



13th October 2011

JOINT PRESS STATEMENT OF THE AFRICA PROGRAMME OF THE INTERNATIONAL COMMISSION OF JURISTS AND THE LAW ASSOCIATION OF ZAMBIA ON THE ZAMBIAN 2011 TRIPARTITE ELECTIONS

The Africa Programme of the International Commission of Jurists (ICJ) and the Law Association of Zambia (LAZ) jointly undertook the monitoring and observation the Zambian 2011 tripartite elections, which were held on 20 September 2011. Monitoring and observation of the Zambian elections covered the period before, during and after the elections. Approximately 120 monitors and observers were deployed within the Lusaka and Copperbelt provinces of Zambia to monitor all actions and processes in and around polling stations, totaling centres and the result centre.

The observation of elections aimed at monitoring and establishing the extent to which human rights and the rule of law were respected before, during and after the Zambian 2011 elections. Electoral observers and monitors particularly focused on assessing the effective realization or violation of the following human rights norms and rule of law principles:

- Right to vote
- Right to be elected
- Right to bodily integrity
- Right to and freedom of information
- Freedom of expression and opinion
- Freedom of assembly and association
- Fairness of the electoral administration
- Promptness and effectiveness of the electoral complaint process
- Access to justice and remedies in the context of elections
- Judicial independence in the context of elections

Based on the reports for ICJ and LAZ electoral monitors and observers deployed on the ground, the ICJ and LAZ have made the following findings and formulated some recommendations, which will help to enhance the promotion and protection of human rights and the rule of law in the context of elections, not only in Zambia, but also in other African and SADC states.

The ICJ and LAZ observed that the campaign period was generally calm, with a few minor incidents. The peaceful campaign environment before the Election Day was overshadowed by some violent protests in Lusaka and the Copperbelt regions during and after the elections as well as before the announcement of the results. During the campaign period, freedom of assembly was generally respected and civil society groups played a positive role in stimulating political debate and free expression of candidates and voters. There were also incidents where

some parties openly encouraged distrust in the electoral system by promoting suspicion of election preparations, particularly the system for the electronic transmission of results.

The ICJ and LAZ also found that freedom of expression and of the press were generally respected across the country. The ICJ and LAZ however observe that in the Months running up to the elections, the State Owned and Government controlled media institutions totally blacked out opposition Political Parties and other stake holders critical of the Movement for Multi - Party Democracy (MMD) Government with the coverage of critical sectors of society being limited to negative and sometimes defamatory coverage. Thanks to the sponsorship of a series of programmes by the Electoral Commission of Zambia (ECZ) and local Non-Governmental Organisations (NGOs), the main candidates and parties gained access to the state-owned television channel, Zambia National Broadcasting Corporation (ZNBC) TV although this coverage was limited to the two weeks before the election. It is significant to note that in its television and radio services, ZNBC failed to maintain a balance between candidates in key areas such as news bulletins, and there was some bias in favor of the then ruling party, Movement for Multiparty Democracy (MMD). Even though the private media provided greater access to opposition candidates and parties, some of these media were biased in disfavor of the ruling party.

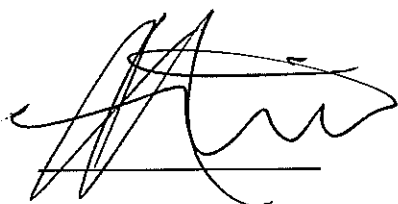
The ICJ and LAZ noted that the Election Day generally started and proceeded well, despite some delays to the start of voting due to the late arrival of essential election materials in some polling stations. The electoral environment was largely peaceful, although there were a few incidents of disorder linked to the late opening of some polling stations. Despite some isolated incidents witnessed in a few polling stations, the overall atmosphere in Zambia during the election period was peaceful, with Zambian voters diligently exercising freely their right to vote.

The ICJ and LAZ would like to remind all the stakeholders that the right and freedom of information also implies the duty of the media to provide to the public news that is genuine and verified. In this regard, the ICJ and LAZ recommend that in future elections, the media should exercise circumspection in the coverage of elections particularly as it relates to the release of unverified and speculative information that may have an effect on the right of the voters to make an informed choice of their prospective leaders.

The ICJ and LAZ also observed that opinion polls were used as tools for propaganda by political parties and the basis of these opinion polls was highly doubtful looking at the final outcome of the elections. The ICJ and LAZ therefore wish to implore all the relevant stakeholders to put in place the criteria for the conduct of opinion polls during campaign periods. The release of opinion polls should also be regulated to avoid the manipulation of the voting public through the release of biased opinion polls.

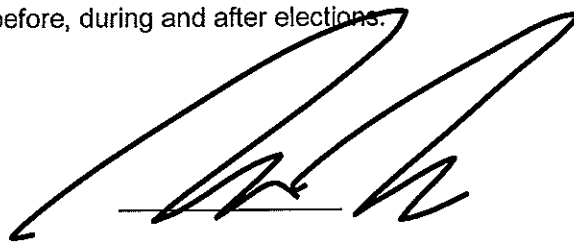
The ICJ and LAZ also noted that ECZ largely performed its election management duties in a relatively independent manner, and managed to establish constructive relations with major electoral stakeholders. However, some polling stations were not served with electoral materials in time and the electoral education provided by ECZ did not always reach the most rural and/or remote areas of the country. The results of the various constituencies steadily showed the genuine expression of the vote of the people of Zambia.

Overall the ICJ and LAZ are generally satisfied at the respect and protection of human rights and the rule of law with which the Zambian 2011 Tripartite Elections were conducted. The ICJ and LAZ find in the Zambian elections and particularly the peaceful transfer of power a good lesson to be learned by other African and SADC countries. They recommend that the Republic of Zambia, SADC and African states make more efforts to ensure that all people, particularly the most unprivileged such as the disabled, illiterates and people living in rural areas are truly empowered to exercise their fundamental rights before, during and after elections.



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