

Zambia

Internet freedom in Zambia improved during the coverage period, with no physical attacks against or prison sentences for users in connection with their online activity. However, government efforts to control online spaces continued, with new disclosures about surveillance, accusations of connectivity restrictions, and plans for online media manipulation.

Freedom of expression and other fundamental freedoms are also restricted offline. Members of the opposition are targeted for arrest and harassment, and freedom of assembly is not always respected. In December 2018, the Constitutional Court ruled that President Edgar Lungu can seek a third term in the 2021 presidential election, despite the constitutionally mandated two-term limit.

header2 Key Developments, June 1, 2019 - May 31, 2020

- In July 2019, Parliament banned internet service providers (ISPs) from imposing expiration dates on data bundles sold to internet users, reducing the cost of internet access (see A2).
- In February 2020, internet users in Southern Province experienced a two-day connectivity disruption amid nationwide political tensions, with members of the opposition United Party for National Development (UPND) alleging that the government had implemented the restriction (see A3).
- In April 2020, journalists revealed a plan by the governing Patriotic Front (PF) to create a media intelligence unit staffed with bloggers and hackers who would shape the online media environment (see B5).
- Internet users were arrested for their online activities throughout the coverage period, in some cases facing charges of defaming the president. However, in an improvement from previous years, no one was sentenced to imprisonment for online activity (see C3).
- The Zambian government has relied on the Chinese technology company Huawei to access the phones and Facebook pages of opposition bloggers and restrict opposition news sites (see C6).

Opposition party members alleged that a two-day connectivity disruption in Southern Province amid nationwide political tensions was politically motivated. The internet remains prohibitively expensive for most Zambians, though internet providers are now barred from setting expiration dates on data bundles purchased by subscribers. Vodafone, which had received a license to provide internet services, cancelled plans to enter the market.

A1 1.00-6.00 pts 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	1.001 6.006
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Zambia was among the early adopters of the internet in sub-Saharan Africa with the installation of dial-up and satellite technology at the University of Zambia in the

early 1990s, though access has grown slowly since then. As of December 2019, there were over 9.2 million internet users in Zambia, a penetration rate of 52.8 percent, according to the Zambia Information and Communications Technology Authority (ZICTA). The vast majority of internet users in Zambia rely on mobile internet subscriptions.¹ Estimates from the International Telecommunication Union (ITU), however, identify an internet penetration rate of 14.3 percent as of 2018.² A 2018 survey conducted by ZICTA showed that 14 percent of mobile phone users used smartphones, and 71 percent of smartphone users accessed applications such as WhatsApp, Facebook, Twitter, and Messenger.³

Despite increasing access, internet connection speeds are still slow, with average download speeds of 12.67 Mbps on mobile and 12.49 Mbps on fixed broadband as of May 2020.⁴ In April 2019, then minister of transport and communications Brian Mushimba announced that fifth-generation (5G) technology for mobile networks would soon be introduced.⁵

Additionally, the “Smart Zambia” plan aims to develop ICT infrastructure to bolster the economy and ultimately make the country’s ICT sector globally competitive. Huawei was contracted to upgrade Zambia’s state-owned mobile tower network for 5G in May 2019, though no progress has been made as of May 2020.⁶

Continued development of information and communications technology (ICT) infrastructure in the country should increase access. In 2017, the second phase of a project to construct communications towers across the country was launched, involving the construction of 808 new communications towers and over 1,000 2G, 3G, and 4G wireless stations. The tower project is a component of the Smart Zambia project, and the towers—developed by Huawei—aim to increase mobile voice coverage to almost 100 percent and data service coverage from 5 to 40 percent.⁷

Meanwhile, the government’s Universal Access Fund has helped pay for more than 1,000 base stations countrywide, increasing mobile coverage to 92 percent of the population.⁸ As of March 2020, over 650 of the towers had been built, with the remainder planned for completion by the end of the year.⁹ Other initiatives by technology companies, internet service providers (ISPs), and mobile providers are expected to increase mobile broadband penetration, including the deployment of WiMax (worldwide interoperability for microwave access) wireless broadband, LTE, 5G, and fiber to the premises (FTTP).

According to the Inclusive Internet Index 2020, Zambia ranks 90th when it comes to internet availability index (quality and breadth of available infrastructure required for access and the levels of internet usage) out of 100 countries.¹⁰

A2 1.00-3.00 pts 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	1.001 3.003
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Access to the internet in Zambia is still prohibitively expensive for some people, particularly among marginalized rural communities and lower-income individuals. During the coronavirus pandemic, many people have lost their jobs or have had their salaries cut, negatively impacting their ability to access the internet.

The high costs of ICT ownership, digital literacy, and access to internet services remain major barriers to access for many people, especially in rural areas.¹¹ During the coverage period, Zamtel was the most affordable ISP, offering daily 1 GB internet bundles at 12 kwacha (\$0.82) per day.¹² According to Cable, a UK-based telecommunications company, Zambia ranked 56 out of 230 countries based the average price of 1 GB of data in 2020, at \$1.36 in Zambia.

