

The Christian Churches Monitoring Group (CCMG) recruited, trained and deployed nineteen (19) Long-Term Observers to observe the pre-election environment across all the fifteen (15) wards in Kabushi and Kwacha constituencies ahead of the 21 October 2022 National Assembly by-elections. For election day, CCMG recruited, trained and deployed one hundred sixty-eight (168) election monitors stationed across all the one hundred sixty-eight (168) polling stations in Kabushi and Kwacha constituencies. CCMG's Long-Term Observers also deployed as roving monitors on election day to provide support to their election day monitors, and to report on any critical incidents they witnessed or heard of. CCMG's election day monitors arrived at their assigned polling station by 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. The objective of CCMG's by-election project was to contribute to enhanced **transparency and accountability** of the Kabushi and Kwacha National Assembly by-election by providing systematic and factual information on the conduct of the electoral process, and **inclusion** by giving voters the confidence to participate in the electoral process.

II. Pre-Election Assessment

While the electoral environment was generally calm and peaceful, CCMG noted with great concern an isolated incident of violence involving the Kaputa Member of Parliament (MP), serving as the Minister of Youth, Sport and the Arts, and some unidentified persons on 18 October. It was reported that the unidentified persons attacked the Kaputa MP's entourage, with no arrests made at the time of reporting. We strongly call on the Zambia Police to investigate the incident and ensure that perpetrators are dealt with according to the law.

CCMG also notes with concern multiple acts of voter inducement involving UPND officials as well as the current Minister of Youth Sport and Arts in support of the party's parliamentary candidates. This act is in violation of Section 15 1 h (iii) of the Electoral Code of Conduct. We call on the ECZ to proactively investigate the said violations and enforce Section 15(2) of the Code of Conduct.

Voter education targeting special interest groups, women, youth, and persons with disabilities, was low with only 25% of CCMG's monitors reporting having witnessed or heard of voter

information/education activities aimed at youth, 5% reporting witnessing or hearing of voter information/education activities aimed at women, and 11% reporting witnessing or hearing of voter information/education activities aimed at persons with disabilities. CCMG calls on the ECZ, the District Voter Education Committees (DVEC), Civil Society Organisations (CSOs), and the media to increase their efforts in future elections to provide accessible information/education to all prospective voters, with a particular focus on marginalised groups.

While the ruling party may be free to appoint its members who are Ministers as campaign managers or members of campaign teams, Ministers, when appointed, must take unpaid leave to ensure that they are not drawing a salary for the time they spent serving their party and not the people of Zambia. We call upon the Secretary to the Cabinet to make public any leave granted to the Minister of Sport, Youth and Arts to transparently demonstrate if the Minister was indeed not paid for the period spent campaigning for UPND candidates in the Copperbelt Province.

III. Election Day Key Findings

Based on reports from CCMG's 168 Election Day Monitors and 19 Long-Term Observers, CCMG finds that the Kabushi and Kwacha National Assembly by-elections followed the standard procedures for the set-up, voting and counting processes. All of CCMG's monitors who were deployed to polling stations were permitted to observe. However, CCMG is concerned with continuing inaccurate understanding of requirements for access to polling stations for accredited monitors by a number of ECZ poll staff in both Kabushi and Kwacha. Two (2) duly accredited CCMG monitors were initially not allowed access to their assigned polling stations with Presiding Officers requiring letters from the local Council in addition to the ECZ accreditation badge, which is not required. CCMG has documented these issues throughout multiple electoral cycles and calls on the ECZ to take immediate steps to rectify this lack of understanding of procedures by ECZ Presiding Officers.

At 100% of the polling stations, polling officials checked the fingers of potential voters for indelible ink prior to voting and marked the voters' fingers/thumbs with indelible ink prior to voting. At 100% of polling stations, no one voted without the requisite documents (NRC and voter ID) or had ink on their finger. CCMG further notes that 43% of polling stations did not have Braille Jackets for blind voters while all other required materials were present at the start of voting.

