Zambia

Zambia is at a political crossroads after President Levy Mwanawasa died in August 2008. Largely credited with Zambia’s economic recovery, including growth of more than five percent per year since 2002, Mwanawasa had also undertaken several positive steps to address the AIDS crisis in the country.

Presidential elections in October 2008 to choose Mwanawasa’s successor resulted in a narrow victory for his former vice president, Rupiah Banda of the Movement for Multi-Party Democracy (MMD). In his inaugural speech, Banda announced that Zambia would continue its pro-market economic policies and anti-corruption programs, work to attract foreign investment, and strive to become a middle-income country by 2030.

Presidential Elections

Voter turnout was markedly low, with only 45 percent of registered voters going to the polls. The Electoral Commission of Zambia (ECZ) announced that Banda won 40 percent of the contested vote against 38 percent for his closest rival, opposition Patriotic Front (PF) leader Michael Sata. The bulk of support for Banda and the MMD came from rural areas, where the MMD subsidized fertilizer supplies to enhance food security prior to the elections. Support for Sata, who ran on an anti-poverty ticket and led the polls during the first two days of counting, came from urban voters, particularly in the capital Lusaka and the Copperbelt.

The Southern African Development Community (SADC) electoral observer mission declared the elections free and fair, and the Foundation for Democratic Process (FODEP), a local electoral watchdog—described the results as consistent with the findings of their observers at polling stations. However, Sata accused the MMD of rigging the vote, citing irregularities such as late voting in two constituencies in Western Province. The Electoral Commission said this was the result of the late
arrival of electoral staff and ballot papers due to transportation problems. Sata also alleged that the MMD had inflated the figures in its favor in the party’s stronghold areas, citing inconsistencies between vote tallies and the number of registered voters. Refusing to accept the result, the Patriotic Front launched a legal challenge and demanded a recount in 78 of the 180 constituencies.

There was heavy police presence, especially in Lusaka, to pre-empt violence, given that the 2006 general elections saw violent clashes involving police and PF supporters in Lusaka and the Copperbelt after results from rural constituencies indicated that Mwanawasa would win those elections.

Minor riots erupted in the Copperbelt and in a couple of townships in Lusaka, after an ECZ update on the evening of November 1 indicated that Banda was likely to win the presidential race. In Lusaka, opposition protestors reportedly looted and burned makeshift shops and stoned motor vehicles. The police used teargas to disperse the protestors and arrested 14 opposition party members who have since been charged with riotous behavior and conduct likely to breach peace.

**Constitutional Reform**

Zambia is undergoing a constitutional review process, initiated in 2002, to address serious gaps in its 1996 constitution, such as the absence of protections for economic, social, children’s and women’s rights in its associated Bill of Rights. The new draft constitution rectifies these shortcomings but there has been much controversy on the review process.

The MMD government has opposed holding a constitutional conference, arguing that it would be too costly, given that a national referendum would be expected to follow. The government has insisted that Parliament is the most appropriate body to adopt the new constitution. While, the opposition—mainly PF and the Oasis Forum, an alliance of NGOs and churches—has demanded that the new constitution be adopted by a conference to avoid any possible manipulation by the party in power, and to ensure the widest possible popular support.
In response, the MMD government pushed through the controversial Constitutional Conference Act in August 2007, which set up a standing National Constitutional Conference, (NCC) but which also expanded presidential powers and bypasses a constitutional requirement for a national referendum at the end of the consultative process. However, the Oasis Forum has dismissed the NCC as unconstitutional. Opposition leader Michael Sata instructed PF members of parliament not to participate in the NCC and subsequently dismissed 26 Patriotic Front MPs who joined it.

**Civil and Political Rights**

Zambia’s Human Rights Commission reported in 2007 that unlawful deprivation of life; unlawful detentions, poor and life-threatening prison conditions, police brutality, and torture continue to be everyday occurrences in Zambia’s police cells and prisons. The chair of the Commission, Pixie Yangailo, also said people are generally subjected to unacceptable delays in receiving justice due to lack of resources and capacity.

The Zambian government has restricted the right to freedom of expression, especially in relation to the NCC. This has included threats against journalists critical of the NCC, such as in 2007 when Mwanawasa warned critics that challenging the National Constitutional Conference Act amounted to treason.

**Sexual and Gender-Based Violence**

Sexual and gender-based violence (SGBV) against women and children is a major endemic problem in Zambia, especially in Lusaka and the Copperbelt, fueling the country’s HIV pandemic and impeding women’s access to HIV treatment.

According to both a June report by Zambia’s chapter of Women in Law and Development in Africa (WILDAF) and the Victim Support Unit (VSU)—the police unit that addresses abuses against women and children—the true national extent of sexual and gender-based violence in Zambia is unclear due to lack of reporting by victims and survivors. Despite this, the VSU received reports between January and August 2008 of 65 rape and 626 child rape cases in Lusaka alone.
While a 2005 amendment to Zambia’s penal code made child rape punishable by a maximum penalty of life imprisonment, the country currently has no specific SGBV legislation, and provisions in the penal code do not criminalize marital rape and psychological abuse, among other shortcomings. In a positive development, the Ministry of Justice, in collaboration with a number of NGOs, is working on a draft SGBV bill, which is expected to be presented to Parliament during its January 2009 session.

In 2008 Zambia established six new one-stop centers to provide comprehensive legal, medical, and counselling services to victims and survivors of SGBV, with funding from the United States Agency for International Development. The centers were expected to be fully operational in November. The Young Women’s Christian Association, in collaboration with other NGOs and the government, has also scaled-up the operations of the existing one-stop SGBV center in Lusaka.

While chair of the Southern African Development Community in 2007, Zambia, along with several other countries, opted to defer for further national consultation adoption of the SADC Gender and Development Protocol due to apparent controversy over criminalizing marital rape, among other matters. In August 2008 SADC finally adopted the Protocol.

**HIV/AIDS**

The AIDS pandemic continues to devastate Zambia’s population. According to United Nations estimates, HIV prevalence in Zambia was 13.1 percent in 2007. Although this represents a reduction in prevalence from one year to the next, in real terms an estimated extra 182,228 people were living with HIV in 2007 because of population growth. Prevalence of HIV among pregnant women in 2007 was estimated to be 19.3 percent. Meanwhile, access to antiretroviral treatment in Zambia has improved, according to the UN, from 82,030 in 2006 to 151,000 in December 2007.

**Key International Actors**

Under Zambia’s SADC chair tenure between August 2007 and August 2008, the situation in Zimbabwe was the most prominent regional issue. Mwanawasa was one
of a small number of regional leaders prepared to criticize the conduct of Robert Mugabe’s government, unlike several other SADC leaders who remained silent. In May the UN Human Rights Council examined the human rights situation in Zambia under its Universal Periodic Review mechanism. While commending Zambia’s high-level representation and the quality of its presentation and national report, the Council noted a series of violations, particularly concerning the rights of women and children.