Despite the introduction of less-expensive social bundles (data for social media) and free Facebook, affordability remains a concern for many Zambians. According to the World Bank, as of 2015, 58 percent of Zambia's population lived below the international poverty line of \$1.90 per day.¹³ According to the Inclusive Internet Index 2020 report, Zambia ranks 83 out of 100 countries surveyed in affordability (cost of access relative to income and the level of competition in the internet marketplace). The country ranked 71st in the report's Readiness Index, which looks at the capacity to access the internet, including skills, cultural acceptance, and supporting policy.¹⁴

Other mobile companies offer promotional data plans, such as social bundles that allow users unlimited access to social media platforms for a daily, weekly, or monthly period. Internet freedom advocates have criticized the practice of charging internet users different rates to access different content and services for violating the principle of net neutrality, though the promotions encourage internet use and help expand access in low-income areas. Airtel also offers Facebook Free Basics, which allows users to access a simplified version of Facebook for free and enables access to a few other websites such as Wikipedia, WikiHow, AccuWeather, Go Zambia Jobs, the Mobile Alliance for Maternal Action, and a women's rights group.¹⁵ Zambia was the first African country where Facebook launched this free service in 2014. In 2017, MTN Zambia launched Facebook Flex, a service that allows subscribers on the MTN network to access the full version of Facebook for free.¹⁶

In July 2019, Parliament adopted a motion to prohibit internet providers from prescribing expiry dates on data bundles to protect consumers and enhance digital inclusion.¹⁷ As a result, all three mobile service providers are now offering expiry and non-expiry data bundles to their customers.¹⁸ Consumer advocates have complained that the non-expiry bundles target high-income individuals because of the pricing structure.¹⁹

While access to ICTs is steadily increasing, rural areas have lagged behind due to the high costs of hardware and software, poor network coverage, and high levels of illiteracy. The government and service providers have invested few resources toward expanding ICT infrastructure in rural areas. Erratic and expensive electricity presents an additional obstacle to access in rural areas, where less than 6 percent of residents had access to electricity as of 2018.²⁰ Consequently, there is a significant urban-rural divide in mobile network coverage and internet access.

Progress on increasing access to ICTs was threatened by a government announcement in August 2018 that web-based communications platforms like Facebook Messenger, WhatsApp, Skype, and Viber would be taxed, following a model similar to Tanzania and Uganda's controversial social media tax in effect since July 2018.²¹ If implemented, the tax would cost users 30 ngwee (\$0.02) daily.²² Officials argued that the tax would help raise much-needed government revenue, while critics objected to what they viewed as the government seeking to bolster dwindling public coffers with a tax on free expression online.²³ The announcement came a month after the government had publicly assured citizens

that it would not introduce a tax on social media.²⁴ Due to fierce opposition from civil society and social media users, it is unlikely that the proposal will be implemented.

A3 1.00-6.00 pts 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	4.004 6.006
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Score Change: The score declined from 5 to 4 due to a two-day interruption in internet access in Southern Province, a stronghold of the opposition party, that may have been political motivated.

The internet was inaccessible for two days in the Southern Province of the country in February 2020, with outages reported on February 19 and service restored on February 21.²⁵ Government authorities attributed the blackout to seasonal rains.²⁶ The blackout took place as Zambia was experiencing the worst political tension in recent years, following mysterious incidents of people being gassed in their homes and killings of people suspected to be behind the gassing by members of the public.²⁷ Hakainde Hichilema, leader of the opposition United Party for National Development (UPND), predicted on February 19 that the government would accuse the UNPD of perpetrating the attacks and seek to arrest Hichilema himself.²⁸ As Southern Province is a UNPD stronghold and Hichilema's home region, ²⁹ UPND officials have speculated that the Southern Province shutdown was politically motivated.³⁰ Misinformation about the attacks circulated broadly online (see B5).³¹

The last major network disruptions occurred after the disputed presidential election in August 2016, when mobile broadband networks were reportedly disrupted for between 48 and 72 hours in regions that challenged the results, including the Southern Province, which led to strong suspicions of deliberate government interference.³² The outage followed protests that erupted among opposition supporters who accused the electoral commission of voter fraud. Two mobile providers—MTN and Airtel—confirmed the disruptions but did not explain them, leaving it unclear whether the outage was ordered by the government.³³

Partial state ownership of the country's fiber backbone and state control over connections to the international internet may enable the government to restrict connectivity at will.³⁴ As a landlocked country, Zambia's national fiber backbone is provided by three operators: the state-owned Zamtel, the state-owned ZESCO,³⁵ and the privately owned CEC Liquid Telecom. Zamtel operates the fiber-optic connection to two international submarine cables: the West African Cable System (WACS) and the South Atlantic 3 (SAT-3).³⁶ MTN and Airtel lease access to the undersea cables from Zamtel, while MTN also connects directly to the Eastern Africa Submarine Cable System (EASSy).³⁷ There are three internet exchange points (IXPs) in the country, which are owned by the Hai Corporation, CEC Liquid Telecom, and ZESCO. According to a 2013 report from the *Zambian Watchdog*, an online investigative journalism outlet, the location of one of the IXPs, which is reportedly housed in the same building as Zamtel in Lusaka, may further enable government influence over domestic internet traffic.³⁸