At those polling stations where there were voters in the queue at 18hrs, all were given an opportunity to vote. UPND party agents were present for counting at 98% of polling stations and at 80% of polling stations a polling agent for another party was present for counting. In all the polling stations that had party/candidate agents present, party/candidate's agents 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 1 polling station, official results were not posted outside for the public to see.

CCMG has compared polling station results data for 72 of 77 polling stations in Kabushi and 90 of 91 polling stations in Kwacha. This analysis shows results reported by CCMG's monitors

are consistent with the ECZ results at these polling stations and that there is no evidence that results were manipulated.

IV. Recommendations and Conclusion

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

Electoral Commission of Zambia

- **Code of Conduct Violations:**

- **Violence and Insulting Language:** A group of unidentified people attacked Minister of Youth, Sport and Arts, Mr. Nkandu and his entourage on 18 October who at the time visited Zambia compound ground at Field of Life polling station. This group of unidentified persons stoned his vehicle and insulted him. Some members of the community gathered to intervene while the attacking group fled the scene once the police were called. No arrests were made, and no one was hurt in the incident. CCMG calls on ECZ, the Police and other law enforcement agencies to proactively investigate matters relating to violations of the code of conduct. CCMG also documented instances of use of insulting language by unidentified people against UPND members on 18 October.
- **Distribution of Money and Goods:** CCMG noted several violations of the Electoral Code of Conduct by candidates and their supporters, particularly the UPND. CCMG monitors reported having heard of UPND party officials distributing money and food items to residents in Ipusukilo ward in Kwacha constituency on 20 October as an inducement to vote for the UPND candidate in the Kwacha National Assembly by-election. CCMG's monitors also reported having heard of UPND officials that were part of President Hakainde Hichilema's entourage on 20 October distributing K50s and chitenge materials to residents of Kwacha constituency in Musonda ward in support of the UPND candidate in the Kwacha National Assembly by-election. CCMG observers also witnessed the use of state vehicles and vehicles with no number plates as part of this entourage being used for party activities. CCMG monitors also reported UPND party members distributing K100s to residents after holding their meeting in Nkana East's Lubwa ward on 20 October. The money was distributed to residents who attended the meeting in support of the UPND candidate. Further, On Wednesday 19 October at Kwacha centre in Kwacha ward of Kwacha constituency, CCMG monitors heard of the current Minister of Youth, Sport and Arts distributing money (K50 per person) to residents of Kwacha in order to get them to vote for the UPND in the 21 October parliamentary by-elections in Kwacha constituency. In light of this, CCMG reiterates its call for strict enforcement of the Code of Conduct by ECZ and for the ECZ to take a proactive role in stopping and sanctioning these practices.

- **Accreditation:** CCMG commends the Electoral Commission of Zambia for extending the validity of accreditation cards issued to election monitors/observers and party agents prior to the suspension of the two elections. However, CCMG continues to call on the ECZ to codify the rights of monitor/observers in the legal framework to observe elections and to enhance the training of poll staff to include standard accreditation requirements in accordance with the recommendations and best practices submitted by CSOs in February 2022.
- **Monitor Access:** CCMG noted with concern the different understanding of access requirements for monitors/observers and party agents. According to the Electoral Process Act No. 35 of 2016 and as amended in 2019, ECZ issues accreditation to monitors/observers and party agents and it is the accreditation that grants monitors/observers access to polling stations. In two (2)¹ polling stations, CCMG monitors were denied access to polling stations despite being duly accredited and in possession of valid accreditation cards. In all instances, ECZ poll staff either demanded stamped letters from Ndola and Kitwe Councils or an oath of affirmation, neither of which are required.
- **Campaign Schedules:** CCMG noted with concern the restriction of campaigns necessitated by the President and Vice President's campaign activities outside of the agreed to campaign schedule. CCMG is aware that the extended presence of the Head of State and the Vice President in Kabushi and Kwacha was cited as one of the reasons the two independent candidates in the by-election initially withdrew their candidature pursuant to Article 52(6) but later rescinded their decision. We urge the UPND to respect the campaign schedule, including for campaign events by the Head of State and the Vice President to facilitate an equitable campaign environment. Furthermore, we recommend removing undue campaign privileges for the President and Vice President from the Public Order Act to ensure equal campaign conditions for all candidates.
- **Polling Station Names:** CCMG noted several duplicate polling stations names which create confusion for voters and monitors/observers and party agents on election day. CCMG raised this issue during the 2021 elections and recommends that the ECZ examine its list of polling station names and provide unique names for all polling stations for easy identification.

