



# REPORT SUBMITTED BY PANOS INSTITUTE SOUTHERN AFRICA AND MISA ZAMBIA REGARDING THE UNIVERSAL PERIODIC REVIEW OF ZAMBIA

*For consideration at the 42<sup>nd</sup> Session of the Working Group of the United Nations Human Rights Council*

## 1.0 Introduction

- 1.1 PANOS Institute Southern Africa and MISA Zambia seek to strengthen the democratic foundations of freedom of speech and assembly; build independent and new media; and safeguard a space for activists, human rights defenders (HRDs), and oppositional voices to protect shrinking democratic space in Zambia.
- 1.2 In this report, we examine the Government of Zambia's compliance with international human rights obligations to create and maintain an enabling environment for freedom of expression. Specifically, we analyse Zambia's fulfillment of the right of freedom of expression, and Zambia's pledge to enact an Access to Information law as espoused in Article 19 of the Universal Declaration of Human Rights<sup>1</sup>, Article 19 of the International Covenant on Civil and Political Rights, Article 20 of the Constitution of Zambia<sup>2</sup>, Article 20 of the African Charter on Human and People's Rights, as well as the 2019 Declaration on Freedom of Expression Principles in Africa. To this end, we also assess Zambia's implementation of the recommendations received during the 3<sup>rd</sup> UPR cycle relating to freedom of expression and provide several specific, action-orientated recommendations.
- 1.3 To prepare this report, we conducted nationwide consultations of civil society, media, and other stakeholders to get their views on Zambia's implementation of the recommendations since the 3<sup>rd</sup> Cycle of the UPR. The preparation of this report was informed by a combination of approaches, including desk review of relevant literature, including laws and policies, previous UPR submissions and related recommendations; consultative meetings with various state and non-state actors; Webinars organised by the UN in Zambia, UNESCO and Amnesty International on the UPR process; roundtable meetings as well as information and feedback sessions on media law and policy. The full list of resources, people and institutions that were consulted is attached as Annex IV of this report.
- 1.4 During the 3<sup>rd</sup> UPR cycle, the Government of Zambia received and accepted seven (7) recommendations relating to media freedoms, access to information, and civic space.

<sup>1</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2019,media%20and%20regardless%20of%20frontiers.>

<sup>2</sup> <https://www.parliament.gov.zm/node/5269>

1.5 An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Zambia has not implemented most of the recommendations particularly those relating to the enactment of the Access to Information law namely;

- “Enact legislation to facilitate access to information,”
- “Make efforts to ensure access to information of public interest to citizens and guarantee the rights of freedom of assembly”
- “Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly, and association. *This includes enacting without delay an expanded Bill of Rights and Access to Information Bill and ensuring that the Public Order Act is implemented objectively and with professionalism by the police.*”

1.6 Zambia has partially implemented four (4) of the recommendations namely;

- “Guarantee that journalists and other media workers can carry out their work independently and without fear of persecution, including by reviewing its defamation laws to make sure they are in full compliance with international human rights law”
- “Ensure media freedom by providing full editorial independence to publicly-owned media”
- “Ensure the impartiality of the Independent Broadcasting Authority”
- “Create and maintain, in law and in practice, an enabling environment that guarantees freedom of expression and peaceful assembly”.

1.7 These recommendations have seen an improvement with the coming into power of the new administration. The government has through the Zambia Law Development Commission and line Ministries started the process of reviewing laws such as the Penal Code<sup>3</sup>, the Public Order Act<sup>4</sup>, the Cyber Security and Cyber Crimes Act<sup>5</sup> among others, though the Bill of Rights has not yet been expanded and the Access to Information law has also not been enacted.

1.8 We are concerned by the continued delay in the enactment of the Access to Information law and the slow speed in repealing or amending of laws that hinder freedom of expression in Zambia.

1.9 We are further alarmed by the continued use of the defamation of the President provision in the Penal Code which provisions are an affront on freedom of expression.

1.10 In this report, we examine Zambia’s implementation of UPR Cycle recommendations and compliance with international human rights standards concerning guaranteeing that

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<sup>3</sup> <https://www.parliament.gov.zm/node/824>

<sup>4</sup> <https://www.parliament.gov.zm/node/853>

<sup>5</sup> <https://www.parliament.gov.zm/node/8735>

journalists and other media workers can carry out their work independently and without fear of persecution.

- 1.11 Having reflected on the key issues, we make several recommendations to address the concerns listed at the end of this report.