A4 1.00-6.00 pts 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the	5.005
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diversity of service providers?	6.006
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For the most part, the diversity of service providers is not limited by significant legal or economic obstacles, although the mobile service provider Uzi has stated that licensing issues contributed to the delay in the launch of its operations. The subscriber base in the country continues to grow as service providers introduce new products to the market and the government grants licenses to new entrants.

Zambia's ICT sector is one of the fastest growing in the country, playing a significant role in agriculture, health, media, mobile banking, governance, and education. The Zambian market for ISPs is competitive with over 20 registered, three of which are also the country's mobile service providers: MTN, Airtel, and Zamtel.³⁹

In June 2020, after this report's coverage period, Uzi Mobile informed ZICTA that it would not be entering the mobile market, despite previous plans to become Zambia's fourth mobile service provider. The company had postponed the launch of its services several times, citing licensing issues with the government and continued infrastructural work. In November 2019, Uzi Mobile had requested another extension, stating it wanted to roll out 5G as opposed to 4G, for which the spectrum was originally allocated. The company was given a final extension up to May 2020.⁴⁰ ZICTA had granted a mobile license to Uzi Mobile in March 2018.⁴¹

Vodafone lost its license to provide internet services in September 2019, after shareholders failed to inject sufficient capital.⁴² The company first entered the internet-data market in 2018,⁴³ when it was granted a license to begin offering voice-over-data service.⁴⁴ ZICTA said that Vodafone was not technically and financially capable of meeting the obligations of the terms and conditions of the licence. The company had invited bids from interested buyers. Many Vodafone subscribers took to social media to complain that the company continued to sell data bundles and other products while aware that it was not financially sound.⁴⁵

In 2017, the cabinet approved the introduction of a new converged licensing framework, which decentralized the provision of network and service licenses and is expected to enhance competition and ultimately lower tariffs.⁴⁶

All internet and mobile service providers are privately owned, with the exception of Zamtel, which was renationalized in 2012 under former president Michael Sata.⁴⁷ Sata's predecessor, former president Rupiah Banda, had privatized the company.⁴⁸ While Zamtel has the smallest share in the mobile market,⁴⁹ it has historically commanded a much larger share of internet subscriptions.⁵⁰ It is also the only mobile operator that offers landline telephone service. MTN is the dominant player among mobile service providers, with 44 percent of the mobile market, followed by Airtel with 39.7 percent, and Zamtel with 15.9 percent, as of May 2018.⁵¹

A5 1.00-4.00 pts0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	2.002 4.004
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The independence of the national regulatory bodies that oversee service providers is undermined by the legal framework that guides their activities. ZICTA is the main regulatory body for the ICT and postal-service sectors, established under the

Information and Communication Technologies Act of 2009⁵² and the Postal Services Act of 2009.⁵³ ZICTA is nominally an independent and autonomous body.⁵⁴ However, both acts provide opportunities for the minister of transport and communications to interfere with its operations.

The minister of transport and communications oversees ZICTA's activities and appoints the members and chairperson of the ZICTA board.⁵⁵ The ZICTA board was dissolved in November 2019.⁵⁶ When asked about the regulator operating without a board in January 2020, Mutote Kafwaya, the minister of transport and communication, said he had "the authority to function as a board in its absence" and would appoint a board within 90 days of the dissolution.⁵⁷ As of August 2020, Kafwaya had not nominated new board members. The minister is also entitled to issue general directives, which the regulator is obligated to carry out.⁵⁸

Some internet content is also regulated by the Independent Broadcasting Authority (IBA), which oversees the enforcement of regulations in broadcast programming, including content that television and radio stations make available online.⁵⁹

No content was blocked during the coverage period, but Facebook users claimed that groups supporting the opposition were removed. A news report disclosed that the ruling Patriotic Front (PF) intends to create a media intelligence unit to shape the online media environment. Government officials and agencies took harsh stances against social media accounts impersonating authorities and false information online, threatening prosecution.

B1 1.00-6.00 pts 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?	6.006 6.006
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There was no evidence of blocking of political or social content during the coverage period. Websites and social media and communications platforms such as YouTube, Twitter, Facebook, WhatsApp, Instagram, and international blog-hosting services were freely available.