Political Parties

- **Candidate Nomination and Participation of Women, Youth and PWDs:** CCMG noted adherence to nomination procedures by both ECZ and aspiring candidates in Ndola and Kitwe Districts. CCMG further noted the youth participation as independent candidates, however, CCMG remains concerned with the lack of participation of women and PWDs in the Kabushi and Kwacha National Assembly by-election. We call on political parties to take practical steps towards creating an enabling environment to facilitate the participation of women, youth and PWDs in future elections.
- **Inducement of Voters:** CCMG documented acts of voter inducement involving distribution of chitenge material, money and food items to residents of Ipusukilo ward, Musonda ward and Nkana East, and Lubwa ward in Kwacha constituency by UPND

¹ Lubuto Primary School-01 and Lamb of God Christian School-01.

party officials. CCMG calls on the UPND and other political parties and candidates to refrain from acts of voter inducement, which is in violation of the electoral law.

Zambia Police

- **Equitable Provision of Security and Response:** CCMG recommends that Zambia Police provides equitable security to all political parties and candidates during campaigns. The Police must continue working with ECZ, political parties and candidates in developing campaign schedules which prove to minimise instances of parties clashing during campaigns. Further, as CCMG has noted previously, the Police should enforce the Public Order Act in line with African and international human rights standards and must act swiftly and with the same energy when dealing with violations involving all political parties and independent candidates without any special treatment for the ruling party. CCMG urges the Zambia Police Service to investigate, arrest and charge perpetrators involved in the attack and use of hateful language against the Minister of Youth Sport and Arts resulting in the damage of his vehicle.

Civil Society Organisations

- **Voter Education:** Civil Society Organisations (CSOs) should play a critical role in providing civic and voter education. Fifty-six (15%) of CCMG's monitors confirmed having witnessed CSOs providing civic and voter education in the district. CCMG urges CSOs to step up their efforts in future elections for increased voter turnout and to help ensure informed voting.

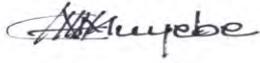
Media

- **Voter Education and Information:** 44% of CCMG's monitors reported having witnessed voter education/information disseminated by the media. CCMG requests that both local and national media provide civic voter education to voters in Kitwe and Ndola Districts. Further, CCMG urges the public media to ensure equality in their political programming so that all participating political parties/candidates are provided fair coverage and a platform for public outreach.

Conclusion

CCMG noted with concern the inconsistencies surrounding the eligibility of PF candidates in both Kabushi and Kwacha and the subsequent court rulings which did little to provide clarity for stakeholders and voters. CCMG is of the view that the Zambian Constitution in the current form lacks clarity, thereby undermining citizen confidence in critical democratic processes. CCMG reiterates its call on the government to expedite the process of constitutional reform to avoid the inconsistencies witnessed in the Kabushi and Kwacha National Assembly by-elections. CCMG calls on the ECZ to proactively take up the recommendations provided by CCMG and other stakeholders to improve the transparency, inclusivity and accountability of Zambia's elections. CCMG commends the voters who exercised their democratic rights in the 21 October by-elections and thanks its monitors for their dedicated service in enhancing the transparency, inclusivity and accountability of Zambia's electoral processes.

