

AFRICAN UNION  
الاتحاد الأفريقي

---



UNION AFRICAINE  
UNIÃO AFRICANA

---

**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE  
12 AUGUST 2021 GENERAL ELECTIONS IN ZAMBIA**

**STATEMENT OF PRELIMINARY FINDINGS**

**14 AUGUST 2021**

## INTRODUCTION

1. The Republic of Zambia held its general elections on 12 August 2021, the 7th since the reintroduction of multiparty politics in 1991. As such, the country enjoys an enviable track record of regularly conducting democratic elections in keeping with its national and international obligation<sup>1</sup>. It has also remained relatively stable since attaining independence in 1964.
2. Following an invitation from the Government of Zambia and as part of its mandate to deepen democratic governance in Africa, the African Union (AU) deployed a Short Term Election Observation Mission (EOM) on 4 August 2021. The Mission which comprised 30 observers, four (4) independent electoral experts and a technical team was led by His Excellency Dr. Ernest Bai Koroma, former President of the Republic of Sierra Leone, who was assisted by H.E Dr. Speciosa Naigaga Wandira Kazibwe, former Vice President of the Republic of Uganda, and Amb. Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security.
3. The AU Election Observation Mission (AUEOM) assessed Zambia's 2021 general elections against its continental obligations for democratic elections contained in the 2007 African Charter on Democracy, Elections and Governance (ACDEG), the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the 1981 African Charter on Human and Peoples Rights (ACHPR) and other relevant international instruments, as well as Zambia's national legal framework governing elections.
4. The AUEOM undertook its activities in accordance with the 2002 AU Guidelines for Elections Observation and Monitoring Missions and the 2005 Declaration of Principles for International Election Observation. In this regard, it conducted a two-day briefing for its observers and held consultations with key electoral stakeholders, including the Electoral Commission of Zambia (ECZ), political parties and candidates, security agencies, representatives of civil society organisations, media, Diplomatic Corps among others.

---

<sup>1</sup> Art. 56(1) of Zambia's 2016 Constitution; Art.17 of ACDEG; Art.3(4)of ACHPR; Art.25(b) of ICCPR

5. This Statement is preliminary and presents the Mission's main observations and findings of the electoral process thus far. It is issued while tabulation and announcement of election results are ongoing. Therefore, this is not an overall and final assessment of the electoral process. The Mission will continue to observe the results management process and resolution of electoral disputes, and will issue a final report which will contain detailed recommendations for improvement of future elections in Zambia.
6. The main findings of the Mission include:

### **Political context of the Elections**

7. The AUEOM notes that the 2021 general elections took place against a backdrop of heightened political tension in the country that can be traced back to the 2016 disputed elections, where post-election violence resulted in the arrest and detention of several opposition members.
8. The tense political situation was compounded by a shrinking economy which was exacerbated by the global Covid-19 pandemic that has resulted in increased socio-economic inequalities and social disenchantment by citizens.
9. Evidence of the heightened political situation in the country can be seen from the spate of violence, hate speech and misinformation reportedly carried out by political parties supporters, particularly those from the Patriotic Front (PF) and the United Party for National Development (UPND), during the election campaigns. Concerns over the increased spate of violence prompted the deployment of the military for the first time during an electoral process. The AUEOM notes that this deployment elicited mixed reactions from stakeholders, with some viewing it as needed to ensure law and order, while others, mainly opposition parties, were skeptical about the intention for the deployment of the military during the elections. However, since their deployment, the Mission has not received any report of human rights abuse by the military.
10. Sixteen (16) candidates contested the presidential election, but the political landscape is dominated by two major political parties, the PF led by incumbent President Edgar Lungu and the UPND led by

Hakainde Hichilema. This was the third time in a row that the two candidates competed against each other, with the previous two decided by narrow margins.

11. The AUEOM notes that the results of both the 2015 and 2016 presidential elections were disputed by the UPND.

### **Legal Framework**

12. The 2021 elections were conducted under a legal framework made up of the 2016 Constitution (as amended 2019), the Electoral Processes Act of 2016 (as amended 2021), the Electoral Commission Act of 2016 (as amended 2021), the Societies Act (Chapter 119), the 1991 Local Government Election Act, and the 1955 Public Order Act. Other important regulations which governed the elections include the Standard Operating Procedures (SOPs) Against Covid-19.
13. The Mission notes that, after the 2016 general elections, several reforms were made, including amendments to the Electoral Process Act, which extended the right to vote to prisoners, and amendments to the Electoral Commission Act, which entrenched the security of tenure of electoral commissioners.
14. The Mission notes concerns by several stakeholders of the selective application of the 1955 Public Order Act during the 2021 elections, particularly against opposition parties. In the same vein, the opposition complained about the administration of the Covid-19 pandemic SOPs by State agencies, which they deemed as discriminatory and used to curtail their freedoms of movement and assembly.

### **Election Administration**

15. The Electoral Commission of Zambia (ECZ), an autonomous body established under Article 229 of the Constitution, is the sole body mandated to facilitate, conduct and supervise electoral processes.
16. The ECZ commenced the preparations for the 2021 General elections with the delimitation of constituencies and wards, compilation of new voters' register using biometric systems, the nomination of candidates, civic and voter education, and accreditation of observers, among others. The Mission notes that

the ECZ carried out these activities on time and per its electoral calendar.