The government has restricted online content in the past. During the August 2016 election period, tests conducted by the Open Observatory of Network Interference (OONI) and Strathmore University's Centre for Intellectual Property and Information Technology Law (CIPIT) found that 10 different websites were consistently inaccessible, though the tests were inconclusive regarding whether the sites were blocked.⁶⁰ The sites affected included a forum on drugs, a pornography hub, and a dating website for LGBT+ people, which may have been linked to the prohibition of homosexuality under Zambia's Penal Code.⁶¹

In 2018, a parliamentary committee on media, information, and communications technologies submitted a report before the parliament stating that neither ZICTA nor the Independent Broadcasting Authority (IBA) had the authority to regulate the use of social media platforms. The committee chairperson said, "regulatory agencies [should] devise means of regulating and censoring of undesirable content on social media and not to shut down social media since they have no capacity to regulate them." Critics have noted that if the report is adopted by the parliament, it would mean that the government cannot block platforms via ZICTA and the IBA, though authorities would still be able to block sites without the intervention of regulatory

agencies.[62](#)

Zambia was the first country in sub-Saharan Africa to censor online content in 1996,[63](#) when the government demanded the removal of a banned edition of the *Post* from the newspaper's website by threatening to hold the ISP, Zamnet, criminally liable for the content.[64](#) There were no other reported incidents of internet censorship until 2013, when four independent online news outlets—Zambia Watchdog, Zambia Reports, the Barotseland Post, and Radio Barotseland—were blocked for nine months, apparently for their critical coverage of the ruling PF under former president Sata.[65](#)

B2 1.00-4.00 pts0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?	2.002 4.004
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The government has been known to censor content by directing online media editors to remove material considered problematic or offensive upon request.

In May 2020, a popular Facebook group called ZNBC Top Stories was removed from the platform for unknown reasons. The group's users supported opposition leader Hakainde Hichilema, referring to him by his nickname, Bally. Many of the users, who formed new groups with similar names, have alleged that that ZICTA closed the group because of its support for Hichilema.[66](#) In July 2020, after the coverage period, a Facebook group with a similar name also reported being removed.[67](#)

There has only been one removal request from the Zambian government to Google since the company began publishing its transparency reports. The request was in December 2015, for impersonation.[68](#)

To address the proliferation of fake Facebook accounts (see B5) that had been created under the president's name and those of senior officials in government, the ruling party and government officials have been issuing threats and warnings to social media users. A ZICTA representative announced in February 2020 that 2,000 Facebook pages impersonating prominent Zambians were removed in 2019, though the claim has not been verified.[69](#) In March, ZICTA warned bloggers, WhatsApp and Facebook group administrators, and editors and reporters with social media-based platforms not to report fake news related to the coronavirus pandemic. The regulator said it would collaborate with police to arrest those who disobeyed the directive. [70](#)

Government institutions and agencies routinely regulate the online activity of employees or other affiliated people by threatening discipline or termination. In April 2020, the University of Zambia (UNZA), a government-owned institution, announced that it planned to make it a dismissible offence for lecturers and other staff members to use social media to post libellous materials likely to bring the university into disrepute.[71](#) Also in April, the Independent Broadcasting Authority fired a board member after he claimed in a viral tweet that Zambia had no new COVID-19 cases because it had run out of test kits. [72](#)

In February 2019, the Zambia Police Command directed all police officers who are administrators of any social media groups to immediately delete them.[73](#) The

directive added that any officer who failed to follow the instructions would face disciplinary action. The directive said that police officers had been posting messages and photos on social media that put the police in disrepute. The then Home Affairs Minister Stephen Kampyongo claimed that police officers were using social media to incite the public to rise against the government.[74](#)

B3 1.00-4.00 pts0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	3.003 4.004
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For the most part, restrictions on internet and digital content are transparent and proportional. The government has drafted bills on cybersecurity and cybercrime, data protection, and electronic commerce that it claims are aimed at promoting online safety and curbing abuse of social media. The lack of stakeholder participation and engagement in the drafting of the bills has raised concerns that they might impinge on digital rights.

In a troubling new development that could lead to increased content removals, ZICTA announced new rules in May 2018 requiring WhatsApp group administrators to register their WhatsApp groups and create a code of ethics, or risk arrest.[75](#) Critics saw the new rules as part of the Zambian government's efforts to control online speech.[76](#) There has not yet been evidence of enforcement of the new rules.

Intermediaries are not held liable for content under the 2009 Electronic Communications and Transactions Act.[77](#) A 2017 report noted that the state and its agencies approach intermediaries without following legal and policy procedures in the name of upholding national security and morality.[78](#)

B4 1.00-4.00 pts0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	2.002 4.004
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Growing government pressure on the media in recent years has led to increased self-censorship among journalists, both online and offline. Journalists, social media users and bloggers increasingly write anonymously or pseudonymously to avoid harassment or the threat of legal action,[79](#) particularly on issues regarding politics and corruption involving government officials. More social media users also restrict their communications to a private circle instead of sharing information publicly. Most independent online news sites do not publicly share their addresses, ownership, management, or actual names of their reporters, practices that stem in large part from fears of harassment.

