

FREEDOM OF THE PRESS

Zambia

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Status change explanation: Zambia improved from Not Free to Partly Free due to advances in the state-run media initiated by the new government after the September 2011 presidential election and the transfer of power to former opposition leader Michael Sata and his Patriotic Front (PF) party. This led to greater professionalism and independence, less self-censorship, and a decrease in the overtly partisan character of these media outlets.

Over the past several years, independent media in Zambia have faced legal harassment, physical intimidation, and the threat of statutory regulation under the government of former president Rupiah Banda and the long-ruling Movement for Multiparty Democracy (MMD). The election of Michael Sata of the opposition Patriotic Front (PF) as president in September 2011 led to some encouraging openings in the media environment.

Freedom of speech is guaranteed in the constitution, but the relevant language can be broadly interpreted. Criminal libel laws, laws prohibiting sedition and obscenity, and provisions in the penal code such as the Official Secrets Act and the State Security Act remain in effect and have been used against journalists. As opposition leader, Sata sued Information Minister Ronnie Shikapwasha in April 2011 for libel and slander after his "false" comments about Sata's personal beliefs on homosexuality were aired on the country's main evening news program.

A freedom of information bill, long shelved by previous administrations, received support from the new government, which shortly after winning the election announced its intention to pass such legislation. However, no legislation had been put forward by year's end.

The issue of media regulation had been contentious under the Banda government, as the MMD made repeated threats to impose statutory regulation. A consortium of groups within the industry made progress on self-regulation in 2010, agreeing to establish a Zambia Media Ethics Council (ZAMEC) and drafting a code of ethics that the proposed council would enforce. However, the launch of ZAMEC was repeatedly postponed due to a lack of official support, limiting participation of public media in the self-regulatory mechanism. Positively, the Sata government has endorsed and encouraged the launch of the council.

In April 2010, the Zambia National Broadcasting Corporation (Amendment) Act was passed, allowing the information minister to appoint the corporation's board without first receiving nominations from an appointments committee. However, the selections must be ratified by the parliament. The new government has vowed to reintroduce the appointments committee. The 2002 Independent Broadcasting Authority (IBA) Act was modified in July 2010, granting the minister similar powers of direct appointment for the IBA. New board members were never appointed at the IBA, raising concerns that the government intended to tightly control the licensing process and adding to confusion about which body was responsible for granting broadcast licenses.

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

60

LEGAL ENVIRONMENT

19

POLITICAL ENVIRONMENT

22

ECONOMIC ENVIRONMENT

19

Physical harassment of Zambian journalists occurs regularly and often involves politicians or party activists. In January 2011, an intelligence officer destroyed information on the recorder of a journalist for the privately owned daily *Post* newspaper who was covering a meeting attended by the vice president. (The *Post* is viewed as a Sata ally.) In the same month, former president Frederick Chiluba threatened to destroy a reporter's camera. Reporters were also harassed by MMD supporters at Chiluba's funeral in June, while a crew from independent Muvi TV was violently assaulted by more than 100 MMD supporters in July. Charges were brought against the perpetrators in the latter case, and their sentence is expected in 2012. In December, supporters of the MMD physically assaulted several independent journalists covering the trial of a former MMD minister. PF members also attacked journalists in 2011. In February, then opposition candidate Sata stormed the boardroom at the offices of the state-owned *Zambia Daily Mail* and made various threats against the managing director and editors during an editorial meeting over a story stating that traditional leaders in the Luapula province had vowed not to support him during the elections. In April, in two separate episodes, PF activists harassed, and in one instance injured, journalists working for the state-run Zambia National Broadcasting Corporation (ZNBC).

The Banda government also cracked down on coverage of a growing separatist movement in Barotseland, in western Zambia. In January 2011, two people were reported killed, and several others wounded, in clashes between police and secession activists. One journalist, Mwala Kalaluka of the *Post*, was overheard by a security officer detailing to an acquaintance how he had discussed the region's affairs, and specifically police brutality, with the U.S. radio network Voice of America. He was arrested and charged with seditious intent. Another incident involved Nyambe Muyumbana, an assistant station manager of local Radio Lyambai, who was arrested and charged with publishing seditious materials after he broadcast programs "inciting listeners to rise up against the authorities." Subsequently, security forces closed Radio Lyambai and confiscated its equipment after it aired an ad for a banned secessionist meeting. Both Kalaluka and Muyumbana face a possible seven-year jail sentence or a fine of 1 million kwachas (\$200); their cases were pending at year end. The government also banned live phone-in programs discussing certain aspects of the situation in the region.

The government controls the *Zambia Daily Mail* and the *Times of Zambia*, both of which are widely circulated. In the past, content has been reviewed prior to publication, and many journalists practiced self-censorship. New government policies in the wake of the September 20 elections indicate that these newspapers operate with somewhat greater independence. Four top officials at the papers were replaced with professional journalists instructed to turn the outlets into profitable professional media houses. The government has also announced plans to partially privatize the papers. Several privately owned newspapers—of which the *Post* has the widest circulation and is the only daily—have provided opposition views and criticism of the government, but have faced frequent retaliation for their reporting.

The ZNBC is the primary broadcast outlet covering domestic news. Prior to the September 20 elections, as in the past, its reporting was heavily biased in favor of the government and against the opposition. In July, the Law Society of Zambia threatened legal action against the ZNBC, accusing it of violating its mandate by offering only biased news in favor of government. This threat was dropped after the new Sata government announced a policy of noninterference with public media outlets. A growing number of private radio stations, including dozens of community radio stations, and four television stations broadcast alongside state-owned outlets, and international services are not restricted. Some local private stations, including Radio Phoenix and SkyFM, carry call-in shows on which diverse and critical viewpoints are freely expressed.

Radio remains the medium of choice in most of the country because of its relatively low cost of access, but many stations face financial difficulties due to their dependence on sponsored programming and a small advertising market. Reception of both state and private television signals throughout the country remains poor. The costs of newsprint and ink (including high import duties and taxes), printing, and distribution remain very high, hampering print outlets' ability

to increase their readership. Advertising is sometimes used as a tool by the government to influence media content and coverage.

The government does not restrict internet access, though costs are prohibitive; only 11.5 percent of the population used the medium in 2011. In September, President Sata sued the *Zambian Watchdog* for libel after the online news website published an e-mail in July in which a local politician discussed a \$45 million donation that the PF party had allegedly received from Taiwanese and Afghan businessmen. In October, an investigation was launched into the source of the e-mail, which the politician, Given Lubinda, who had become Sata's information minister, claimed was fabricated. Police raided the website's headquarters in an attempt to find the news editor, Lloyd Himaambo, and the alleged author of the article, journalist George Nelson Zulu. Sata also directed the police to close the website's offices and arrest all people connected to it. While this did not occur, staff and reporters at the *Zambian Watchdog* claimed to have been subjected to repeated acts of intimidation by the police. This included threats against Himaambo's family by half a dozen police who stated they would receive beatings if they did not reveal Himaambo's whereabouts. In late October, Zulu appeared before police for questioning, but no charges had been filed by year's end, and the case was still pending.

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