## **2.0 National Context and key issues**

Zambia is a constitutional republic governed by a democratically elected President and a unicameral National Assembly, and the state is party to numerous regional and international human rights treaties. Zambia has ratified several of international and regional human rights instruments on rights to information some of which create binding obligations on it, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights (ACHPR).

It must be noted and emphasised that the issues covered in this report are from two different governance dispensations. At the time of the third cycle, Zambia was under the Patriotic Front government, but the government changed following the August 2021 General Elections that ushered in the United Party for National Development (UPND) into government.

The following are the key recommendations from the previous cycle and review concerning the current status;

### **2.1 Guarantee that journalists and other media workers can carry out their work independently and without fear of persecution, including by reviewing its defamation laws to make sure they are in full compliance with international human rights law.**

- 2.1.1 During Zambia's examination under the 3<sup>rd</sup> UPR cycle, the government received recommendations to repeal defamation of the President provisions in the Penal Code. Further, the government made commitment to conduct widespread legal reforms including media law reforms and media self-regulations and assurances to uphold and promote press freedom in Zambia. However, as evidenced below, the government has failed to repeal or amend the defamation of the President provisions in the Penal Code. There is currently a review of the Penal Code of Zambia which contains provisions for defamation of the President.
- 2.1.2 Article 20 (1) of the Zambian Constitution guarantees freedom of expression. Moreover, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 20 of the African Charter on Human and People's Rights, as well as the Declaration on Freedom of Expression Principles in Africa to which Zambia is a state party, all have provisions guaranteeing freedom of expression.
- 2.1.3 However, despite the Zambian Constitution and other international instruments to which Zambia is party to, guaranteeing freedom of expression, the Zambia government has continued to arrest, prosecute and imprison people using the

defamation of the President provisions in the Penal Code.

- 2.1.4 Recently, a driver from Evelyn Hone College was imprisoned for one (1) year by a subordinate court in Lusaka for defamation of the President under the Penal Code. There are at least two cases (see Annex) of defamation of the President which are *sub judice* at the time of writing this report.
- 2.1.5 There is has been an improvement through Presidential pronouncements in guaranteeing that journalists and other media workers can carry out their work independently and without fear of persecution. However, this has been based on the goodwill of the government of the day and not that there has been an improvement in the law and policy governing freedom of expression. There is need for the change in the law to ensure that there is legal guarantee that journalists and other media workers can carry out their work independently and without fear of persecution.

## **2.2. Ensure media freedom by providing full editorial independence to publicly-owned media.**

- 2.2.1 Under Zambia's previous UPR examination, the government received three (3) recommendations on media freedom. The government made commitment to the said recommendations including to ensure media freedom by providing full editorial independence to publicly owned media. The government further made commitment to review the Zambia National Broadcasting Corporation (ZNBC) Act, the Independent Broadcasting Authority (IBA) Act and also to reform the publicly owned media houses being ZNBC and the two daily newspapers companies namely Zambia Daily Mail and Times of Zambia respectively. The government accepted or supported all the recommendations made regarding media freedom. However, as can be noted from this section that government has not reviewed or amended the ZNBC Act and the IBA Act. The IBA Act has continued to regulate the private broadcasting stations and does not regulate ZNBC.
- 2.2.2 Government has partially implemented the recommendation of providing full editorial independence of the publicly owned media by allowing ZNBC, Daily Mail and Times of Zambia some latitude to operate freely compared to the situation under the previous regime.
- 2.2.3 The publicly owned media are now able to give media space or airplay to members of the opposition and broadcast some stories which are critical of the government. But some problems as experienced under the previous regime of the President receiving unregulated airplay daily persist.
- 2.2.4 Suffice to say that the latitude in the editorial independence is not by way of the reform in the law but by the goodwill of the current administration. Without a change in the law, there are chances that another administration in future could compromise the editorial independence of the publicly owned media.

2.2.5 The announcement by government through the Zambia Revenue Authority in January 2022 introducing a 16 per cent Value Added Tax on booklets and newspaper sales has been received by media houses as one way through which government is stifling freedom of expression.