A survey by Afrobarometer (an African-led series of national public attitude surveys on democracy and governance in Africa) published in 2017 found that many Zambians believe freedom of speech is being eroded, while the percentage of people who said they watched what they say about politics online rose from 62 percent to 72 percent between 2012 and 2017.[80](#) The survey also found that only one in three Zambians felt comfortable criticizing the president.

B5 1.00-4.00 pts0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	2.002 4.004
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Both the government and the opposition heavily rely on online resources, particularly social media, to advance their political agendas. There is a proliferation of progovernment and pro-opposition websites and social media pages, as well as WhatsApp groups.

Progovernment and pro-opposition social media accounts have been known to publish false news. False news disguised to look like real reports or government statements have become a more prominent feature of the online information landscape in the past few years.

An investigative article published in April 2020 disclosed that the ruling PF's strategic plan for 2018 to 2021 aims to establish a media intelligence unit for covert operations. This will include equipping ruling party's media center with permanent bloggers, hackers, and reporters to control their narrative.⁸¹ A political commentator and activist, Laura Miti, noted that troll accounts created on Facebook and Twitter in May and June 2020 appeared to push for ruling party's agenda and attack those in the opposition. Most of the account use names of people sharing the same ethnic group with the leading opposition candidate Hakainde Hichilema. ⁸²

In March 2020, ZICTA announced plans to fight the online circulation of false or misleading information about COVID-19. ZICTA called on social media users to share only verified information about the pandemic and stated that the authority would support law enforcement action against people sharing COVID-19 misinformation.⁸³

Inflammatory and unfounded speculation about the wave of gas attacks circulated online in February 2020, with many posts ascribing the attacks and resulting deaths to the ruling PF or the opposition UPND.⁸⁴ UPND leader Hakainde Hichilema alleged that the attacks were "state sponsored and specifically intended to eliminate political opponents."⁸⁵

In a positive step toward combating fake news, the Alliance for Community Action, a local nongovernmental organization (NGO), launched a fact-checking project in 2017. ⁸⁶

B6 1.00-3.00 pts0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	2.002 3.003
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While blogs hosted on international platforms such as WordPress have proliferated in recent years, online publications face economic constraints that compromise their ability to remain financially sustainable.

The government is the largest source of advertising revenue for traditional media outlets and has been known to withhold advertisements from critical outlets. The African Media Barometer 2017 noted that the Zambian government is very selective in choosing where it advertises, and most government agencies list state-owned media as the first priority for advertising. In some cases, advertising may be tied to

positive coverage of the funder. In addition, some government agencies are unreliable in paying their advertising bills, potentially starving outlets of necessary revenue.⁸⁷

Private companies often do not advertise in news outlets that seem antagonistic to government policies out of fear of the potential repercussions. The African Media Barometer 2017 notes that some multinational companies, such as MTN and Airtel, may attempt to influence coverage by threatening to cancel or canceling advertisements with a media house in response to negative stories.⁸⁸ These trends are likely mirrored online, though in general, online news platforms are much less developed than print and broadcast media. Some online news outlets are hosted abroad and receive advertising revenue from international sources.

In August 2020, after the coverage period, the IBA claimed online broadcasters would have to apply for licenses from the authority and be subject to its regulations. The statement followed an inquiry as to whether Prime TV, a pro-opposition and popular independent television station that the IBA delicensed in March 2020,⁸⁹ could operate exclusively online.⁹⁰ The IBA had previously stated that Spring TV, an online station that incorrectly reported that a former government official had died by suicide, was not bound by its regulations because it broadcast over the internet.⁹¹ Legal experts criticized the IBA's claim, arguing that Zambian law designates ZICTA as the sole regulator with authority over the internet.⁹²

B7 1.00-4.00 pts 0-4 pts

Does the online information landscape lack diversity?	3.003 4.004
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The online information landscape lacks diverse content from rural populations and marginalized groups such as LGBT+ people, people with disabilities, and women.

Online content producers face considerably less government pressure than their traditional media counterparts, possibly because some web platforms allow them to publish anonymously and the ICT regulator does not have the full capacity to control them. As a result, social media platforms and citizen journalists have emerged as important sources of diverse information, and news consumers have become increasingly aware of alternative, diverse voices from online sources. The Zambian blogosphere and social media are vibrant, representing diverse, critical viewpoints and opposition voices, and many mainstream journalists have turned to social media to express themselves more freely and publish articles and commentaries that would not be allowed by media houses. Zambian Bloggers Network and Bloggers of Zambia are currently the main civil society groups pushing for digital and bloggers' rights through training, advocacy, and activism. Facebook remains the most popular social media platform among Zambians, with over 2.2 million users as of December 2019, which accounted for 12.3 percent of the country's population.⁹³ The majority of Facebook users in Zambia, 58.5 percent, are men.⁹⁴

Local content from the mainstream media is available online, but the diversity of local content remains limited, particularly for those living in rural areas and marginalized groups such as LGBT+ people. Most online media houses' content is in English. According to the Inclusive Internet Index 2020 report, Zambia ranks 92 out of 100 countries in relevance, which considers the availability of content in local languages and relevant content.⁹⁵

B8 1.00-6.00 pts0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	4.004 6.006
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Mobilization platforms are generally available to users, and social media continues to play an important role in facilitating political and social debates and discussions. However, pressure from the government and political parties, and fear of arrest and prosecution, can sometimes stifle online activism.

