



# STATE OF THE MEDIA IN ZAMBIA

*(January-March) 2021*



**FRIEDRICH  
EBERT**  
**STIFTUNG**  
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# STATE OF THE MEDIA REPORT

(January-March)

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## TABLE OF CONTENTS

Acknowledgements .....	iii
List of Acronyms .....	vi
Executive Summary .....	vii
1.0. Introduction .....	1
2.0. Methodology.....	2
3.0. Trends .....	3
3.1 Socio-political environment.....	3
3.2 Legal Environment .....	9
3.2.1. Access to Information Bill .....	12
3.3 Economic Environment .....	12
3.4 Technological environment .....	15
4.0. Conclusion .....	18
5.0. Recommendations .....	18
6.0. Appendices .....	19
6.1 Interview guide/Questionnaire .....	19
6.2 Alerts and Communiques .....	20

## LIST OF ACRONYMS

<b>ATI</b>	Access to Information
<b>DP</b>	Democratic Party
<b>ECZ</b>	Electoral Commission of Zambia
<b>GDP</b>	Gross Domestic Product
<b>IBA</b>	Independent Broadcasting Authority
<b>UPND</b>	United Party for National Development
<b>PF</b>	Patriotic Front Party
<b>ZICTA</b>	Zambia Information and Communication Technology Authority
<b>ZNBC</b>	Zambia National Broadcasting Corporation



## EXECUTIVE SUMMARY

The State of the Media Report is a quarterly assessment of the media environment in Zambia. This edition covers the first quarter of 2021; January to March 2021. This assessment and record describes the media trends in Zambia during the period and was prepared under the auspices of the MISA Zambia Chapter.

This report includes a number of interesting occurrences that added new developments, twists and opportunities alike for the overall media environment in Zambia.

The socio-political environment in the quarter was not favourable given the occurrence of incidents that undermined the freedom of expression and of the media. Among the notable occurrences were violent political attacks on media houses, namely Liberty Radio (Mporokoso) on 9<sup>th</sup> February, Luswepo Radio on 21<sup>st</sup> February and Radio Chete on 10<sup>th</sup> March. The incidence of attacks on media houses is reminiscent of the streak of attacks that rocked media houses in 2020, with damage to property experienced in some cases. The attacks witnessed in the quarter under review have the potential to instil self-censorship among media practitioners and thereby prevent the media from performing their function as a civic forum for debate.

Similarly, the legal environment was repressive, mainly owing to the enactment of the Cyber Security and Cyber Crimes Act No. 2 of 2021 which poses a threat to the freedom of expression and access to information based on some of its potentially suppressive clauses. The status of the legal environment was exacerbated by the lack of progress on the ATI Bill as well as other provisions that could safeguard the role of the media.

The economic environment equally posted a negative outlook due to poor performance of most economic variables and the resultant effect on the operations of media houses. While the outlook in the quarter under review was more stable and less severe when compared to the quarters in the previous year, several factors continued to compound the operations of the media, among them, the continued high cost of doing business due to currency depreciation, reduced economic activity, continued load shedding and the economic effects of the COVID-19 pandemic.

The technological environment was equally affected by the enactment of the Cyber Security and Cyber Crimes Act No. 2 of 2021 with provisions that could potentially restrict freedom of expression online. On a positive note, the statistics released by the Zambia Information and Communication Technology Authority indicated significant growth in internet penetration and mobile telephone subscriptions, further forecasting technological improvements for 2021 which are likely to revolutionise media broadcasting and media communication.

Overall, the quarter under review maintained similar trends as those recorded in the previous quarter, a cause for concern given the deterioration in some of the key thematic areas that could likely affect the media's ability to effectively perform their role in the 2021 general elections.



## 1.0. INTRODUCTION

The *State of the Media* is a quarterly report of trends and developments in the media sector as compiled by the MISA Zambia Chapter. The report serves as an advocacy tool for media policy reform as well as an archive of information which can be used for reference on media developments in Zambia.

The report has previously helped to shape policy formulation with regard to media freedom, freedom of expression and access to information in Zambia. The report, which has been published quarterly for over fifteen (15) years, serves as a tool for dialogue and action in the media fraternity, government and non-governmental sectors alike.

The rationale of the report is based on the corollary between media performance of certain cardinal functions and democratic governance. However, the media are affected by various trends and developments that could undermine their performance.

In this regard, the report is divided into various sections covering the socio-political, economic, legal and technological environment in which the media operated in the period under review.

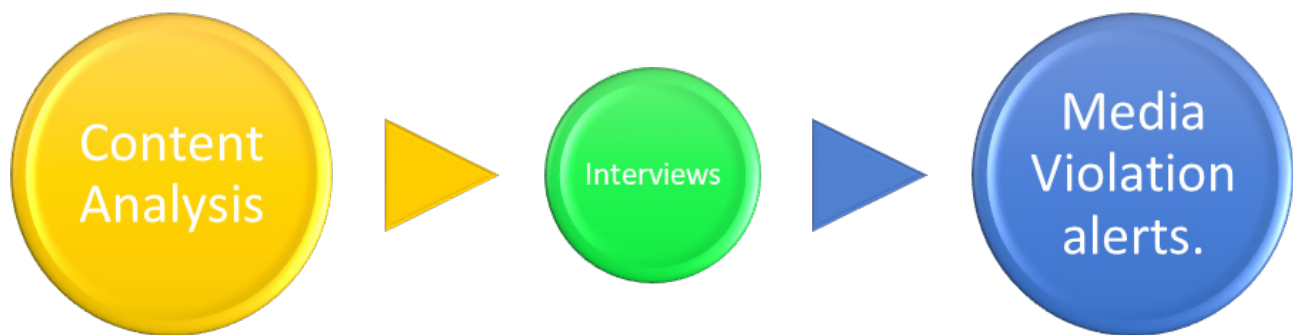
The objectives of the report are, therefore, to:

- Report political, economic, legal and technological trends in the media sector in Zambia
- Assess the level of freedom of expression and media freedom

## 2.0. METHODOLOGY

The report is exploratory and descriptive in nature as it mainly aims to present the general state of the media sector in the identified quarters.

In compiling this report, a desk review was conducted in which an analysis of various materials pertaining to freedom of expression and the welfare of the media within the quarters under consideration was undertaken. This was augmented by a content analysis of various media publications (electronic, print and online) as well as media violation alerts to establish the common themes with regard to the objectives of the study.



The report also employed the use of interviews with purposively selected participants on the basis of their known or presumed knowledge about issues related to or affecting the state of the media. The participants comprised media experts, civil society and legal practitioners, statutory institutions as well as practising journalists to gain a deeper understanding and validation of some of the phenomena observed in the quarter.

### 3.0. TRENDS

#### 3.1 SOCIO-POLITICAL ENVIRONMENT

The social-political environment in the quarter under review was uneventful to a greater extent, save a few notable occurrences that had the potential to undermine freedom of expression and media freedom. For example, political attacks against media houses were noted in the quarter, similar to cases recorded in some of the quarters of the previous year, mainly involving political party cadres. In the quarter under review, three of such cases were recorded; on 9<sup>th</sup> February, ruling Patriotic Front cadres attempted to disrupt a paid-for programme on Liberty Radio in Mporokoso which featured Opposition Democratic Party President, Harry Kalaba, with a fracas ensuing between DP supporters and the PF cadres on station grounds, Police responded and quelled the situation<sup>1</sup>.



*Democratic Party (DP) President Harry Kalaba at Liberty Radio Station*

*Picture Courtesy of The Mast Newspaper.*

Similarly, on 21<sup>st</sup> February, Patriotic Front cadres disrupted a live programme on Radio Luswepo, featuring Democratic Party President Harry Kalaba, causing damage to property in the process. Another incident was recorded on 10<sup>th</sup> March involving Radio Chete in Nakonde which was tear-gassed by PF cadres for running a programme which featured opposition UPND Provincial Chairperson, Reverend Mathews Chilekwa and an aspiring candidate, George Sinkala<sup>2</sup>.

The trend of political attacks against media houses was equally recorded in the previous year, with property damaged and persons injured in some of the cases. The net effect of the attacks is the instilment of fear in journalists, who will not make independent judgment or host individuals considered to be critical of the state for fear of political retribution. In essence, these are acts of censorship and actions that result in self-censorship and it is inimical to the media fulfilling their function-particularly that of being a civic forum for debate<sup>3</sup>.

<sup>1</sup> As reported by The Mast Newspaper and also followed up through the MISA Early Warning System. See <https://www.themastonline.com/2021/02/12/fpi-condemns-pf-attack-on-liberty-radio/>

<sup>2</sup> As reported to MISA Zambia by Radio Chete. See also <https://zambiareports.com/2021/03/12/4-thugs-arrested-nakonde-attacks-chete-fm/>

<sup>3</sup> According to Norris, P. (2000). *A virtuous cycle: political communications in post-industrial societies*. New York: Cambridge University Press.

One of the interview respondents, a legal practitioner and human rights defender, noted that:

*“The environment is highly toxic. Media are operating in an environment of fear. This is partly because of the past experiences of media houses being shut down and people arraigned before courts for alleged defamation and seditious offences”*

Another respondent, Head of a governance related civil society organisation, noted that:

*“The quarter was scary with cadres from the ruling party storming some radio stations in Northern Zambia in an effort to prevent opposition leaders from interacting with voters through radio...the environment was not conducive as media houses and practitioners remained exposed and vulnerable to political harassment and intimidation”*

The other side of political attacks against paid for programmes is the loss of revenue for community radio stations which mainly rely on the sponsored programmes for revenue as there is little commercial activity in most rural towns, hence fewer advertisements. The economic effect of attacks by cadres is elucidated further in the economic environment section below.