### **2.3 Ensure the impartiality of the Independent Broadcasting Authority.**

2.3.1 Under Zambia's previous UPR examination, the government received three (3) recommendations on the independence of the media and media freedom. Among these recommendations, the government pledged to "Ensure the impartiality of the Independent Broadcasting Authority including to "Ensure media freedom by providing full editorial independence to publicly-owned media". Further government committed itself to review the IBA Act. This is premised on the call by CSOs for the IBA to not only to regulate private independent broadcasting stations but ZNBC as well. However, as evidenced below, the government has failed to ensure impartiality of the IBA as the IBA has remained the same without its repeal or amendment to the IBA Act for it to also regulate publicly-owned ZNBC as it does on the private broadcasting stations.

2.3.2 IBA Act which gives the IBA full legal capacity to regulate private broadcast media and yet is relegated to only giving advice to the Zambia National Broadcasting Corporation (ZNBC). This places ZNBC at a vantage point compared to private broadcasting media houses which are under the umbrella of IBA. This prompted an outcry from an organisation called Southern African Network Against Corruption which expressed concern over preferential treatment IBA had been giving to Top Star Communications Company Limited at the expense of local television companies.

2.3.3. The IBA was in the past responsible in silencing privately owned broadcasting stations such as Prime TV, Radio Mano, Ithezhi tezhi radio station, and Muvi Television which stations were deemed to be anti-government by providing coverage to the opposition political parties. Prime TV broadcasting licence was suspended by IBA and other stations were also threatened with suspension of their licenses or were subject of attacks and invasions by Patriotic Front (PF) supporters.

2.3.4 Appointment of the Board of IBA and their emoluments have continued being under the auspices of the Minister responsible for broadcasting in Zambia. This does not guarantee the independence and impartiality of the IBA particularly that it only regulates private broadcasting stations.

2.3.5 The government has not started the process of reviewing or repealing the IBA Act. The IBA has continued to regulate independent broadcasting stations and does not regulate ZNBC. However, since the government changed in 2021, the IBA has not withdrawn any media licenses. With the IBA Act remaining place, it is difficult to say that the IBA is impartial as it will continue to toe the line of the appointing authority, the Ministry of Information.

## 2.4 Enact legislation to facilitate access to information.

- 2.4.1 During the 3<sup>rd</sup> UPR cycle, the government received three (3) recommendation on access to information. Among the recommendations was to “Enact legislation to facilitate access to information” and “Make efforts to ensure access to information of public interest to citizens and guarantee the rights of freedom of assembly” and “Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association. *This includes enacting without delay an expanded Bill of Rights and Access to Information Bill and ensuring that the Public Order Act is implemented objectively and with professionalism by the police.*” Of the recommendations received, Zambia accepted all the recommendations with regard to the enactment of an access to information law. However, as evidenced below, the government has not yet enacted the Access to Information Bill.
- 2.4.2 Article 20 (1) of the Zambian Constitution provides a general framework for the enactment of an Access to information law. Despite, the existence of a general framework in the Constitution, successive government have over the last twenty (20) years continued to delay the enactment of this fundamental piece of legislation.
- 2.4.3 Moreover, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 20 of the African Charter on Human and People’s Rights, as well as the Declaration on Freedom of Expression Principles in Africa to which Zambia is a state party, all have provisions guaranteeing freedom of expression and access to information.
- 2.4.4 However, Zambia’s President Hakainde Hichilema has continued to make pronouncements that the government is committed to enacting the Access To Information law. Nothing has materialized yet.
- 2.4.5 On February 02, 2022, PANOS and the Ministry of Information and Media held a validation meeting for the ATI bill. But a few weeks later after a successful validation meeting, the Permanent Secretary in the Ministry of Information and Media announced that government intended to hold provincial consultative meetings on the ATI because of a complaint from the church claiming that they were not consulted on the process.
- 2.4.6 CSOs voiced concern about this development which they have taken as a delay tactic by the government to further delay the enactment of the ATI bill into law as sufficient consultation on the same has been going on for the last twenty (20) years since the bill was first introduced in parliament.
- 2.4.7 The government failure to pass the progressive Access to Information which was tabled to parliament over twenty (20) years ago serves as an onerous barrier to securing vital public information critical for the general public to participate in

governance.

- 2.4.8 Enactment of the Access to information emerges in this submission as the biggest failure on the part of the government to implement the recommendations made under the 3<sup>rd</sup> UPR cycle. This is now a serious concern to CSOs as it is not clear what will become of ATI in Zambia.