C Violations of User Rights

News reports revealed that the Zambian government and Huawei collaborated to access the phones and Facebook pages of opposition bloggers, as well as to restrict opposition news sites. Several individuals were arrested for their online activities, including for allegedly defaming the president. Unlike previous years, no one was sentenced or sanctioned by a court based on their online activities, and no one faced offline violence for their online activities.

C1 1.00-6.00 pts0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	2.002 6.006
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The constitution and a number of laws threaten freedom of expression and other key rights online. The Constitution of Zambia (Amendment) Act of 2016⁹⁶ amended the constitution but lacked many of the provisions sought by citizens, including the protection of fundamental rights and freedoms.⁹⁷

In June 2019, the government introduced the Constitution (Amendment) Bill 10 of 2019⁹⁸ after a national dialogue and consultation process that was boycotted by the opposition. ⁹⁹ Bill 10 does not seek to abrogate the protections for freedom of expression and the press under the current constitution. As of June 2020, debate on Bill 10 had been postponed¹⁰⁰ following sharp criticism from the opposition.¹⁰¹

A constitutional referendum was previously held in 2016, alongside the general elections, to seek voter approval of new amendments to the constitution's Bill of Rights that provide specific protections for print, broadcast, and electronic media freedom, and explicitly prohibit the government from exercising control over or interfering with media activities.¹⁰² Though approved by 71 percent of voters, the referendum failed to reach the threshold of 50 percent turnout required to validate the results.¹⁰³

In March 2019, Dora Siliya, the information and broadcasting services minister and chief government spokesperson, announced that the cabinet approved the Access to Information Bill, which has been pending since 2002.¹⁰⁴ The bill had not yet been introduced to the parliament as of August 2020. Media observers have raised concerns that the bill will not be introduced by the current government.¹⁰⁵

Judicial independence is guaranteed in the constitution but is not respected in

practice, and is undermined by other laws that allow for executive interference in Zambia's justice system. For instance, President Lungu warned Constitutional Court judges in 2017 against disqualifying him from running for a third term in 2021, despite the constitutionally mandated two-term limit.¹⁰⁶ The Constitutional Court ultimately ruled in Lungu's favor.¹⁰⁷

Constitutional protections have been seriously undermined in the past, such as when President Lungu declared a state of emergency on July 5, 2017, following a series of arson attacks that authorities claimed opposition members had carried out.¹⁰⁸ The 90-day period of emergency rule prohibited public meetings, closed roads, imposed curfews, and restricted movements.¹⁰⁹ Though no specific limits were placed on online activities, critics believe the move was an effort by the president to tighten his grip on power. The state of emergency was lifted in October 2017.

C2 1.00-4.00 pts 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?	2.002 4.004
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Without constitutional protections, freedom of expression and the media are limited by clauses in the penal code that criminalize defamation of the president¹¹⁰ and give the president "absolute discretion" to ban publications regarded as "contrary to the public interest."¹¹¹

In August 2018, the cabinet approved for review the draft Cybersecurity and Cybercrimes Bill.¹¹² Civil society organizations expressed immediate concern about the bill's potential to impinge on internet freedom.¹¹³ In particular, the draft bill provides penalties of up to one year in prison, fines, or both for "any electronic communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person." Analysts have expressed concern that such provisions could be used to crack down on legitimate online expression.¹¹⁴ As of August 2020, the legislation had not been made available for public scrutiny and had not been debated in the parliament.

C3 1.00-6.00 pts 0-6 pts

Are individuals penalized for online activities?	3.003 6.006
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Score Change: The score improved from 2 to 3 because no internet users were sentenced to multiple years of imprisonment for their online activities as in previous years, though arrests for online activities continued.

Several individuals were arrested, detained, and imprisoned for their online activities during the coverage period, including for defamation against the president.

In February and March 2020, police arrested Kelly Nawezi, Prince Kaliza, Joel Banda, and Akapelwa Simat for their activity on various Facebook and WhatsApp groups that each administered. The four were charged with various crimes, including proposing violence on social media, distributing pornography, and criminal libel.¹¹⁵ The status of their cases was not known as of July 2020.

Elizabeth Mubanga, who is married to the popular musician Afunika, was arrested in February 2020. She is alleged to be the source of a viral audio clip claiming that water in Copperbelt Province was contaminated with chemicals. Mubanga was charged with seditious publication with intent to cause fear and alarm, and released on police bond. [116](#) As of July 2020, the status of her case is not known.

Notando Katongo, a Lusaka resident, was arrested in November 2019 after posting a photo on Facebook that she described as showing a sick man who had been arrested by the police, lying on the ground outside in need of medical attention. Katongo was charged with publication of false news.[117](#) The status of her case is not known as of July 2020.