PERIOD/DATE	VIOLATION/ATTACK	AFFECTED STATION	TOWN	DAMAGE
9 <sup>th</sup> February, 2021	PF cadres ransacked and damaged property at Liberty Radio in an attempt to block DP president Harry Kalaba from featuring on a paid-for programme	Liberty Radio	Mporokoso	Damage reported- Windows and doors
21 <sup>st</sup> February, 2021	PF cadres violently disrupt a radio programme on Radio Luswepo featuring DP president Harry Kalaba	Radio Luswepo	Mbala	Damage reported-Wire-fence and other private property
10 <sup>th</sup> March, 2021	PF cadres teargas Radio Chete for featuring UPND provincial chairman, Mathews Chilekwa and an aspiring candidate	Chete FM	Nakonde	None reported

It is commendable that police responded and quelled the situation in the Liberty Radio attack and also made arrests a few days after the attack on Radio Chete<sup>4</sup>. This is markedly different from the scenario in the first quarter of 2020 in which severe attacks were carried out by cadres with impunity and no arrests were made despite police reportedly on site during some of the attacks.

It is, therefore, important for police to intensify their response and act without fear or favour in order to root out such harmful traits that undermine media freedom. Below is a table summarising reported attacks and violations on media houses/practitioners that were recorded in the first quarter of 2021. It is, therefore, concerning as shown in the table above, that the trend of political attacks against media outlets was still noted in the quarter under review. There is need for close collaboration between police and media houses/associations to find a lasting solution to the continued attacks on media houses. It is thus commendable that Zambia Police agreed to a meeting called by MISA Zambia on 24th March 2021 at Zambia Police Force Headquarters where the two entities agreed on a number of interventions to enhance media –police relations and safety of journalists during elections and volatile events. The MISA Zambia Vice Chairperson Mr Hyde Haguta led the MISA Zambia delegation comprising of MISA Zambia Acting National Director Ms Jane Chirwa, MISA Zambia Lead Researcher Mr Pryd Chita and MISA Zambia Finance and Administration Officer Mr Vincent Phiri.

<sup>4</sup> On 12<sup>th</sup> March, Police spokesperson, Esther Katongo, announced that four people had been arrested in connection with the assault of some UPND cadres at Radio Chete. She said the suspects are alleged to have assaulted some UPND supporters outside the Radio Station and further pepper-sprayed them. They fled the scene and were arrested the following day. See <https://zambiareports.com/2021/03/12/4-thugs-arrested-nakonde-attacks-chete-fm/>





Among the issues raised by MISA Zambia included the below issues:

### **Safety of the media**

Mr Haguta said whilst the intention of the radio station informing the Zambia Police was to alert them and prepare them for an eventuality when the station is featuring an opposition leader, the police treated such a notice as a request which can be denied or permitted by police. MISA Zambia said this should not be the case. He said it is as though they were applying the Public Order Act on broadcast media.

### **Responses from Zambia Police**

#### **Informing the Police to Enhance Preparedness**

All radio and TV stations should be informing their nearest police stations on programmes featuring politicians or programmes of a political nature. This will ensure the police place officers on standby in case of a fracas. The notice is not to prevent media from airing the radio programmes they clarified

#### **Improved Moderation for Improved Peaceful Dialogue**

Investigations by Zambia Police also revealed that regulation of the programmes has to improve. The moderators must not incite the panel or discussants. They are not fully able to control the discussants in cases where they use insulting language, hate speech or demeaning terms. It was suggested that moderators must have discussions with panellists before a programme goes on air to agree on parameters and civility in the discussion.

The police called for training of moderators to ensure peaceful discussions that promote peaceful and meaningful dialogue on radio and TV. When discussions include hate speech, demeaning language and endanger peace, police are usually forced to stop such programmes because their interest is to preserve the peace.

## **Informing Police is Not Seeking Permission**

While there is a need for local stations to inform the local command on impending political party programmes that may endanger public safety or peace, the police command in such areas do not have the mandate to stop any programme. Zambia Police was working to communicate to all its officers not to prevent airing of any political programme. MISA Zambia made an appeal that this should be done hastily.

## **Journalists' Identification**

In terms of public rallies and volatile events, Zambia Police said there is need for journalists to have identification that can easily allow police to protect them and allow them to do their work. The reason most journalists are arrested alongside protestors or unruly crowds is the lack of identification. The identification must have security features and should not be easy to replicate.

## **Zambia Police Interventions**

Trip by Deputy Inspector General to the Northern Part of Zambia

Zambia Police travelled to the areas where the media houses were being attacked by PF cadres to obtain further understanding on reasons behind the attacks. The Deputy Inspector General Mr Mweene travelled to engage the political parties and police officers to discuss the need to preserve peace and engage in peaceful dialogue. He explained that his team engaged in this for the sake of preserving the peace of the nation.

## **Media Interactions to Improve Knowledge Among Media Workers on Police Operations**

He said the Zambia Police had outlined a number of interventions to address the violations the media suffer and to improve media safety during the elections and volatile events. MISA Zambia informed the Zambia Police that it will be hosting workshops at which it will be inviting the Zambia Police Service to educate the journalists on operations of the police and the need to preserve peace in the nation through responsible and peace building journalism. The Zambia Police further indicated that they would be having a series of workshops for journalists and media association and to this end one was prepared for 1<sup>st</sup> April 2021.

Further on, the Ministry of Information and Broadcasting Permanent Secretary Mr Amos Malupenga conducted a protest and was joined by MISA Zambia Chairperson Ms Hellen Mwale at the Zambia Police Force Headquarters to demand action from the Police regarding safety of journalists on 12 March 2021 after three incidents at which party cadres attacked three radio stations which featured an opposition leader. This showed commitment by policy makers towards media safety of policy makers.

Additionally, MISA Zambia issued a statements on 10th February 2021 condemning the acts and urged the Republican President to take action on unwarranted attacks by cadres against the media. Consequently, during his address to the National Assembly on 12 February 2021, President Edgar Lungu reaffirmed his commitment to protecting the media in Zambia and assured journalists in Zambia that the state would not allow anyone to harass them during the course of their duty and as Zambia headed to the polls.

Following this statement by the President, police based in Mbala district arrested several PF cadres that went to Luswepo radio station to interrupt a live radio programme featuring opposition leader Harry Kalaba of the Democratic Party - DP in an attempt to curb the unruly acts.

Further, it is also pertinent that a law is enacted as part of the statute books to specifically guarantee media freedom. In the current scenario, press freedom is only mentioned in passing in Article 20 (2) of the Constitution which states that: "Subject to the provisions of this Constitution no law shall make any provision that derogates from freedom of the press". However, there is no prescription of the privileges and special protection accorded to journalists and media houses in the enjoyment of media freedom. And, as though to clawback this implicit provision, there exist several laws that are inimical to media freedom and, at face value, nullify the clause on press freedom. The lack of an explicit law on press freedom means perpetrators of such heinous attacks on media houses are charged with misdemeanours, often getting a



slap on the wrist or mere admission of guilt fines. This situation has, thus, encouraged and not deterred would be offenders and cadres alike from attacking media practitioners and outlets as shown from the table above.

Another notable occurrence was the attempted use of the National Pensions Scheme Authority and Zambia Revenue Authority (ZRA) against News Diggers following a series of stories on defective medical supplies procured by the Ministry of Health, leading to public outcry and eventual administrative action against the supplier, Honeybee Pharmaceuticals. The company is reported to have requested for compliance information about News Diggers from the two regulatory authorities after a number of intimidating comments made against the newspaper. A letter addressed to one of the regulatory agencies read in part as follows<sup>5</sup>:

*"We therefore request that you kindly verify for us if such a publication is in fact compliant to its statutory obligations such as Value Added Tax (herein referred to as VAT), company registration, Pay as You Earn (herein referred to as PAYE) whether they are up to date with all payments, whether they have remitted the correct amounts of tax to the tax collector. We further request that you kindly avail us with a statement of their accounts showing their payments for the last 12 months. The purpose of the print out is to analyse and critically analyse the ability by the News Diggers Newspapers to settle any judgment sums that may arise against them following the several courts actions that they are likely to face in line with their defamatory remarks against Honeybee Pharmacy and many others. We humbly request that you furnish us with the above information as it is very critical and vital to our clients. Your quickest response to our letter will be highly appreciated."*

The Zambia Revenue Authority, however, declined to release the requested compliance information, stating that this could only be done under a court order or with written consent of the taxpayer, in this case News Diggers Limited. This action by ZRA is commendable. While media houses must be amenable to compliance checks, this must not be used as a tool for intimidation especially when such media houses engage in publication of stories considered to be critical of the State or other identified parties. A media house must be held accountable using the due process of the law. As elucidated in the 2020 second quarter state of the media report, intimidation of media houses using statutory bodies was also observed in the closure of Prime Television as well as the Post Newspaper in 2016.

On the social front, the COVID-19 pandemic and its effects continued to inhibit media operations. At the beginning of the quarter, the country experienced a second wave of the COVID-19 pandemic with a sharp rise in the number of cases recorded, thereby creating apprehension due to an anticipated tightening of measures aimed at preventing the spread of the virus. However, the government maintained relaxed measures proclaimed in the previous year<sup>6</sup>. By the close of the quarter, there was a marked decline in the number of cases and media houses were conducting their operations as usual.