**2.5 Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association. This includes enacting without delay an expanded Bill of Rights and Access to Information Bill and ensuring that the Public Order Act is implemented objectively and with professionalism by the police.**

- 2.5.1 During Zambia's examination under the 3<sup>rd</sup> UPR cycle, the government received five (5) recommendations with regard to freedom of expression, freedom of assembly, and freedom of association. The government committed to "Guarantee that journalists and other media workers can carry out their work independently and without fear of persecution, including by reviewing its defamation laws to make sure they are in full compliance with international human rights law" and "Ensure media freedom by providing full editorial independence to publicly-owned media" and to "Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association" and to "Create and maintain, in law and in practice, an enabling environment that guarantees freedom of expression and peaceful assembly," and to "Make efforts to ensure access to information of public interest to citizens and guarantee the rights of freedom of assembly." The government accepted or supported all the recommendations to "Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association and to respect the 2003 Supreme Court precedent stating that these freedoms are fundamental". As evidenced below, the government has not fully implemented these recommendations.
- 2.5.2. Government has not yet started the process of reviewing the Constitution to ensure that the Zambian Constitution is consistent with international human rights standards to ensure an expanded bill of rights and also the enactment of the Access to Information law.
- 2.5.3 Government through the Zambia Law Development Commission is however partially implementing the review of laws that hinder fundamental freedoms. The laws under review are the Public Order Act, the Penal Code and the Cyber Security and Cyber Crimes Act among others.
- 2.5.4 There is also an improvement in the manner the Police are executing the Public Order Act. The Police have been able to allow citizens and members of the opposition political parties to conduct demonstrations and protests with minimal harassment from political party.

- 2.5.5 Recently, a president of the opposition political party in Zambia, Harry Kalaba held a press briefing in which he said that there was an improvement in freedom of expression and the implementation of the Public Order Act as he was able to freely conduct political rallies in Northern and Muchinga provinces without interference from the Police or fear of being harassed by the political party cadres.
- 2.5.6 However, without government amending the Public Order Act, it is extremely difficult to guarantee the enjoyment of freedom of expression. The POA is discussed in detail in 2.6.

## **2.6 Create and maintain, in law and in practice, an enabling environment that guarantees freedom of expression and peaceful assembly.**

- 2.6.1 During Zambia's examination under the 3<sup>rd</sup> UPR cycle, the government received two (2) recommendation on the right to freedom of assembly and five recommendations to freedom of expression. The government accepted or supported the recommendations to ensure "an enabling environment that guarantees freedom of expression and peaceful assembly" and "Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly, and association. As evidenced below, the government has not fully implemented these recommendations.
- 2.6.2 Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Article 26 of the Zambian Constitution also guarantees the right to freedom of peaceful assembly. However, since the coming of the new administration there has been a general improvement in practice in the exercise of freedom of peaceful assembly.
- 2.6.3 The Public Order Act is the primary law governing freedom of assembly in Zambia. In line with international best practice, the law requires simple notification to relevant authorities to hold an assembly. However, the Police frequently and willfully misinterpret the notification procedure stipulated by the Public Order Act by requiring explicit approval to hold a demonstration or an assembly. However, since the coming of the new dawn administration there has been a general improvement in practice in the exercise of freedom of peaceful assembly as provided in the Constitution and the Public Order Act.
- 2.6.4 Article eleven (11) of the Zambian Constitution guarantees the right to freedom of association. Moreover, Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Zambia is a state party, also guarantees freedom of association. However, despite these commitments, the government in the past used the Public Order Act to prevent independent civil society groups and members of the political opposition parties from exercising their right to associate. However, since the coming of the new dawn administration there has been a general improvement in practice and policy in the exercise of freedom of association.



2.6.5 Article 19 of the ICCPR guarantees the right to freedom of expression and opinion. Also, Article 20 of the Constitution of Zambia guarantees the right to freedom of expression. Since the coming in of the new dawn administration, there is a general improvement in the enjoyment of freedom of expression. There has been less reporting of harassment or physical attacks on individuals exercising their freedom of expression.

2.6.6 However, the Police Service has continued to pursue and prosecute individuals deemed to defame the President. There has been one conviction of a driver from Evelyn Hone College who has been convicted of defamation of the President under the Penal Code and few cases of defamation of the President which are still *sub judice*.