In June 2019, Muyimba Mukukayimbwa, a Barotse activist, was charged for allegedly promoting tribal war through posts on his Facebook account and the page Barotseland Watchdog. He was arrested in May 2019 and detained for two weeks before being released on bail.[118](#) His charges were later amended to criminal libel.[119](#) Mukukayimbwa's case has been repeatedly delayed by the state's failure to produce witnesses; as of May 2020, his case had not been heard. [120](#)

A number of individuals were arrested and prosecuted for defaming the president. In January 2020, Victor Siamuzoka, a member of the opposition UPND, was arrested for allegedly insulting president Edgar Lungu on Facebook.[121](#) Siamuzoka was held for at least a week;[122](#) the status of his case is currently not known. In March 2020, police arrested a 15-year-old student for allegedly defaming the president, filing charges that could lead to sentence of up to five years' imprisonment. ZICTA reportedly identified the child, who posted under a pseudonym, by tracking his phone number and internet protocol (IP) address.[123](#) There were no updates to his case as of July 2020.

In August 2019, Chishimba Kambwili, the leader of the National Democratic Congress, was arrested on charges of defamation and temporarily detained after an online video in which he criticized Lungu went viral. In the video, Kambwili questioned President Lungu's association with a local businessman whose name had come up in a US-based narcotics case,[124](#) and in an oblique analogy, likened Lungu to a dog. [125](#) He has pleaded not guilty. In July 2020, after the coverage period, a court rejected Kambwili's appeal to seek a ruling from the High Court and Constitutional Court on the constitutionality of the charges.[126](#)

C4 1.00-4.00 pts0-4 pts

Does the government place restrictions on anonymous communication or encryption?	3.003 4.004
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The government does not place restrictions on encryption tools, but some government regulations threaten anonymous communications. Encryption tools used to prevent unauthorized access by a third party are uncommon in Zambia. They are mostly used by journalists and human rights defenders.

According to the 2009 Electronic Communications and Transactions Act, individuals may use encryption, "regardless of the algorithm, encryption key length, or implementation technique or medium," provided that they do so in accordance with the act. Section 87 of the act prohibits the unauthorized release of a decryption key and the unauthorized release of data,[127](#) while section 89 prohibits the use of

encryption to obstruct a law enforcement officer, punishable by up to two years, a fine up to 60,000 kwacha (\$3,300), or both.[128](#)

Sections 22 and 23 of the 2009 Electronic Communications and Transactions Act establish a register of all cryptography providers. Unless they are registered with ZICTA, a person cannot provide cryptograph services or products. Provision of cryptograph services without registration is a criminal offense, punishable by imprisonment of up to seven years, a fine of up to 210,000 kwacha (\$14,300), or both.[129](#)

Anonymous communication through digital media is compromised by SIM card registration requirements instituted in 2012.[130](#) Registration requires an original and valid identity card, such as a national registration card, to be presented in person to the mobile service provider.[131](#) While the government stated that the registration requirements were instituted to combat crime,[132](#) investigative reports from 2012 found that subscriber details may be passed directly to the secret service for the creation of a mobile phone user database.[133](#) Fearing infringements on their privacy, some activists, politicians, and investigative journalists have used preregistered SIM cards. The practice, however, is a criminal offense in the country. Cybercafés do not require user registration.

Registration for the .zm country code top-level domain (ccTLD) is managed by ZICTA as provided for under the 2009 Electronic Communications and Transactions Act, which may compromise the anonymity of .zm website owners, given the questionable independence of the regulatory authority.[134](#) Almost all independent online news sites use the .com domain, which may stem from distrust of ZICTA. The act also provides a government minister with the authority to create statutory agreements governing domain name registration and “the circumstances and manner in which registrations may be assigned, registered, renewed, refused, or revoked.”[135](#) Such direct oversight of local web domains may allow the government to access user data belonging to local content creators and hosts.

C5 1.00-6.00 pts0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	3.003 6.006
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Little is known about the Zambian government's surveillance practices and capabilities, though, there is evidence that authorities are working to build their surveillance capabilities.

In a March 2020 State of the Nation address, President Lungu noted that ZICTA and Zambian police are able to track down social media abusers.[136](#) The Zambian Business Times, a local media house, reached out to ZICTA to confirm the installation of equipment to track down social media users. The regulator referred the query to the Zambia Police, who did not provide further comment.[137](#)

In February 2018, the Zambian Watchdog reported that Huawei had begun connecting government buildings in Lusaka under the Smart Zambia project,[138](#) raising concerns about potential digital surveillance given the company's close ties to the Chinese government, which operates a vast surveillance apparatus.[139](#) The chairperson of the Civil Service Commission had warned civil servants that the Smart Zambia project would allow the government to trace discussions of political

issues on social media.[140](#)

In a troubling admission, then transport and communications minister Brian Mushimba stated in January 2018 that ZICTA has the capability to monitor all digital devices in the country,[141](#) though evidence of such capabilities is lacking.