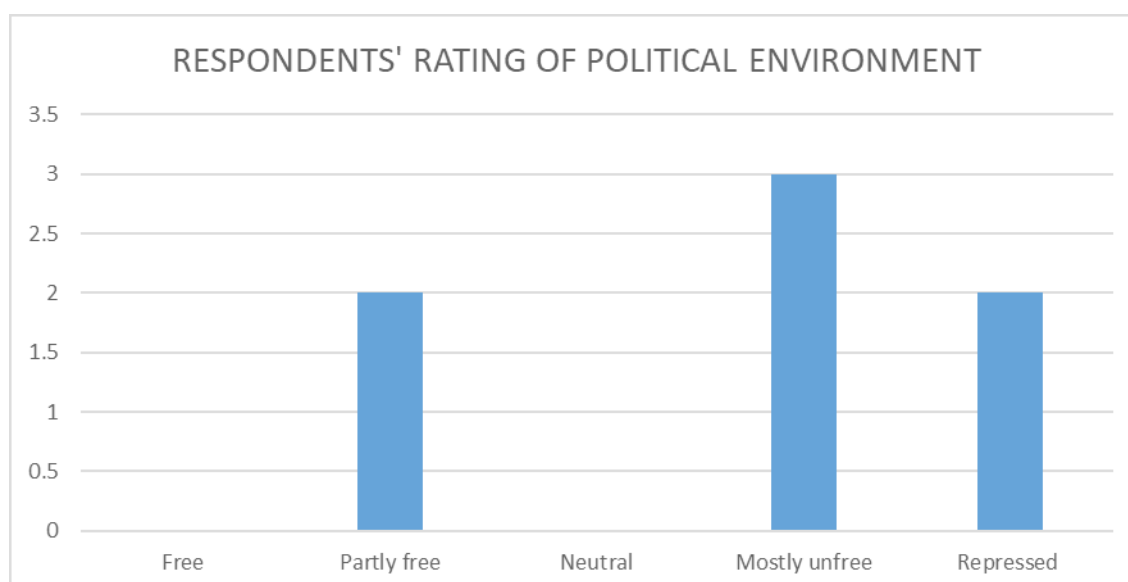
<sup>5</sup> As carried in a News Diggers newspaper report on 26<sup>th</sup> January, 2021. See <https://diggers.news/local/2021/01/26/honeybee-runs-to-zra-napsa-seeking-to-close-news-diggers-using-tax-compliance/#:~:text=HONEYBEE%20Pharmacy%20Limited%2C%20the%20company,revelations%20contained%20in%20its%20investigation>.

<sup>6</sup> In a statement issued on 13<sup>th</sup> January, 2021, President Edgar said measures he announced in 2020 to stem the spread of covid-19 were still in force and all citizens were to comply, warning that if they did not, he would announce stringent measures to protect the population from the pandemic. President Lungu emphasised home-based care solutions such as steaming, as proven remedies for covid-19. The President also directed enforcement officers to make citizens abide by the COVID-19 guidelines without necessarily harassing them.



*A depiction of the COVID-19 trajectory<sup>7</sup>*

Overall the socio-political environment in the quarter was not favourable as indicated by the few occurrences discussed above as well as the alerts compiled in the appendix section. The quarter was marred by continued attacks on media houses by cadres, among other incidents, thereby creating an atmosphere of self-censorship. The resurgence of violent attacks against media houses is a deterioration of some of the positive developments witnessed in the previous quarter. The majority of respondents described the political environment in the first quarter of 2021 as “mostly unfree” as shown in the chart below.



home-based care solutions such as steaming, as proven remedies for covid-19. The President also directed enforcement officers to make citizens abide by the COVID-19 guidelines without necessarily harassing them.

<sup>7</sup> Graph courtesy of COVID-19 Data Repository by the Centre for Systems Science and Engineering (CSSE) at Johns Hopkins University. See <https://github.com/CSSEGISandData/COVID-19>

### 3.2 LEGAL ENVIRONMENT

The legal environment in the fourth quarter was eventful with landmark developments that highlight certain peculiarities of media freedom in Zambia.

The most notable development in the legal environment was the enactment of the Cyber Security and Cyber Crimes Act No. 2 of 2021<sup>8</sup> which seeks to provide for the protection of persons against cybercrime, provide for child online protection and the identification, declaration and protection of critical information infrastructure, inter alia.

Arguably, the Act has certain progressive provisions which could strengthen the regime against cybercrimes which are on the rise. Prior to the Cyber Crimes Act, the legal regime against cybercrime was anchored on the Electronic Communications and Transactions (ECT) Act No. 21 of 2009 and the ICT Act No. 15 of 2009. The two Acts were not as effective given certain limitations posed by rapid advancements in technology as well as the challenges regarding admissibility of electronic evidence for effective prosecution of certain cyber or digital crimes. The Act was, thus, an attempt to cure this challenge identified in the implementation of the two precursor laws.



However, the law was enacted in the quarter under review has an expanded scope with various provisions which provide remedies beyond the legal ailments identified above, some of which are discussed below. This is against the backdrop of the current legal regime which has several laws that are inimical to freedom of expression. Most interview respondents were of the view that the Cyber Security and Cyber Crimes Act in its totality threatens freedom of expression and access to information given the excessive provisions which could allow for arbitrary application or targeting of critical individuals as well as undermining investigative journalism. This could in turn create a chilling effect among citizens.

One of the respondents, a prominent legal practitioner and human rights defender stated that:

*The first quarter of 2021 has not gotten off to a good start with the enactment of the Cyber security and cybercrimes Act No. 2 of 2021. This piece of Law will clamp freedom of expression and of the media by its many restrictive provisions which will cause a lot of self-censorship and fear in journalists and bloggers.*

<sup>8</sup> As assented to on 24<sup>th</sup> March, 2021. See <http://www.parliament.gov.zm/node/8832>

Sections of the Cyber Crimes Act posing possible challenges to freedom of expression (and the media) are itemised as follows:

SECTION	SPIRIT/SUMMARY	DANGER
3	Subject to the Constitution, where there is an inconsistency between the provisions of this Act and the provisions of any other written law relating to the regulation of cyber security, cybercrimes and digital forensics, the provisions of this Act shall prevail to the extent of the inconsistency.	Generally, this could water down safeguards in other progressive laws such as the Public Interest Disclosure Act; any law must be “reasonably justifiable” in a democracy (especially in relation to freedom of expression) and this is the underlying principle
9, 11	Grants a cyber-inspector power to inspect and search a “computer system” or information system, facilities or even persons on such premises as well as make such necessary copies of any relevant data	While obtaining a warrant is included as a safeguard, the generality of “computer or information system” will include even simple media systems qualify as computer systems which input, output, process and store data and information. This could make certain media houses/ individuals targets of unnecessary searches given the challenges authorities have had previously in obtaining sufficient grounds to enter and collect material from media houses, for example. This is further watered down by Section 29 discussed below which allows search without warrant, based on reasonable suspicion
14	Empowers Minister of Communication to make special regulations or directives compelling any person/ organisation identified in the regulations to take certain measures for the purpose of preventing or countering a threat	The list of which areas could be affected by a “threat” is too general and prone to abuse. For example, “national security and defence”, “economy” are too open ended and prone to arbitrary application; “public order” as has been the case previously is equally too vague and could be used to suppress individuals or organisations deemed to be critical on online spaces.
15 (4)	Criminalises failure to produce a record or document required by a cyber-inspector in the process of investigations	Provides additional means for authorities to obtain documents and records from targeted individuals “in the process of investigation”. This could be used to obtain confidential information/sources from investigative journalists, for example without need for a warrant. A fine and/or two-year imprisonment are a threat enough.

SECTION	SPIRIT/SUMMARY	DANGER
29	Interception of communication to prevent bodily harm, loss of life or damage to property	Interception of communication without a warrant may be prone to abuse by the authorities to target critical voices. While provision is made to account to a Judge after the interception is completed, the grounds on which the reasonable suspicion rests are too open to arbitrary application e.g. prevention of damage to property or loss of life. Further, due process of accountability and prior review must be considered in order to avoid abuse/unfettered interception and rerouting of private communication.
40	Interception capability of service provider: mandates a service to install interception devices for easy routing and monitoring as prescribed	May compromise security/privacy of individual communication and may be prone to abuse as the section is open ended and seems open to interpretation on continuous transmission/monitoring of communication
55	Criminalises aiding, abetting, concealing, procurement, inciting or solicitation of another person to commit or conspiring to commit any offence under the Act	This could be used against persons who come into contact with vital information e.g. journalists and their confidential sources; a journalist could be considered to be aiding and abetting/conspiring when they deal with a source who has information that is considered an offense under the Act regardless of public interest nature of the information
59	Offenses of obscene matters or things including possession of any one or more obscene, drawings, paintings, pictures, images, posters, emblems, photographs, videos or any other object tending to corrupt morals	Obscenity is subject to moral interpretation and is thus prone to arbitrary application as has been the case previously <sup>1</sup> . Journalist, in the course of their duty, are likely to possess or inadvertently come into contact with obscene material or be cited for circulation even when done in public interest. The Section is too open and vague.

The Act and its provisions are, thus, polemical especially that the country will conduct general elections in August and ICT infrastructure will play a crucial role in information dissemination, campaigns and media communication. As such, it is important that the Act is applied judiciously and with respect to the Constitutional guarantee of freedom of expression as well as other relevant guiding documents such as the 2001 Budapest convention on cybercrime which gives protocols on lawful interception among other issues in fighting cybercrime and the 2013 SADC model law on computer crime and cybercrime which sets the standard for cyber security and cybercrime in the Southern Africa Region by balancing law enforcement and public interest. Other international provisions worth taking into account in weighing the Cyber Crimes Act include the African Union Convention on cybersecurity and personal data protection, more commonly called the Malabo Convention.

It is no wonder, then, that certain stakeholder expressed reservations on the Cyber Crimes Act. For example, a consortium of twelve (12) civil society organisations called for the withdrawal of the Bill to allow for wide consultations and review of certain provisions which would be inimical to freedom of expression<sup>9</sup>.