## **2.7 Make efforts to ensure access to information of public interest to citizens and guarantee the rights of freedom of assembly.**

2.7.1 During Zambia's examination under the 3<sup>rd</sup> UPR cycle, the government received three (3) recommendation on access to information. Among the recommendations was to "Enact legislation to facilitate access to information" and "Make efforts to ensure access to information of public interest to citizens and guarantee the rights of freedom of assembly" and "Ensure that necessary reforms are undertaken to guarantee the effective protection of the rights to freedom of expression, assembly and association. *This includes enacting without delay an expanded Bill of Rights and Access to Information Bill and ensuring that the Public Order Act is implemented objectively and with professionalism by the police.*" As evidenced below, the government is yet to enact the access to information bill into law.

2.7.2 Article 20 (1) of the Zambian constitution has provided a general framework for the enactment of an enabling Act of the Access to information law. Despite, the existence of a general framework in the Constitution, successive government have continued to delay the enactment of this fundamental piece of legislation.

2.7.3 Moreover, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 20 of the African Charter on Human and People's Rights, as well as the Declaration on Freedom of Expression Principles in Africa to which Zambia is a state party, all have provisions guaranteeing freedom of expression and access to information.

2.7.4 On February 2<sup>nd</sup> 2022, PANOS and the Ministry of Information and Media held a validation meeting for the ATI bill. But weeks later after a successful validation meeting, the Permanent Secretary for the Ministry announced that government intended to hold provincial consultative meetings on the ATI because of a complaint from churches claiming that they were not consulted on the process.

- 2.7.5 However, PANOS is concerned about this development which is further delaying the enactment of the ATI bill into law.
- 2.7.6 The government's failure to pass the progressive Access to Information which was tabled to parliament over twenty (20) years ago serves as an onerous barrier to securing vital public information critical for the general public to fully enjoy civil rights.
- 2.7.7 With regard to peaceful assembly, Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Article 26 of the Zambian Constitution also guarantees the right to freedom of peaceful assembly. The freedom to peaceful assembly was grossly violated by the previous regime that denied members of the opposition and CSOs critical of the government to assemble peacefully. However, since the coming of the new dawn administration there has been a general improvement in practice in the exercise of freedom of peaceful assembly in Zambia.
- 2.7.8 The Public Order Act is the substantive law governing the freedom of assembly in Zambia. In line with international best practice, the law requires simple notification to relevant authorities to hold an assembly. However, the Police frequently and willfully misinterpret the notification procedure stipulated by the Public Order Act by requiring explicit approval to hold a demonstration or an assembly. The Public Order Act was grossly abused by the previous regime that denied members of the opposition and CSOs critical of the government to peacefully assemble or demonstrate against the state. A number of opposition political party leaders and officials included journalists were arrested under the provision of this law. Members of the opposition were denied an opportunity to address or visit certain provinces to conduct campaigns. However, since the coming of the new dawn administration there has been a general improvement in practice and policy in the exercise of freedom of peaceful assembly.
- 2.7.9 Article eleven (11) of the Zambian Constitution guarantees the right to freedom of association. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Zambia is a state party, also guarantees freedom of association. However, despite these commitments, the government in the past used the Public Order Act to prevent independent civil society groups, members of the political parties from exercising their right to associate. However, since the coming of the new dawn administration there has been a general improvement in practice in the exercise of freedom of peaceful assembly.

### **3.0 Recommendations to the Zambian government**

We call on the Government of Zambia to create and maintain, in law and in practice, an enabling environment for freedom of expression and a speedy enactment of the Access to Information law.

At a minimum, the following conditions should be guaranteed: freedom of expression, independence of the media and access to information, freedom of peaceful assembly, creating

an enabling environment in law and in practice that guarantees freedom of expression and peaceful assembly and impartiality of the IBA. Considering this, the following specific recommendations are made:

### **3.1 Regarding freedom of expression, independence of the media and access to Information**

- Ensure freedom of expression and freedom of the media bringing national legislation in line with international standards.
- Enact the Access to Information bill into law which bill has been pending for over twenty (20) years in order to bring Zambia in line with Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 20 of the African Charter on Human and People's Rights, as well as the Declaration on Freedom of Expression Principles in Africa to which Zambia is a state party.
- Review and amend defamation of the president provisions in the Penal Code in conformity with Article 19 of the International Covenant on Civil and Political Rights (ICCPR).
- Review the Independent Broadcasting Authority Act and the Zambia National Broadcasting Act and guarantee the editorial independence of the public-owned media in order to ensure they serve the public.
- Government should put in place measures and policies that allow the state-owned and controlled media institutions to truly operate as public media answerable to and providing service to citizens without discrimination and without fear of reprisals.
- Ensure that journalists, human rights defenders and dissenting voices are able to work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Take adequate steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation, and harassment.