17. However, the Mission received reports from some stakeholders about inadequate consultation and provision of information by ECZ in the implementation of key electoral processes, which undermines public trust and confidence. It also notes concerns about the restriction to five (5) domestic monitors per organization in each constituency, which impede these organizations' ability to comprehensively monitor the electoral process.

### **Voter Registration**

18. The ECZ compiled a new voters' register using biometric systems from 9 November and 20 December 2020. At the end of the registration exercise, a total of 7,023,499 voters were registered, which is about 83.5% of projected eligible persons.
19. While the Mission was informed that the previous voters' register was outdated and contained an estimated 1.4 million deceased persons, concerns were raised over the accuracy and credibility of the new register. Stakeholders' call for an independent audit of the new register to assess its comprehensiveness and accuracy were dismissed by the ECZ because there is no provision for this in the legal framework and that the register had already been exhibited and certified.
20. The ECZ's stance regarding the concerns about the accuracy and credibility of the voters' register contributed to deep distrust between it and the opposition parties and some civil society organisations.

### **Campaigns**

21. Campaigns were held between 14 May and 11 August 2021. The AUEOM acknowledges efforts made by political parties to adhere to Covid-19 restrictions in adopting alternative campaign strategies such as door-to-door and virtual campaigns, to prevent the spread of the virus.
22. The AUEOM notes reports from stakeholders that campaigns were marred by politically motivated violence which, in some instances, prompted the ECZ to suspend or bar some candidates from

campaigning. The AUEOM condemns acts of violence during elections as this is a violation of human rights and also has implications on effective participation.

### **Inclusion in Electoral Processes**

23. Following the Constitutional Court ruling in 2017 (216/CC/0013) for prisoners' right of vote to be upheld, about 20,000 eligible inmates were registered and allowed to vote in the 2021 elections. The Mission commends Zambian stakeholders for taking exceptional measures to enfranchise prisoners.
24. Although Zambia has an enabling legal framework for women's political and social inclusion, their participation in the 2021 electoral process was low. For instance, women constituted only about 6%, 21%, and 12% in the presidential, parliamentary and council chairperson elections, respectively.
25. However, the AUEOM noted that the running mates for the two major parties are women and that they formed the majority (52.7%) of registered voters in the 2021 elections.

### **The Media Environment**

26. Zambia's Constitution guarantees media freedom and access for all citizens, especially during election campaigns. The country has a diverse and pluralistic media profile, with over 40 radio stations, over 10 newspapers, more than a dozen television stations, and an active social media landscape.
27. Despite this diversity, the media landscape remains polarised along political party lines. The campaign period witnessed a noticeable increase in hate speech, misinformation, and cyberbullying through various media channels.
28. The election coverage by the public broadcaster, Zambia National Broadcasting Corporation (ZNBC), was perceived by some stakeholders as biased in favour of the ruling party.
29. The AUEOM notes the passage of the Cyber Security and Cyber Crimes Act in March 2021 in response to increasing cybercrimes. However, concerns were raised by stakeholders on its potential adverse effect on the freedom of expression and right to privacy.

### **Role of Civil Society Organisations**

30. The AUEOM notes the active participation of Civil Society Organizations (CSOs) in the electoral process. To enhance the credibility and transparency of the electoral processes, the ECZ accredited several CSOs which deployed monitors across the country on election day.
31. The Mission learned that due to the Covid-19 pandemic, accreditation was restricted to five (5) monitors per constituency for each organization which limits their ability to comprehensively monitor the voting process. Additionally, the new accreditation requirements involving notarized forms and in-person presence were deemed costly and time-consuming.

### **Electoral Dispute Resolution**

32. The Mission notes the establishment of various election-related dispute resolution mechanisms such as the Conflict Management Committees, the Local Government Elections Tribunals (LGETs), the High Court, and the Constitutional Court.
33. According to Article 103 of the Constitution, election petitions for presidential results must be determined by the Constitutional Court within 14-days of the filing of the petition. This timeframe is deemed by most stakeholders as insufficient to hear and determine a petition on its merits.

### **Covid-19 Preventive Measures**

34. The Covid-19 pandemic was a key challenge to the electoral process. However, the Mission notes that the ECZ and other stakeholders put in place preventive measures to ensure that Zambians participate safely in the process. These measures include the development of Standard Operating Procedures (SOPs) Against Covid-19, optimization of digital platforms for voter sensitisation, the mandatory wearing of masks at the polls, social distancing, and hand sanitizing/washing. However, on Election Day the Mission observed these measures were not systematically adhered to.