<sup>9</sup> In 2009, journalist Chansa Kabwe was arrested for alleged circulation of obscene material after she sent pictures of a mother giving birth outside the University teaching Hospital to politicians who included then Vice-President, George Kunda. Ms Kabwela was eventually acquitted. See <https://cpj.org/2009/11/zambian-editor-acquitted-in-hospital-obscenity-cas/>



### 3.2.1. ACCESS TO INFORMATION BILL

In the quarter under review, there was no progress recorded with regard to the enactment of the ATI Bill with no indication on the promised presentation of the Bill to parliament other than the two policies adopted in the previous quarter, namely the Government Communications Policy and the National Media Policy. The ATI Bill has stalled since it was first mooted in 2002 with several pronouncements made by different regimes but all in vain.



It is saddening that another session of the National Assembly was passing by in the quarter under review without enactment of the Bill despite nearly two decades of lobbying and advocacy. Further, history is about to repeat itself as another term of office comes to an end and election campaigns begin, with political parties expected to again include enactment of the ATI Bill as a hall mark feature of their manifestos. Parliament resumed sitting for the third and final session of the twelfth National Assembly<sup>10</sup> which will see the house being dissolved with no indication of plans by government to present the Bill.

The law on Access to Information is critical for the enhancement of transparency, accountability and the role of the media, all of which are essential in a liberal democracy. Further, such a law could help to alleviate vices such as corruption which thrive in an environment of secrecy.

Overall, the legal environment in the quarter under review was repressive, mainly owing to the enactment of the Cyber Security and Cyber Crimes Act No. 2 of 2002 which poses a threat to the freedom of expression and access to information.

## 3.3 ECONOMIC ENVIRONMENT

The economic environment, much like the previous quarter, remained uncertain as shown by a number of economic variables considered in this section.

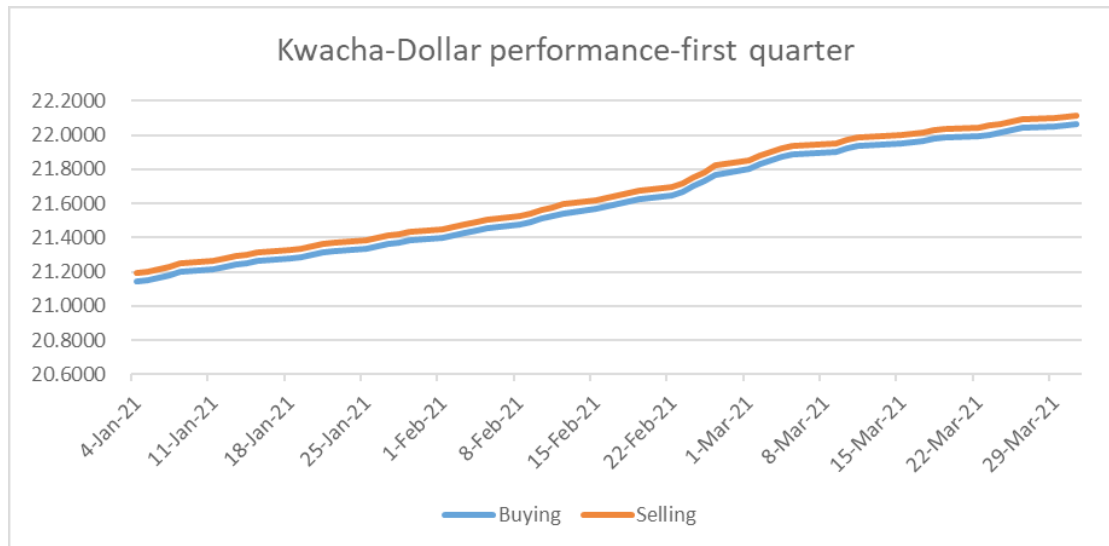
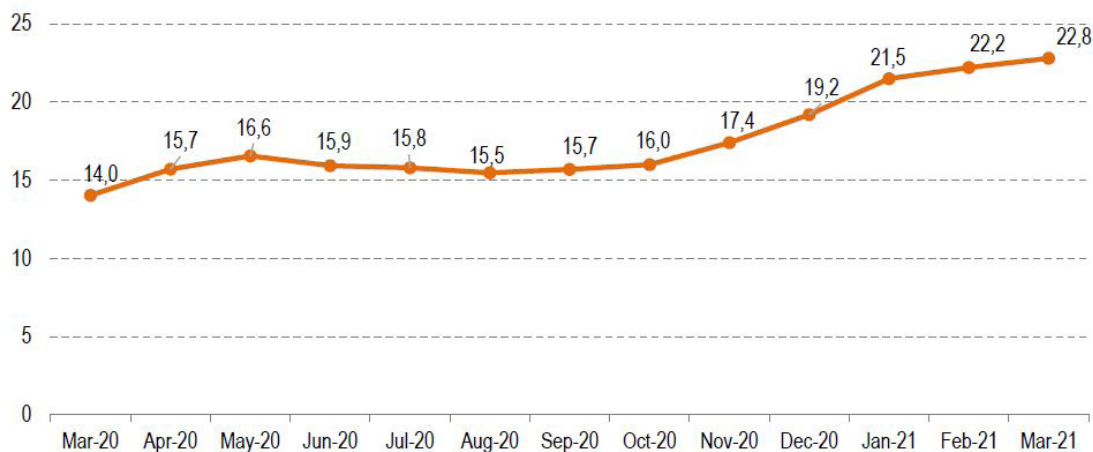
For instance, the Kwacha continued to lose against major convertible currencies, opening at an average of K21 at the beginning of the quarter and closing at an average of K22 per dollar at the close of the quarter<sup>11</sup>, a considerable depreciation. This situation was further compounded by a steady increase in the annual inflation rate from 21.5 % in January to 22.8% in March, a development that was attributed to price increases in both food and non-food items<sup>12</sup>.

<sup>8</sup> As reported on 19<sup>th</sup> February, 2021 in the News Diggers Newspaper. See <https://diggers.news/local/2021/02/19/cyber-security-bill-is-dangerous-csos/>

<sup>10</sup> According to a public announcement issued by the Clerk of the National Assembly. See <http://www.parliament.gov.zm/node/8828>

<sup>10</sup> According to the Bank of Zambia Historical Series of daily Kwacha-dollar exchange rates, available at <https://www.boz.zm/historical-series-of-daily-zmw-usd-exchange-rates-zmw.htm>

<sup>11</sup> As reported in the Zambia Statistics Agency's monthly bulletins (January-March), available at <https://www.zamstats.gov.zm/index.php/publications/category/51-2021>

**KWACHA-DOLLAR PERFORMANCE-FIRST QUARTER<sup>13</sup>****ANNUAL INFLATION RATE-MARCH 2020-MARCH 2021 (%)<sup>14</sup>**

Notable during the quarter, also, was an accelerated reduction in output and new orders while companies raised their output prices and continued to lower staffing levels, mainly due to difficulties in paying workers<sup>15</sup>.

On the other hand, though, a few possibly positive developments were noted with likely impact on the economic state of the media also. For example, market interest rates continued to trend downwards while domestic real GDP was projected to recover as supported by positive growth in mining, electricity, gas and water as well as the information and communication sectors<sup>16</sup>.

While a less severe contraction was expected, a weak recovery was projected in the medium term mainly owing to the uncertainty around the resurgence of COVID-19 infections and the narrow fiscal space which could pose significant downside risks to the growth outlook above.

The media continued to bear their share of the brunt of the uncertain economic outlook and negative performance. This is mainly because media houses rely on advertisements from corporates and FCMGs as

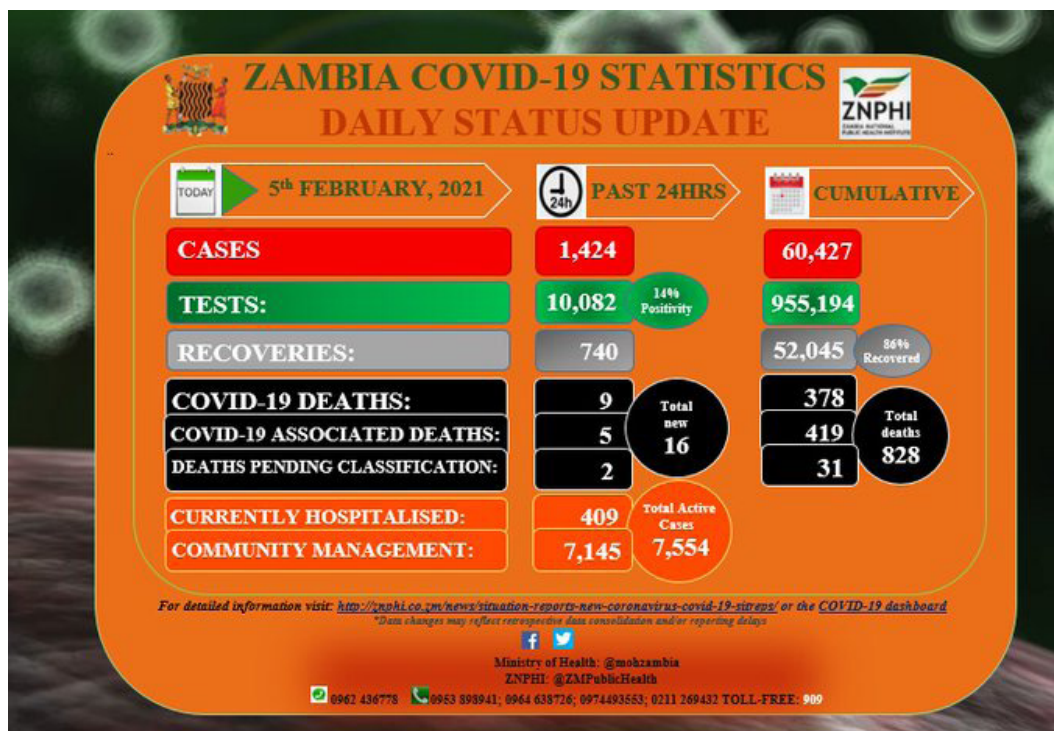
<sup>12</sup> SOURCE: Bank of Zambia historical series of daily Kwacha-Dollar exchange rates

<sup>13</sup> Source: Zambia Statistics Agency (ZAMSTATS) Monthly Bulletin, March-2021.