### **3.2 Regarding freedom of assembly**

- Government should adopt best practices on freedom of peaceful assembly as stated in the UN Special Rapporteur on the Right to Peaceful Assembly and Association. The Public Order Act Chapter 113 of the laws of Zambia should be amended to fully guarantee the right to freedom of assembly.

- Review and update existing human rights training for Police and other security forces with the assistance of independent non-governmental organisations to foster more consistent application of international human rights standards, including the UN Basic Principles on the use of force and firearms.
- Capacity building of the Police and other law enforcement agencies on the provisions and interpretation of the Public Order Act to ensure that the notification clause is not misinterpreted as an authorisation to deny or to grant the right to peaceful assembly.
- Senior government officials should publicly condemn the use of excessive and brutal force by Police and security forces in the dispersal of protests. A formal investigation into such instances should be launched, and perpetrators should be brought to justice.

### 3.3 Regarding creating an enabling environment in law and in practice that guarantees freedom of expression and peaceful assembly.

Government should in earnest spearhead law reforms that allows the free and effective functioning of the media including the cyber space that should include a review or repeal of laws that criminalize media work, among them being the following:

- **Penal Code, Chapter 87** of the laws of Zambia which criminalizes defamation of the President and sedition. This law should be reviewed and amended to make it align with human rights and international standards regarding freedom of expression. Defamation of the President should be relegated from a criminal offence to a civil one.
- **The Criminal Procedure Code, Chapter 88<sup>6</sup>** of the laws of Zambia which compels journalists to disclose sources in certain circumstances. It should be reformed because information provided by sources especially in investigative media work is often confidential as journalists are obliged by ethics to protect their sources.
- **The Cyber Security and Cyber Crimes Act No. 2 of 2021** which allows arbitrary surveillance on citizens and journalists including seizure of information and communication equipment based on subjective suspicion of law enforcement agencies that a citizen may have engaged or is in the process of or about to commit a crime. This law is vague and open to abuse and misuse.

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<https://www.parliament.gov.zm/sites/default/files/documents/acts/Criminal%20Procedure%20Code%20Act.pdf>

<sup>7</sup> <https://www.parliament.gov.zm/sites/default/files/documents/acts/State%20Security%20Act.pdf>

- **The State Security Act, Chapter 111**<sup>7</sup> of the laws of Zambia which prohibits publication of unjustified classified information is a hindrance to investigative journalism and should therefore be amended.
- **The Prisons Act, Chapter 97**<sup>8</sup> of the laws of Zambia which prohibits publication of letters written from prison by inmates should be reformed as it is at variance with the whistleblower provision of the Public Interest Disclosure Law.
- Government should formulate and implement a transparent inclusive system for consulting media development stakeholders such as civil society, journalists, media, human rights defenders, as well as other relevant stakeholders, and ensuring that the views or contributions of these stakeholders are given due consideration.

### 3.4 Impartiality of IBA

- Government should repeal and or amend the Independent Broadcasting Authority IBA (Act) and the Zambia National Broadcasting Corporation (ZNBC) Act for these two pieces of legislation to reflect an independent and impartial broadcasting regulation in line with international and best practices.
- Government should repeal and amend the IBA Act by removing from the law provisions that require the Board of IBA to be appointed by the Minister responsible for broadcasting in Zambia and that this power should devolve with an independent body or parliament.
- Government should repeal and or amend the Independent Broadcasting Authority IBA (Act) and the Zambia National Broadcasting Corporation (ZNBC) Act for these two pieces of legislation so that IBA does not only regulate the private broadcasting stations but also ZNBC as well. This will guarantee a fair level playing field for all broadcasting stations in Zambia.

## 5.0 Conclusion

Since the last review, several key issues identified in relation to Zambia's compliance with Article 19 on the right to freedom of expression remain outstanding. The prolonged non-enactment of the Access to Information Bill remains the biggest dent in Zambia's compliance with the provisions of Article 19. Furthermore, there are several recommendations relating to other Articles or Themes, that also have a direct bearing on the country's compliance with Article 19.

**Ends/Panos/MISA**

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<sup>7</sup> <https://www.parliament.gov.zm/sites/default/files/documents/acts/State%20Security%20Act.pdf>

<sup>8</sup> <https://www.parliament.gov.zm/node/840>