

1.3 Zone benefitting from the Action

The Action shall be carried out in Zambia, which is included in the list of ODA recipients.

2 RATIONALE

2.1 Context

During the last years, the scope of EU support to democratic institutions has been enlarged, actively and positively engaging with all 3 branches of the government: executive, judicial and, recently, with the legislative. The Action will complement/ build on ongoing/ planned initiatives (notably Democracy Strengthening in Zambia, (*DSZ*), the EU- Germany funded Enabling Access to Justice, Civil Society Participation and Transparency (*EnAct*) and Parliaments in Partnership – (*Inter – Pares*).

Access to Information (ATI)

ATI is a basic human right that guarantees everyone the equal access to information and documents related to the management of public affairs. For over 20 years there have been attempts to introduce such a law in Zambia. A window of opportunity opened with the arrival of the New Dawn government – ATI being one of its priorities – as well as with the ATI enactment becoming a condition under the IMF programme. After over 2 years of intensive works, on the 22nd of December 2023, the Parliament of Zambia enacted the ATI Act, prescribing its effective implementation within two years of its commencement. The law designated the Human Rights Commission (HRC) as the national oversight institution on matters relating to access to information and the Ministry of Information as responsible for monitoring and reporting to the HRC on compliance by information holders with respect to their obligations under the Act. In order to meaningfully play its oversight role, the HRC needs to redefine its mandate and structure, to put in place the right mechanisms and build capacities of internal and external stakeholders. Also the Ministry of Information needs to develop the right structures and procedures to comply with the law. However, provided the law passed after the 2024 budgetary sitting (September 2023), no financial envelope was provided for its implementation in 2024. The government requested the support of cooperating partners. USAID programme “Open Spaces” stepped in, working mainly with the Ministry of Information, while the support from EU will focus predominantly on the HRC. Depending on the speed of these internal changes, the preference for piloting the implementation of ATI would be a Ministry/ Agency within the area of Critical Raw Materials (CRM).

Exercise of democratic mandates by rights holders and duty bearers

Previous EU Election Observation Missions (EU EOM)⁴ offered a number of recommendations to improve electoral and more largely democratic processes, landscapes and institutions. Some of the recommended reforms have a long-term character, beyond one electoral cycle, requiring regular political dialogue and building adequate readiness for change – both political and institutional (eg. Electoral reforms, profound statutory body reforms of political party bills). Numerous state actors play a role in the process (the Electoral Commission (ECZ), National Assembly (NAZ), Judiciary, line ministries, including Justice and Home Affairs, etc.). Willingness and action to change may sparkle directly from the concerned institutions, but may also be a result of public advocacy campaigns of local CSOs. CSOs play a pivotal role in the electoral/democratic processes being an effective and efficient counter-balance for any non-democratic tendencies. Strong domestic observation and CSOs post-electoral follow-up remain crucial to ensure a good conduct and legitimacy of the electoral process before, during and after elections.

Duty bearers

Currently, with the financial support of the DSZ project (finishing in December 2024), preparations for some electoral reforms are ongoing within ECZ. Although the initial declarative timelines for reforms were targeting the end of 2024, it seems the process may take longer (with a risk of politisation). Also, at this stage, the full scope of the reforms is not clear. The ECZ is a very important but not the only actor concerned – some other reforms are

⁴ EU has been sending EU Election Observation Missions to Zambia since 2006 General Elections