<sup>14</sup> The Stanbic Purchasing Manager's Index published on 21<sup>st</sup> February reported this and other observations, read more at [https://www.stanbicbank.co.zm/static\\_file/Zambia/filedownloads/ZM\\_PMI\\_ENG\\_2102\\_LITE.pdf](https://www.stanbicbank.co.zm/static_file/Zambia/filedownloads/ZM_PMI_ENG_2102_LITE.pdf)

<sup>15</sup> As monitored in the Bank of Zambia's Monetary Policy Committee Statement following a meeting held on 15<sup>th</sup>-16<sup>th</sup> February. See [https://www.boz.zm/monetary\\_policy\\_committee\\_statement\\_february\\_2021.pdf](https://www.boz.zm/monetary_policy_committee_statement_february_2021.pdf)

their source of revenue; the companies as indicated in the variables monitored above were forced to make certain cutbacks during the quarter owing to the harsh economic environment. As such, this translated into reduced placement of adverts and other sponsored programmes which negatively affected media houses with regard to revenue generation.



Further, most of the inputs used by media houses (such as broadcast equipment, entertainment programmes and newsprint) are imported and the cost is dependent on the exchange and inflation rates, among other factors. As such, in the quarter under review, media houses incurred high costs of doing business and were, thus, negatively affected regards capital investments, especially that market interest's rates still remained high throughout the quarter, despite a marginal reduction. This was also observed by one of the interviewed respondents who noted that the economic environment was "fair with very few opportunities to excel and do business".

In this regard, and as pointed out in the political environment section, violent attacks on media houses and interruption of sponsored programmes not only lead to self-censorship but also have an effect on the media house's revenue, especially that the majority of sponsored programmes are of a political nature, particularly in an electoral year such as this one.

Other effects noted in the economic environment included electricity load management which was projected to continue throughout the quarter. Continued load shedding increases the cost of doing business for media houses as they have to rely on alternative energy sources such as generators to support most of the equipment (such as print presses, transmitters and studio control units) which requires stable supply of electricity. While there was an observable reduction in the load shedding hours experienced in the quarter, media houses remained apprehensive as they had to invest in standby power sources.

The economic effects of the COVID-19 pandemic continued to hamper media operations mainly due to a reduction in economic activity as indicated above as well as increasing operational costs due to implementation of preventive measures such as personal protective equipment and rotational work schedules. This was equally observed by the majority of the interview respondents who noted that despite implementation of "new normal" measures to mitigate the disruptive effect of the pandemic, there was still a marked negative impact on media houses. One of the respondents stated that:

*"The economic environment was not conducive as journalists remain the lowest paid sector of society and with COVID-19, the situation has become worse"*



Another respondent noted that:

*"The economy is not doing well for the general populace. The COVID situation has also not helped matters"*

In the quarter under review, the government continued to disburse the Targeted Medium-Term Refinancing Facility<sup>17</sup> as well as other COVID empowerment/relief funds<sup>18</sup>, and were open to the media in Zambia. However, many commentators continued to call for a specific media financial bailout package, especially that the media play an essential role in information dissemination for informed decision making-especially in an electoral year. Such a package, must be implemented under a framework that will still guarantee editorial independence of media houses.

Overall, the economic environment remained negative due to poor performance of most economic variables and the resultant effect on the operations of media houses. While the outlook in the quarter under review was more stable and less severe when compared to the previous year, several factors continued to compound the operations of the media, among them, the continued high cost of doing business to currency depreciation, reduced economic activity, continued load shedding and the economic effects of the COVID-19 pandemic.

### 3.4 TECHNOLOGICAL ENVIRONMENT

The technological environment was eventful, with some of the developments being negative and some being positive. For instance, the potential impact of the Cyber Crimes and Cyber Security Act No. 2 of 2021 which was discussed in detail in the legal environment section above was one negative development.

As pointed out earlier, while some of the intention behind the Act could be good, some of its provisions have the potential to stifle freedom of expression online due to the invasive nature of its provisions, especially against those deemed to be critical of the State on various social platforms.

One of the few notable occurrences in the quarter under review was the directive by the Independent Broadcasting Authority to radio stations not to collect personal information live on radio. The Authority issued the following statement:

*The Independent Broadcasting Authority (IBA) wishes to advise all broadcasting stations against requesting their callers to reveal personal information such as National Registration Card Numbers whether in part or in full, Full Names and Mobile Numbers, live on air when participating in promotional campaign programmes. Revelation of such details poses a security risk to them.*

*The Authority has issued this directive following consultations with the Bank of Zambia and hereby directs broadcasting stations to obtain such details from their listeners or viewers, off air in order to avoid public disclosure.*

*It is important to note that the disclosure of such detailed personal information on air may provide a ripe environment for fraudsters to perpetuate fraud through impersonation and may erode the gains the country has made in migrating people to a digital economy through digital financial services.*

*This statement has been issued in accordance with the provisions of the IBA Act of 2002. All broadcasting stations are expected to comply with the above stated directive*

The directive was long overdue as the trend of asking callers to submit personal details has the potential to encourage identity theft, fraud and other social engineering vices which are on the rise in Zambia<sup>19</sup>. The onus is therefore on media houses to devise other strategies of collecting information, especially identity

<sup>16</sup> See Bank of Zambia COVID-19 interventions at [www.boz.zm/covid-19-interventions.htm](http://www.boz.zm/covid-19-interventions.htm)

<sup>17</sup> Government rolled out a COVID package in 2020 and continued to implement it in the quarter under review. This stemmed from a K10 billion medium term refinancing meant to restructure, refinance, or extend credit to businesses and households impacted by COVID-19 and issuance of COVID-19 bond amounting to K8 billion as a stimulus package to enhance economic activity. A summary of government measures in response to COVID-19 can be viewed in a brief compiled by KPMG and available at <https://home.kpmg/xx/en/home/insights/2020/04/zambia-government-and-institution-measures-in-response-to-covid-.html>

<sup>18</sup> See <https://www.osac.gov/Country/Zambia/Content/Detail/Report/699fccc2-0e16-430a-a00f-1867996b3e1f>

details.

Also notable in the quarter under review was the release of the 2020 Information and Communication Technologies Sector Annual Market Report on 15<sup>th</sup> March 2020<sup>20</sup>. The report is critical to the media sector also as it indicates certain audience insights that media houses can take advantage of to improve information dissemination, especially in the COVID era where ICTs are key to communication.

Some of the highlights of the report include the increased access and utilisation of ICT services in the country, particularly mobile and internet subscriptions, attributed mainly to the new normal in which use of virtual technology was encouraged to prevent the spread of COVID-19. For example, active mobile telephone subscriptions increased from 17.2 million in 2019 to 19.1 million in 2020. Similarly, active internet subscriptions increased from 9.2 million in 2019 to 10.3 million in 2020, indicating an improvement in the internet penetration rate from 52.9% in 2019 to 57.6% in 2020.

The improvement in the internet penetration rate was attributed to higher investments among service providers leading to adoption and extensive coverage of 3G/4G networks. The increased uptake of internet services was noted during the COVID-19 pandemic leading to the increased penetration rate highlighted above. Further, the report records that the monthly cost of at least one gigabyte bundle of mobile data in Zambia ranked 'third' when compared to sixteen countries in the region.

These statistics are important for the media sector which needs to adopt technologies aimed at meeting the new means and ways of accessing content used by consumers of media products. This is especially important in the wake of the COVID-19 pandemic which as indicated in the 2020 third quarter State of the Media Report has negatively affected the media's ability to monetise content and generate sufficient revenue to sustain their operations, especially in the absence of stimulus funding. This was also a trend noted in the economic environment section above. As such, based on the information in the annual report, media houses need to rethink advertising strategies by targeting online markets and mobile internet users by integrating such technology in their regular broadcasts. It is no wonder that certain media houses have already implemented certain new strategies noted during the quarter such as e-newspapers<sup>21</sup>, online advertising as well as podcasts, mobile applications and content streaming. The statistics in the ICT Sector Annual Market Report are also critical as they help to influence the course of the country's digital migration process, with transition to digital TV already in progress<sup>22</sup>. As such, there is need for the media sector to take advantage of the developments in the ICT sector as highlighted in the Annual Market Report. There is, also, need for government to create an enabling environment through the provision of customs waivers and other tariff reductions on equipment meant to increase the capacity of media houses to digitise as well as integrate internet based broadcasting tools. This is especially against the Authority's forecast of a positive outlook in the general uptake and use of ICT services in 2021 with the number of active mobile network subscriptions expected to increase by 5.2 percent while uptake and use of internet services is also anticipated to continue improving.