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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

- 100% of the polling stations were open by 06:30. 20% of polling stations opened by 06:00 and 80% polling stations opened between 6:01 and 06:30;
- At 11% of the polling station, an agent for PF was present during the opening and setup; At 97% of polling stations an agent for UPND was present during opening and setup; while 53% of polling stations an agent representing other parties or independent candidate was present during opening and setup
- At 100% of polling stations a security officer was present during opening and setup; the ballot box was shown to be empty before being closed and sealed at the polling station; and 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 100% 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 1% 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 4% of polling stations a few (one to five) men voted on behalf of an able-bodied woman (not physically disabled); and
- At 100% of polling stations, no one (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 95% of polling stations there was sufficient light during the counting of ballot papers;
- 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 5% 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 85% of polling stations a representative for other parties/ independent candidates was present during counting;
- At 100% of the polling stations where party agents representing other parties or independent candidates were present during the counting processes, all agreed with the results, signed the results forms and were issued with 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

Accessibility of Voting for People with Disabilities

- 57% of polling stations had Braille jackets for blind voters.
- At 65% of polling stations, voters had to go up the stairs to reach the polling station
- At 95% of polling stations people with disabilities, pregnant women and nursing mothers were allowed to go to the front of the queue

Participation of Women

- There was an average of 5 ECZ officials in the polling stations, 3 were women;
- 57% of the polling stations had a female security officer; and,
- 55% of party representatives for PF were women, 56% of party representatives for UPND were women, and other parties/independent candidates' representatives were 73% women.

B. Detailed Key Findings from the Pre-Election Period

Voter Education/Information

Voter education, particularly targeting women, youth, and persons with disabilities, was low with only 25% of CCMG's monitors reporting witnessing or hearing of voter information/education activities aimed at youth, 19% reporting witnessing or hearing of voter information/education activities aimed at women, and 11% reporting witnessing or hearing of voter information/education activities aimed at persons with disabilities. CCMG calls on the ECZ, the District Voter Education Committees (DVEC), Civil Society Organisations (CSOs), and the media to increase their efforts in future elections to provide accessible information to all voters, with a particular focus on marginalised groups.

Election Preparations

41% of CCMG's Long-Term Observers reported having witnessed or heard of election preparations by the ECZ, while 43% reported having witnessed or heard of training of ECZ officials.

C. 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.

CCMG received four (4) critical incident reports in the pre-election period as follows:

- On October 18, a CCMG observer reported an incident where a group of unidentified people attacked minister of Youth Sport and Arts, Mr. Nkandu and his entourage who at the time visited Zambia compound ground at Field of Life polling station around 15 hours where a group of unidentified persons stoned his vehicle and insulted him. Some members of the community gathered to intervene while the attacking group fled the scene once the police were called. No arrests were made and no one was hurt in the incident.
 - On October 19, at Kwacha centre in Kwacha ward of Kwacha constituency CCMG monitors heard of the current Minister of Youth Sport and Arts distributing money (K50 per person) to residents of Kwacha in order to get them to vote for the UPND parliamentary candidate in the 21 October National Assembly by-elections in Kwacha constituency.
 - On October 20, CCMG observers in Kwacha reported witnessing UPND officials distributing money and food items to residents of Ipusukilo ward in Kwacha constituency as an inducement to vote for the UPND candidate in the Kwacha National Assembly by-elections. On the same date, a CCMG observer reported witnessing UPND party members distributing K100s to residents of Nkana East's Lubwa ward after holding their meeting there. The money was distributed to residents who attended the meeting. Further, on the same date, CCMG's monitors reported having witnessed UPND officials that were part of President Hakainde Hichilema's entourage distributing K50s and chitenge materials to residents of Kwacha constituency in Musonda ward.
 - On October 20, CCMG observers in Kabushi reported having witnessed UPND officials using state vehicles during campaigns when President Hakainde Hichilema visited Kabushi constituency to drum up support for UPND candidates. Similarly, other UPND officials were seen using more than ten (10) vehicles without number plates on the day.
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