## ELECTION DAY OBSERVATION

35. The AUEOM deployed 30 observers in seven of the ten provinces<sup>2</sup> across the country where they observed opening, voting, closing and counting procedures. The Mission visited a total of 249 polling stations of which 73% (181) were in urban and 27% (67) in rural areas.
36. *Poll Atmosphere:* The AUEOM reported that the atmosphere on Election Day was peaceful and calm with no incidents of violence witnessed. Although long queues were observed throughout the day, they were largely orderly, except in a few isolated cases where the crowd was rowdy.
37. *Polling Staff and Materials:* All polling stations visited by AU observers had the full complement of six (6) staff, of which, on average four were women. Materials were also available in sufficient quantities. The use of Biometric Voter Identification Devices (BVIDs) in polling stations with high numbers of registered voters expedited the verification process.
38. *Polling Procedures:* Election Day procedures, including the display of ballot boxes, verification and inking of voters, ballot stamping, sealing of ballot boxes, reconciliation and counting, provision of copies of the polling station voters list to party agents among others, were largely adhered to and conducted in a transparent manner.
39. *Secrecy of the Ballot:* 95% (236) of the polling stations visited by AU observers were laid out in an appropriate manner that ensured the secrecy of the ballot. However, in a few cases (13), the secrecy of the ballot was compromised due to the limited space and overcrowding.
40. *Facilitation of the Right to Vote:* The AUEOM observed that priority was given to persons with disabilities (PwDs), the elderly, expectant, and nursing mothers. Additionally, assistance was provided to voters who required such support. Braille jackets/ tactile ballots were made available to persons with visual impairment.

---

<sup>2</sup> Lusaka (4 teams), Southern Province (2 Teams), Central Province (1 Team), Eastern Province (1 Team), Copperbelt (2 Teams), North Western (1 Team) and Western Province (1 Team) excluding the Core Team.



41. *Accessibility:* 42 polling stations visited were not accessible to voters on wheelchairs due to poor levelling of the ground and in other instances, crowds obstructed the entrance.
42. *Oversight:* The presence of PF and UPND party agents was observed in all polling stations visited, while agents for Socialist Party and independent candidates were seen in a few stations. AU observers reported a high number of monitors in all visited polling stations. They also reported that result sheets were posted outside the polling stations and party/candidate agents were provided with copies.
43. *Poll opening and closing Time:* Most polling stations visited opened on time, with only a few opening late because the polling officials were waiting for party agents to arrive and delay in setting up polling stations. The majority of the polling stations visited (12 out of 18) did not close on time (18:00). However, all voters who were on the queue at the time of the closing of polls were allowed to vote.
44. *Security Personnel/Agents:* The presence of the police was observed in all stations visited and their conduct was professional. The presence of the military was not observed at polling stations visited, except in two stations during closing.

## **CONCLUSION**

45. Despite reports of the unlevelled playing field and politically motivated violence during the pre-electoral period, and Covid-19 related challenges, in general, AUEOM observers reported that Election Day operations were conducted in a peaceful, transparent and professional manner.
46. The AUEOM commends the people of Zambia for their clear enthusiasm and determination to peacefully express their will through the ballot box. The Mission calls on all stakeholders to remain peaceful and calm while awaiting the announcement of final results by the Electoral Commission of Zambia. The Mission urges all political leaders and their supporters to not undertake any action that will undermine the peace and stability of the country.

## **RECOMMENDATIONS**

47. In the spirit of cooperation and commitment to strengthening democratic processes in Zambia, the AUEOM offers the following preliminary recommendations for consideration by stakeholders:

### **To the Government of Zambia**

- Urgently undertake measures to address underlying factors of increasing tension and politically motivated violence through inclusive dialogue and engagement with other stakeholders.
- Review the period provided for determining election petitions for presidential elections to allow sufficient adjudication time.
- Prosecute perpetrators of election-related violence and other forms of political coercion.
- Create enforcement mechanisms for ensuring that state resources (both human and material) do not serve partisan interests.

### **To the Electoral Commission of Zambia (ECZ)**

- Enhance transparency and trust in the electoral process and ensure the ECZ is widely perceived to be a credible institution by adopting proactive engagement measures with stakeholders particularly opposition parties and CSOs.
- Review the process of accreditation to facilitate the participation of observers, monitors and party agents to enhance the transparency and credibility of the electoral process.
- Review the number of voters allocated per polling station to ease the problem of long queues and congestion.
- Adopt and publicize transparent procedures for the tabulation, transmission, and announcement of results.

### **To Political Parties**

- Refrain from acts of violence, hate speech, incitement, and intimidation of opponents during the electoral process.

- Adopt affirmative actions aimed at increasing participation and representation of women, especially in leadership positions.
- Channel any disputes on the process or its outcomes through appropriate dispute resolution mechanisms as provided for in the law.

### **To the Media**

- The media, particularly the public broadcaster, should ensure equal access and unbalanced election coverage to all political parties and candidates.
- Strictly adhere to ethical reporting standards, including fact-checking systems to combat fake news and misinformation on the elections.

### **To Civil Society Organisations**

- Improve collaboration with ECZ and other stakeholders to enhance the transparency and credibility of the electoral process.

### **Security Agencies**

- Remain impartial and professional throughout the electoral process.

Issued in Lusaka, Zambia on 14 August 2021

**H.E. Dr. Ernest Bai Koroma**  
**Head of AU Election Observation Mission**  
**(Former President of the Republic of Sierra Leone)**