19 Available at <https://www.zicta.zm/storage/posts/attachments/3hvcdeZgSqex6Qkvv9WhbpDwffMQE4ueT49ITi1H.pdf>

20 The Zambia Daily Mail and News Diggers Newspapers continued to operate an electronic version of their publication, requiring people to subscribe at a minimal fee in order to access news content. The Zambia Daily Mail E-paper is available at <https://enews.daily-mail.co.zm> while the News Diggers E-paper is available at <https://diggers.news/e-paper/>

21 The Digital Switchover (DSO) is the process of moving from analogue to digital terrestrial television. The process generally comprises three stages: a) Establishing the new digital services on temporary frequencies, if required, and operating both analogue and digital services for a period (simulcasting) during which viewers have the opportunity to make changes to their receiving installations to receive the new digital signals. b) Switching off the analogue services (ASO – Analogue Switch-off) c) Change the frequencies of the digital services to their final frequencies if required (the so-called re-stacking). See the ITU FAQs document at <https://www.itu.int/en/ITU-R/Documents/ITU-R-FAQ-DD-DSO.pdf>

With regard to media development and performance during the quarter, the following was the breakdown of media outlets:

### BROADCAST INSTITUTIONS<sup>23</sup>

COMMUNITY RADIO	72
COMMERCIAL RADIO	62
COMMERCIAL TELEVISION	24
COMMUNITY TELEVISION	13
PUBLIC RADIO	6
PUBLIC TELEVISION	5
SUBSCRIPTION MANAGEMENT SERVICE	7
LANDING RIGHTS BROADCASTING SERVICE	7
<b>TOTAL</b>	<b>196</b>

### MAJOR DAILY NEWSPAPERS<sup>24</sup>

OUTLET	REACH	OTHER EDITIONS	E-PAPER	PRICE
Zambia Daily Mail	Nationwide	Sunday Mail	YES	K10
Times of Zambia	Nationwide	Sunday Times	YES	K10
Daily Nation	Nationwide	-	NO	K10
News Diggers	Selected towns	-	YES	K10
The Mast Newspaper	Selected towns	-	NO	K10

### TOP SOCIAL MEDIA NEWS OUTLETS-FACEBOOK<sup>25</sup>

OUTLET	FANS
Mwebantu Zambia	1, 366, 786
Zambia Reports	1, 285, 608
Zambian Watchdog	871, 993
Smart Eagles	828, 474
Kalembe	203,652

Overall, the technological environment was stable, with positive indications given by the increase in media outlets, the deployment of innovative technology by media houses and the numerous opportunities presented by ICT consumer trends which could be of benefit to media houses. However, freedom of expression online was threatened by the enactment of the Cyber Crimes and Cyber Security Act No. 2 of 2021 given the invasive provisions of the Act and the related chilling effect it is likely to have. This indicates a continuation of some of the occurrences that undermined the technological environment in the previous quarter which was similar in nature.

<sup>23</sup> According to a list of broadcast media houses supplied by the Independent Broadcasting Authority (IBA)

<sup>24</sup> According to an observation of newsstands in selected towns in the quarter under review

<sup>25</sup> See <https://www.socialbakers.com/statistics/facebook/pages/total/zambia>

## 4.0. CONCLUSION

The review in this report has shown that there has not been any improvement in the key thematic areas in the first quarter of 2021 when compared to the fourth quarter of 2020. In this regard, the effect of the occurrences highlighted under key thematic areas cannot be overemphasised.

The socio-political environment was marred by the continued attacks against media houses by political party cadres with damage to property recorded in some of the cases. This created an atmosphere of fear and self-censorship which could likely affect the media's ability to fulfil its normative functions.

On the other hand, the legal environment recorded the enactment of the Cyber Security and Cyber Crimes Act which poses a danger to the enjoyment of freedom of expression and access to information given its arbitrary provisions.

As with the previous quarter, the economic environment did not record any significant improvements, with a bleak economic outlook throughout the quarter under review. This situation undermined the media's economic independence, a critical aspect of press freedom.

The technological environment, however, recorded some positive forecasts as indicated in the ZICTA annual market report which recorded increased mobile telephone subscriptions and internet penetration, both aspects which media houses could benefit from.

Further, the unprecedented interventions by the Zambia Police Services to improve media and journalists' safety was yet another positive development. The icing on the matter of safety of journalists was the policy directive by the Zambian President who denounced violence against the media while Ministry of Information led a protest to the Zambia Police demanding action against cadres perpetuating violence against the media and journalists.

## 5.0. RECOMMENDATIONS

### i. Safety and security of journalists and media houses

There is need to ensure journalists are protected from attacks and harassment by political party cadres. There must be development of a strategy by Police and media houses to curb the vice of harassment. The Electoral Commission of Zambia must also enforce the electoral code of conduct against erring political parties that attack media houses in order to ensure a free and fair election in which citizens have access to varied viewpoints.

### ii. Safeguarding the sustainability of media enterprises

Given the negative economic trends observed in the quarter, it is critical that a stimulus package is introduced and other empowerment schemes also take into cognisance the needs of the media sector specifically. Deliberate moves must be taken through the Ministry of Information and Broadcasting to develop a package of incentives (tax, non-tax, empowerment) to bail out media houses from what is expected to be a tough year economically. There must be, as a matter of urgency, creation of a specific media stimulus package just like that created for the arts industry through the National Arts Council

### iii. Guarantee of press freedom

There is need to enact specific legislation to safeguard press freedom in Zambia. The legislation needs to have explicit guarantee of press freedom as well as the privileges to be enjoyed by journalists and their responsibilities.

### iv. Review of laws inimical to media freedom

There is need for the review of laws inimical to freedom of expression and of the media. These include, among others, Penal Code provisions among others.

## 6.0. APPENDICES

### 6.1 INTERVIEW GUIDE/QUESTIONNAIRE

#### MISA ZAMBIA STATE OF THE MEDIA REPORT QUARTER 4 (Oct-Dec) 2020

Dear respondent, MISA Zambia conducts a quarterly review of the state of the media in Zambia, detailing trends in the political, legal, economic and technological operating environment. In this regard, your assistance and input by response to the questions below will be of utmost help in compilation of reports for the fourth quarter of 2020. Ensure to give as much information as clearly as possible. The information collected is solely for the purpose of the State of the Media reports.

**Name** ..... (To be withheld on demand)

**Date**...../...../2020

1. How would you describe the level of freedom of expression and of media in the fourth quarter of 2020?

2. How would you describe the following aspects with regard to the media

- a. Political environment

- b. Economic environment

- c. Legal environment

1. What are some of the challenges and opportunities you have observed with regard to media freedom in the quarter under review?

2. What are your general comments on the state of the media in the quarter under review?

3. Based on your observations, what are your recommendations for media development?

## 6.2 ALERTS AND COMMUNIQUES

### **Communique-12<sup>th</sup> January (Smart Eagles)**

CABINET has directed the Ministry of Health and other agencies to enforce Covid-19 measures such as the mandatory wearing of masks in public. In a statement issued yesterday after a virtual Cabinet meeting, Cabinet directed that the Ministry of Health, as lead institution, working with all other Ministries involved in the fight against the Covid-19, in the multi-sectoral approach, should enforce measures announced by President Edgar Lungu during his national address on June 25, 2020.

“Mandatory use of face masks by everyone in public, avoiding unnecessary crowding and ensuring social distancing, providing facilities for hand hygiene and sanitation, regular cleaning and disinfecting public amenities, observing personal hygiene and coughing etiquette and avoiding unnecessary movements,” reads the statement.

Cabinet also noted that enforcement agencies have relaxed and that most of the measures are not being implemented as announced by the President. The meeting further emphasised the need for the general public to also adhere to the announcement made by the President on the partial reopening of bars, taverns, and night clubs which were allowed to only open on Fridays, Saturdays and Sundays from 18:00 hours to 22:00 hrs.

Meanwhile, Cabinet has also approved the National Cyber Security Policy which will ensure that effective mechanisms are put in place for a well-coordinated governance framework on cyber security thereby fostering the creation of a secure, reliable, and trustworthy cyber environment that increases confidence.

The meeting further noted that policy will assist in inculcating a culture of cyber security and protect victims against cybercrimes, guide the mechanism of coordinating cyber security matters, develop high local technical skills in cyber security and provide for Child Online Protection. The policy will also promote the responsible use of social media platforms and facilitate identification, declaration and protection of national critical infrastructure.

“Government, through this Policy, will take responsibility of ensuring that the public sector, private sector, and civil society are not only aware of the dangers of cyberspace, but also that the respective sectors take necessary measures of securing themselves,” reads the statement.

### **Communique-15<sup>th</sup> January (Radio Phoenix)**

The Media Institute of Southern Africa-MISA- Zambia has welcomed the approval of the National Cyber Security Policy by cabinet.

During this year’s first cabinet meeting held virtually on Monday, 11th January, 2021, cabinet approved the national cyber security policy which is expected to ensure that effective mechanisms are put in place for a well-coordinated governance framework on cyber security thereby fostering the creation of a secure, reliable, trustworthy cyber environment that increases confidence.

Commenting on the development, MISA Zambia chairperson Hellen Mwale says the institute has no doubt that the contents of the policy will provide guidance on how to best to deal with online crimes such as identity theft, pornography, online bullying, human trafficking among other vices that are harmful to human rights and dignity.

In a statement, Ms Mwale says digital rights entail the ability of citizens to enjoy their rights to freedom of expression, association, assembly and access to information online without hindrance.

She further explains that digital rights demand data protection for online users and unnecessary surveillance from the state and those on whose platforms personal data is generated.

Ms Mwale has since urged the state to hasten the enactment of the data protection bill. She has however warned against the abuse or misapplication of the national cyber security policy to develop legislation that would hinder the enjoyment of fundamental freedoms by citizens in the country adding that digital and other online platforms must be left open to allow citizens’ participation in governance issues.



### **Alert-15<sup>th</sup> January (News Diggers)**

On 15/01/21 the News Diggers Newspaper carried a head line “HONEYBEE Pharmacy Limited has threatened to sue News Diggers! Media Limited for libel over the publication of “false” articles against them regarding distribution of defective condoms and drugs”.