In a 2018 report by Citizen Lab, a Canadian internet watchdog, Zambia is listed as one of 45 countries worldwide using Pegasus, a targeted spyware software developed by Israeli technology firm NSO. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and opposition members.[142](#)

Email from the Italian surveillance firm Hacking Team leaked in 2015 revealed that the company may have sold sophisticated spyware known as Remote Control System (RCS) to Zambian authorities.[143](#) While the leaked emails did not confirm that a sale took place, they point to the government's intent to acquire technologies that can monitor and intercept user communications.

C6 1.00-6.00 pts0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?	2.002 6.006
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Service providers and technology companies are required by law to assist the government in the lawful interception of communications, though the law gives the government significant powers to compel service providers to monitor communications with limited oversight. Zambia currently lacks an effective data-protection framework. A data-protection bill has been drafted, but has not yet been introduced in the parliament.

Investigative reporting has revealed close collaboration between the Zambian government and Huawei to monitor electronic communications. An August 2019 article published by the *Wall Street Journal* disclosed that Huawei technicians embedded with ZICTA helped the government access phones and Facebook pages belonging to opposition bloggers. Other Huawei technicians are apparently housed in the Cybercrime Crack Squad, which monitors and intercepts the communications of criminal suspects, opposition supporters, activists, and journalists. A spokesperson for the PF said, "Whenever we want to track down perpetrators of fake news, we ask ZICTA. They work with Huawei to ensure that people don't use our telecommunications space to spread fake news." The spokesperson also said that Huawei was helping the government to neutralize opposition news sites. [144](#)

As of February 2020, the Ministry of Justice was considering the Data Protection Bill 2018,[145](#) which was previously approved by the Cabinet in June 2018.[146](#) The draft bill establishes rules for the processing of personal data and special safeguards for especially sensitive data, though it provides broad exceptions for criminal investigations and national security purposes.[147](#)

The 2009 Electronic Communications and Transaction Act provides for the protection of personal information and details conditions for the lawful interception of communications,[148](#) though several provisions give the government sweeping surveillance powers with little to no oversight. Article 79 requires service providers to enable interception and store call-related information. Article 77 requires service

providers to install both hardware and software that enable communications to be intercepted in “real time” and “full time” upon request by law enforcement agencies or a court order. Service providers are also required to transmit all intercepted communications to a central monitoring and coordination center managed by the Communications Ministry.¹⁴⁹ Service providers that fail to comply with the requirements could be punished with a fine, imprisonment of up to five years, or both.

In 2017, Thomas Allan Zgambo and Clayson Hamasaka, Lusaka-based journalists affiliated with the *Zambian Watchdog* and the opposition UPND, respectively, sued the mobile provider Airtel for intercepting a total of 225 phone conversations between 2013 and 2014 and diverting the calls to a number belonging to state intelligence.¹⁵⁰ The case was ongoing at the end of the coverage period.

C7 1.00-5.00 pts 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?	4.004 5.005
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Score Change: The score improved from 3 to 4 because there have been no reported cases of physical violence or harassment targeted at a person for their online activities for several years.

Although no physical attacks in retaliation for online activities were reported during the coverage period, online journalists and internet users have faced violence in the past. A number of individuals faced harassment and intimidation for their online activities, and Zambian government officials have repeatedly warned against the “misuse” of social media.

Despite the lack of censorship during the reporting period, government officials threatened to crack down on freedom of expression online. President Edgar Lungu and his ministers have consistently warned the public against the misuse of social media platforms and stated that the government will punish social media abusers.

Following then minister of transport and communications Brian Mushimba’s threat to ban social media platforms in 2018, civil society organizations such as the Panos Media Institute of Southern Africa strongly condemned his remarks. The minister later clarified his statement, saying that the government would not ban social media, but would regulate its use through the Cybersecurity and Cybercrimes Bill and the Data Protection Bill.¹⁵¹

Women regularly face harassment and bullying in online spaces. LGBT+ people are also targeted online, though few people openly identify as such because same-sex conduct is criminalized in Zambia.

C8 1.00-3.00 pts 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	3.003 3.003
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Technical attacks against opposition activists, internet users, and journalists are

uncommon in Zambia. In April 2019, the online news website *Zambian Eye* reported that its Facebook page had been hacked and that they had no administrative access.¹⁵² In the same month, *Radio Mano*, a community radio station, reported that its Facebook page was hacked, though the station managed to restore control of the page.¹⁵³ Some other cases have been documented in the past: the *Zambian Watchdog* suffered a distributed denial-of-service (DDoS) attack in 2012 that brought the site down for about eight hours.¹⁵⁴ Attacks on institutions have also been reported in the past. In 2014, the website of the Media Institute for Southern Africa (MISA) was affected during a campaign by hackers reportedly based in the Middle East, who also targeted a number of government websites.¹⁵⁵

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