



Civil Society Reflections of the Year 2022 and Expectations of the Year 2023-Zambia's Road to Legal Reforms

For Immediate Release

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We, the undersigned civil society organisations (CSOs), have observed that very few women participated in these elections as candidates, due to the low adoption of women as candidates by political parties. The Zambia National Women's Lobby has indicated that from the 31 by-elections that took place in various parts of the country in 2022, only 11 women participated; three of whom were elected as ward councillors. The small number of women who participated as candidates in the by-elections is indicative of the further reduction in women's participation in the electoral processes of the country.

Subsequently, this year we the undersigned CSOs expect more women to take an active role in the electoral processes of the country. This can only be achieved if the challenges that affect women's participation in electoral processes are addressed. The different electoral stakeholders must play a role in ensuring that the environment is conducive for women's participation. Political parties must take a lead role of ensuring that women are also adopted as candidates.

We are of the view that the law pertaining to the filing in of fresh nominations when a candidate withdraws from an impending election, as provided in Article 52(6) of the Constitution, increases the challenges faced by female candidates. In most cases, female candidates do not have adequate financial resources for all the requirements of an election.

Despite the huge resources and human effort that have been spent in the promotion of an inclusive governance system in Zambia, it is still the same old story for youth and persons with disabilities who desire to participate in the governance of our great nation. They continue to face huge barriers in their individual and collective desire to meaningfully participate in our political dispensation. Major barriers include negative attitudes, limited financial capacity, inaccessible physical environments, and the poor support from political stakeholders and citizens.

Over the years, a lot has been said and done to try and change this detrimental narrative, but little has been achieved thus far. For as long as key stakeholders do not realize that creation of an inclusive electoral system is a moral obligation for all citizens, the current status quo

will continue. It is our fervent hope, that we will see greater commitment from the Electoral Commission of Zambia (ECZ) and other key stakeholders, towards addressing all barriers that continue to hinder political participation of traditionally marginalised groups.

The undersigned organisations wish to pay tribute to government for not only listening to the advocacy by CSOs and citizens to create an enabling environment regarding effective participation and respect of human rights by taking practical steps to reform some draconian laws. In addition, the ruling party appears to be trying to adhere to its campaign promises.

The process of repealing and replacing the Public Order Act (POA) cannot be over emphasized. The “Public Gatherings Bill” meant to replace the POA, which underwent various consultations, is a positive step for our democracy. While we commend the government for this gesture, we hope that the final product reflects the will and aspirations of the Zambian people. Additionally, we also observed the continued culture of obstructing divergent political views and freedom of expression by supporters and or sympathizers of the ruling party including the use of law enforcement to stifle these freedoms. Further, a safe and conducive environment for media to play its role effectively during elections is desirable. Media and journalists become victims of violence for providing platforms to competing political parties or candidates. We therefore call for stiffer punishment for those undermining the role of the media and for police to play their role effectively in protecting safety of journalists. We therefore call upon the Zambia Police to be more vigilant and protect all the citizens irrespective of their political inclinations and or persuasions as long as they are exercising their rights within the ambit of the law. The further wish to call upon the police going forward to remain impartial and professional in the administration of the Public Order Act.

We further note with grave concern the inertia and lack of a roadmap regarding the reform of the Electoral Process Act (EPA) and the Republican Constitution. We are taken aback by the lack of commitment on the part of the government to release a comprehensive roadmap on the Constitution and EPA reform processes. We therefore call on the Minister of Justice to immediately release a comprehensive reform roadmap.

In support of the independence of key institutions of governance such as the ECZ, we call for enhanced transparency and inclusivity in the appointment of its commissioners. There is need for an appointment procedure which allows for public advertisements of positions and public interviews and vetting. Further, we the undersigned organisations would like to place on record the urgent need for the enactment of access to information legislation. It is acknowledged that the process of developing the legal framework is in progress, but we believe there is a need to expedite the finalisation.

We view access to information as critical for citizens to hold state and non-state actors accountable for the decisions and choices they make on behalf of the people. Access to information has the capacity to further entrench Zambia’s democracy as it will allow citizens to make informed decisions when assessing the performance of public officials. Access to information is also an important instrument in the fight against corruption, as it increases

democratic accountability and transparency, identifies, and exposes corrupt activities, and allows for participation in the development of anti-corruption policies and laws.

The government has nothing to fear with the passing of access to information legislation. We believe that the government will benefit from a citizenry that has access to information as that will enable everyday citizens to alert law enforcement and other actors of any maleficence, especially in managing public resources.

Additionally, government should provide adequate resources to the Judiciary and Anti-Corruption Commission in order to ensure a genuine fight against corruption in all its forms. Equally support to the Judiciary will enhance access to justice for electoral disputes brought before the courts of law. It is in the nation's interest that electoral disputes are disposed of within reasonable time as this will help build public confidence in the Justice system. We would like to take this opportunity to caution other two arms government against interference with the Judiciary for political expedience.

We the undersigned we continue to objectively provide checks and balances even when it will not be fashionable to do so. Our role is to ensure respect for the rule of law, respect for the constitution, true separation of the three arms of government, transparency in the governance system and citizen's participation in the governance of the country.

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Bishop Andrew Mwenda

CHAIRPERSON - CCMG STEERING COMMITTEE

For and on behalf of;

Action Aid Zambia,

Alliance for Community Action,

Bloggers of Zambia,

Center for Young Leaders in Africa-Zambia,

Chapter One Foundation,

Christian Churches Monitoring Group

Foundation for Democratic Process,

Governance, Electoral Advocacy and Research Services Initiative Zambia,

Media Institute for Southern Africa-Zambia Chapter,

Operation Young Vote,

Transparency International-Zambia,

Zambia Centre for Interparty Dialogue,

Zambia Federation for Disability Organisations, and

Zambia National Women's Lobby