In a letter addressed to the Diggers managing editor, Honeybee’s lawyer Tutwa Ngulube stated that on several dates, Diggers! had “maliciously” published several articles without verification from Honeybee.

Ngulube complained on behalf of his client that News Diggers! further published an article that Honeybee had supplied defective condoms when in fact not. “We have been retained by Honey Bee Pharmacy Limited of Lusaka to represent them in this matter and are kindly, therefore, note our interest. Our clients have instructed us that it has come to their attention that on several dates including the 11th January, 2021, did maliciously publish several articles of and concerning our client’s business without verification or getting balanced. In one of the articles titled: ‘years of HIV/AIDS fight lost to leaky Honeybee Condoms,’ in your newspaper, our clients complain that in your said article you clearly attacked their business and you have alleged without facts or truth that our clients obtained the tender with dubious means when in fact not and there is no evidence to support those malicious allegations,” Ngulube stated in the letter delivered in Lusaka, Friday morning.

“Our clients further state that you have alleged that our clients are the ones that supplied the defective condoms when in fact not. Our clients deny your allegations and state that they have never supplied any defective condoms. Our clients state that they have a certificate of acceptance issued by Medical Stores Limited, which shows that the goods they supplied were not defective. This certificate was issued in line with the contract.”

Ngulube, who is also Kabwe Central PF member of parliament, alleged that the news stories published by the paper were without truth and had in turn caused commercial and reputational damage to Honeybee Pharmacy.

### **Communique-19<sup>th</sup> January (Times of Zambia)**

The Independent Broadcasting Authority (IBA) has directed radio and other broadcasting stations to stop asking for their caller’s personal information live on air when participating programmes.

IBA Director-General Josephine Mapoma said, requesting callers to reveal personal Information like National Registration card numbers, in part or full, full names and mobile numbers live on air posed a security risk to them.

Ms. Mapoma said in a statement yesterday that IBA issued the directive following consultations with the Bank of Zambia. “it is important to note that the disclosure of such detailed personal information on air may provide a ripe environment for fraudsters to perpetuate fraud through impersonation and may rode the gains the country has made in migrating people to a digital financial services.” Ms. Mapoma said.

Ms. Mapoma said IBA expected broadcasting stations to obtain such details from their listeners or viewers off the air to avoid public disclosures.

### **Communique-29<sup>th</sup> January (News Diggers)**

THE Media Liaison Committee (MLC) says it is shocked by attempts from the National Pensions Scheme Authority (NAPSA) to abuse their authority by intimidating News Diggers! from investigating corruption. In a statement, MLC chairperson Ngoma stated that government wings like NAPSA should not collude with Honeybee Pharmacy Limited to stop media institutions from reporting corruption. “The MLC is shocked by attempts from management at NAPSA to abuse their authority and privileged positions by intimidating the media from investigating corruption and wrongdoings at their offices and those of Honey Bee Pharmacy...”

**Communique-28<sup>th</sup> January (Lusaka Times)**

The Media Institute of Southern Africa (MISA) Zambia has applauded the move by government to protect the media personnel through the proposed improved conditions of service. MISA Chairperson, Hellen Mwale said the proposal by the Ministry of Labour and Social Security to implement the introduction of minimum wage for journalists in the country, is step in the right direction as many scribes have poor conditions of service.

Speaking in an interview with ZANIS, Ms Mwale said MISA Zambia is elated that the profession has been recognized as one of the key occupations that need to be protected and motivated. Ms. Mwale explained that the move taken by the ministry will ensure and improve staff retention as journalists will not leave the profession for more lucrative positions in the corporate world such as Public Relations.

She added that this will guarantee the media to retain a high number of seasoned journalists who in turn promote media excellence through their experience. Ms. Mwale noted that the media is a major stakeholder in the country but their remuneration has been poor over the years.

“As a fourth estate, the work that is carried out by the media cannot be overemphasized and this move will only motivate them to work harder,” she added. Ms. Mwale also called on media houses in the country to enhance the fight against COVID-19 and continue to protect their journalists. She further urged sources of news to use electronic means to disseminate information to the press to avoid physical contact during the COVID-19 pandemic.

MISA Zambia State of the Media report in 2020 highlighted the poor conditions of service for journalists as one of the key issues that affect journalists as they carry out their work and maintain professionalism

**Alert-5<sup>th</sup> February (The Mast)**

FREELANCE journalist Cheelo Katambo has sued Lusaka Province Minister Bowman Lusambo in the Lusaka High Court for defamation for alleging that he has been propelling propaganda.

In his statement of claim, Katambo said that on January 15, 2021, Lusambo published defamatory statements against him when he alleged that he was using an online publication, Koswe, to destabilise the country's peace by peddling lies.

Lusambo said, “the incessant appetite by koswe to write half-truths, propaganda and innuendos about innocent people should be caged immediately. This rogue social media page is a danger to the safety, stability and security of our beautiful nation. I wish to warn Cheelo Katambo, the principal owner of koswe to be very careful on how he is abusing his privileges in this country. As a democratic nation Zambia has allowed the exchange of diverse views unfettered even on social media. This right however is not absolute and should not be abused in the manner the likes of Cheelo are doing. If koswe doesn't turn the corner and change its approach Cheelo and team will soon meet their Waterloo.”

Lusambo further alleged that Cheelo and his cohorts at Koswe, with the full support of Hakainde Hichilema, should be assured that their days of publishing lies were numbered.

Katambo said in their natural and ordinary meaning, the statements issued by Lusambo were libelous as they meant and were calculated to mean that he was proprietor of an online publication known as Koswe and that he has been propelling propaganda with the intention of destabilising peace and security of Zambia.

He said Lusambo's defamatory statements were false and malicious as he is neither a proprietor nor editor nor an ardent follower of the said online publication.

Katambo said Lusambo's allegations that he was abusing his rights and privileges by propelling propaganda under the guise of Koswe were calculated to create an impression in the minds of the public that they were true when in fact not.



### **Alert-9<sup>th</sup> February (Liberty Radio)**

On 09/02/2021 MISA Zambia received a report from Liberty Radio Station of threat that PATRIOTIC Front (PF) cadres on the 9<sup>th</sup> February ransacked and damaged property at Liberty radio station in Mporokoso as they attempted to block Democratic Party (DP) party president Harry Kalaba from featuring on the community station. The drunk and unruly cadres that were led by Chongo Fumapo, damaged the windows and doors at the station as they attempted to gain access to the studio to attack Mr. Kalaba.

Liberty Radio wrote on their Facebook page that “despite a police docket being opened the police are scared to institute arrests as the cadres’ arrests said to be “powerful” and above the law”.

“The malicious damage to property has been reported to Mporokoso police but we have been told by the police that they have to get instructions to arrest the cadres,” said one of the witnesses at the station.”

### **Follow-Up on the matter**

MISA Zambia followed up the matter with the station’s Programmes Manager, who confirmed the incident to be true.

### **Alert Update-11<sup>th</sup> February (Individual)**

On 11/01/21 the High Court of Zambia directed the Lusaka Magistrate to receive Thomas Zgambo’s complaint against AIRTEL Networks PLC Directors. This is in the matter, Thomas Allan Zgambo dragged the Mobile Service Provider to the High Court for Intercepting his Communication and Infringement of his right to speech and expression in 2014. According to a search conducted at the Principal Registry of the High Court, High Court Judge Susan Wanjelani on September 27. 2018 ordered Airtel Networks to provide to court Call Records for Zgambo from the January 2014 to December 2014. However, Airtel only provided call records from January 2013 to March 2014. Zgambo however insisted that he wanted call records for April 2014 to July 2014.

Judge Wanjelani then adjourned the matter to allow Airtel to produce the remaining call records. Airtel through its Lawyer, Paulman Chungu then wrote to Zgambo asking him to pay for the prints at Digi Print.

Zgambo paid but at the next hearing Airtel again did not produce the call records for April to July 2014 but instead produced records for August to December 2014. Zgambo who was then representing himself refused to proceed to trial without the missing call records and asked the court to cite Airtel Directors for Contempt of Court for failing to produce the records in question.

Judge Susan Wanjelani in her ruling declined to cite the Directors for Contempt on grounds that Mr. Zgambo had not written to the Directors reminding them of their obligation to produce the documents.

The Journalist later wrote to Airtel Directors reminding them that he will need the missing Call Records at the next hearing on January 12. 2021 failure to which he would apply for Contempt of Court.

### **Communique-10<sup>th</sup> February (Lusaka Times)**

Media Institute of Southern Africa (MISA) in Zambia has urged media institutions to be accurate in their reporting.

MISA Chairperson Hellen Mwale said credibility is developed and earned around reporting accurate information when practicing journalism.

“To earn the trust and public confidence, we have to be responsible journalists, to be responsible journalists means that we have to report the truth,” Ms. Mwale said.

In an interview with ZANIS, Ms. Mwale said to avoid inaccuracy in reporting, the media needs to make sure that the news is right before disseminating to the public by checking the facts.

She said the reason why journalists should check the facts is that the information is telling the true story in which the facts will add up to a larger truth.

"As we report, there should be quality control in news writing," Ms. Mwale said.

MISA Chairperson also said journalists should confirm that they know the sources for every factual assertion in the story.

### **Communique-15<sup>th</sup> February (Zambia Daily Mail)**

Journalists should be ethical in coverage of news and wary of bribes, especially now that Zambia is headed for the August 12 General Elections, President Edgar Lungu has said.

Speaking when he addressed parliament, President Lungu also said that as a firm believer in press freedom, stakeholders should allow journalists, do their work unimpeded.

The President stance has cheered MISA Zambia whose chairperson, Helen Mwale, has said the advice should be followed up by actions.

President Lungu said reporters should be fair professional and objective as they carry out their work. "My administration and I expect journalists to observe the code of conduct. Bias and untruth are not part of journalism; they belong to the drainage!" President Lungu said.

President Lungu also advised journalists to avoid behavior that compromise their reporting. "Journalists should avoid gifts and being pampered with money and material things because it is this behavior that compromises their reporting. We need a free but responsible media," President Lungu said.

He said in recognition of the importance of the media in the governance system, Government launched the first –ever media development policy in November 2020. The head of state said the policy aims to promote freedom of expression by guaranteeing press freedom.

"The policy is anchored on four pillars namely media freedom. Media pluralism, media independence and safety of journalists. This development underscored government's commitment to supporting the media institutions and freedom of expression," President Lungu said.

He said this year, being an election year, the media will continue to play its very important role of being the fourth estate.

President Lungu also advised those who abuse social media to use their time productively. "You can be on social media the whole day just criticizing Government. If it is imperative in your opinion to criticise government, do so, but please, do not insult. No one will hear you with your profanities and falsehoods," he said.

President Lungu further cautioned that cabinet has introduced a bill in parliament to allow for enactment of laws that will protect people from cyber bullying.

"The Cyber Security Bill of 2021, which is aimed at protecting persons from cybercrime. Will not let you go scot-free if you do not stop abusing innocent people online," he said.

And Ms. Mwale commended President Lungu for the instance on media freedoms. "At policy level, we have every support but what we need now we are strong support systems to enforce policies on the media," Ms. Mwale said.

She also urged journalists to always double check their facts,

### **Communique-19<sup>th</sup> February (News Diggers)**

A CONSORTIUM of civil society organisations says members of parliament should consider getting submissions from stakeholders regarding the dangerous provisions in the Cyber Security and Cyber Crimes Bill of 2021 that need to be addressed before it can be passed.

In a joint statement, Thursday, Chapter One Foundation, ActionAid Zambia, Alliance for Community Action, Caritas Zambia, CISCA, Centre for Trade Policy and Development, Transparency International Zambia,

Zambia Council for Social Development, Council of Christian Churches in Zambia, GEARS Zambia and Peoples' Action for Accountability and Good Governance in Zambia said the Bill provided several avenues for abuse of the cyber space by state organs.

"We urge the members of parliament before whom this Bill will be tabled to consider submissions from CSOs, NGOs and other stakeholders regarding the dangerous provisions in the Bill that need to be addressed before it can be passed. We wish to remind the representatives of the people that they too may at any given time fall prey to legislature that limits their freedom of speech and right to privacy. We also urge members of the public to take time to read the Bill and engage their elected representatives on the need to sufficiently scrutinise its provisions," read the statement, which was signed by Chapter One Foundation executive director Linda Kasonde.

"In his address to the National Assembly dated 12th February 2021 on the progress made in the application of the national values and principles, His Excellency the Republican President Edgar Lungu, made reference to the use of social media platforms to criticise the government. He further stated that the proposed Bill is meant to curtail social media abusers who abuse innocent people online. We note that while the Bill does provide for protection from cybercrimes, it also provides several avenues for abuse of the cyber space by state organs which threaten the constitutionally guaranteed freedom of expression and right to privacy. These will need to be addressed and eliminated with equal enthusiasm."

The CSOs said the Bill in its current form fell short of several regional and international set standards.

### **Communique-5<sup>th</sup> March (News Diggers)**

THE Independent Broadcasting Authority (IBA) says it supports the enactment of the Cyber Security Bill to curb rising incidences of cyberbullying and Internet abuse.

In a statement, Thursday, IBA Board chairperson Mabel Mung'omba stated that the Authority was concerned about the rising incidences of cyber bullying, fake news, online rumours and general Internet abuse.

"IBA wishes to support the Cyber Security and Cyber Crimes Bill, 2021, which seeks to, among other things, provide for cyber security in the Republic, protection of persons against cybercrime, child online protection, and facilitate identification, declaration and protection of critical information infrastructure. The Authority is concerned about incidents of cyber bullying, fake news, online rumours and general internet abuse, which are on the rise and there is need to curtail such unfortunate trends. The IBA further notes that traditional media, unlike social media platforms, have instituted gate-keeping processes/mechanisms designed to preserve the integrity of the content channelled to the public," Mung'omba stated.

"We wish to encourage all broadcasting stations that utilise the Internet to do so in a professional manner and adhere to the same guidelines that they follow when they write news for traditional media. The Authority has noted with regret that most social media users pay no regard to the negative impact of the messages they post, which may have far-reaching consequences on the victims. It is unfortunate that most of the victims of these attacks are women, girls and children who may not have the means of defending themselves. In this regard, we urge all stations to avoid reporting that promotes gender stereotypes."

Mung'omba cautioned broadcasting stations to be careful in the manner they used online platforms.

### **Communique-5<sup>th</sup> March (News Diggers)**

THE Cyber Security and Cyber Crimes Bill has passed the second reading stage in Parliament after 83 parliamentarians voted in the affirmative.

The Cyber Security and Cyber Crimes Bill No. 2 of 2021 came up for resumption of debate, Thursday.

The Bill was then subjected to an electronic vote, where 83 members of parliament voted in the affirmative, 52 in the negative and one was in absentia.

After voting, the Bill was read a second time after which Speaker of the National Assembly Dr Patrick Matibini indicated that the committee stage would be taken today, Friday.

On Wednesday, the House failed to vote whether or not the Cyber Security and Cyber Crimes Bill should be read for the second time due to challenges with the information and technology system.

The members of parliament tried to vote orally, but failed as there was an indication of division, which fostered the use of the IT system to determine whether the Bill should be read for the second time.

Three MPs, namely Liuwa UPND member of parliament Dr Situmbeko Musokotwane, Zambezi East UPND member of parliament Brian Kambita and Namwala UPND member Moono Lubezhi had earlier risen on points of order, complaining that they were facing challenges with logging into the e-Chamber system.

Dr Matibini was then forced to interrupt business for the day in order to resolve the challenges.

Various members of parliament had debated on the Bill.

Transport and Communications Minister Mutotwe Kafwaya said 20 amendments were already proposed to the Bill.

### **Communique-9<sup>th</sup> March (Zambia Daily Mail)**

Government is not trying to squeeze people with the proposed Cyber Security and Cyber security law, a University of Zambia Political science lecturer has said.

Evans Daka says countries world over are putting in place insecurities on the internet, "The Cyber Security and Cyber Crime Bill is coming because of insecurities on the internet, starting from the united Nations and many countries, even at a regional level, there is a demand to put in place laws that will guarantee safety of the internet," Mr. Daka said in an interview.

He, however, said some stakeholders have concerns over the proposed Cyber Security and Cyber Crimes is in place, it should be properly implemented. "The Proposed cyber law will not only bring sanity in politics but in social life as well because there will be consequences for abusing social media.

"The issue with this bill is implemented, some stakeholders, especially political parties and some civil society organisation (CSOs) limited democratic space," he said. Mr. Daka said some CSOs are suspicious of the rush with which Government wants to enact the law.

"There are many other good bills that have been shelved, so some of these CSOs who are pushing various agenda want to participate in the electoral process and so feel this law may affect them," he said.

### **Communique-10<sup>th</sup> March (News Diggers)**

Date:10/03/2021

THE State has closed its case in a matter where Chishimba Kambwili is accused of defaming President Edgar Lungu, after calling various witnesses to testify in the matter. And Chief Resident Magistrate Lameck Mwale has set April 6, this year, as a date for ruling on whether Kambwili has a case or no case to answer. Kambwili is in this matter charged with defamation of the President.

### **Communique-10<sup>th</sup> March (Times of Zambia)**

The amendments of cyber security and cybercrime Bill which came for the committee stage was yesterday punctuated with objections as members from both opposition and executive took turns to highlight what will be the merits and demerits of The Bill's clauses if enacted into law.

The bill, however went through the committee stage to the report stage where the amendment bill could be debated and further amendments proposed. Meanwhile new government Bills were yesterday presented to the house for the first reading by responsible Minister's.

The various clauses of the cyber security and cybercrime Bill were considered line –by- line with changes being made on wording or for new clauses to be added.

The bill seeks to provide for cyber security protection of persons against Cybercrime and facilitate identification, clarification and protection of critical information infrastructure.

Deputy speaker of the National assembly Catherine Namugala presided over tabling of the bill, several members engaged in a heated deliberation with some raising on points of the of procedural.

Taking turns to debate the clauses for amendments, Justice Minister Given Lubinda said he was shocked to learn some opposition MPs were in forefront wanting to delete a clause that highlighted the need to address hate speech. "How could anyone possibly oppose a clause to make a new law to deal with hate speech?" Mr. Lubinda wondered.

Information and Broadcasting Services Minister Dora Siliya who is also Chief Government Spokesperson urged members to pass the Bill saying if enacted into law the new legislation would provide for protection for every Zambian against Cybercrimes. This law is intended for the people of Zambia she said.

But United part for National development the central MP Jack Mwimbu reaffirmed that the opposition was not in support of the bill claiming it would be a to spy on the people of Zambia and it should be deferred for more consultation.

### **Alert-10<sup>th</sup> March (Radio Chete)**

On 10<sup>th</sup> March, 2021, MISA Zambia received a report of Tear Gassing of Radio Chete by Patriotic Front cadres for featuring the United Party for National Development (UPND) Provincial Chairperson Rev. Matthews Chilekwa and George Sinkala Aspiring candidate Nakonde Constituency on their Morning radio Programme called "Hard Line" in Nakonde District Northern Province.

Radio Chete Station Manager Mr. Moses Mbewe, confirmed the incident to be true and further said the Known cadres tear gassed the radio station premises 15 minutes into the programme. He however added that no member of staff was injured and no property was damaged.









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