



STATE OF INTERNET FREEDOM IN ZAMBIA REPORT

December, 2023



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State of Internet Freedom in Zambia Report

A publication of Common Cause Zambia, December 2023

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CONTENTS

Acronyms	ii
Foreword	iii
Executive Summary	iv
1. Introduction	1
2. Methodology	3
3. Overview of Digital Rights in Zambia	5
4. Key trends and findings	9
4.1. Policy and legal Environment	9
4.2. Best practices	12
4.3. Violations and incidents of note	15
5. Summary and Conclusion	19
6. Recommendations	20

ACRONYMS

3G	Third generation mobile network
4G	Fourth generation mobile network
5G	Fifth generation mobile network
CCZ	Common Cause Zambia
CSO	Civil Society Organizations
ICT	Information and Communication Technology
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex
ZICTA	Zambia Information and Communications Technology Authority



FOREWORD

We would like to express our sincere gratitude to those that contributed to this report by providing information on the state of Internet governance in Zambia. Collective effort in the digital space is paramount towards the creation of an enabling environment we all aspire to attain.

CCZ is grateful to Access Now for the Financial and Technical Support, without which this report could not have been possible.

Gratitude goes to the Author and Researcher Mr. Kamufisa Manchishi whose commitment and diligence in ensuring a quality and well-researched document was produced. We are also appreciative of the invaluable contribution of Ms. Bridget Andere who was instrumental in the reviewing the initial report which played a crucial role in strengthening the final report.

Common Cause Zambia has been actively engaging in the digital rights and Internet governance discussions and initiatives. We commend all the respondents, human rights defenders, civil society organizations, policy makers and government representatives your valuable input and collective wisdom helped shape our broader understanding of challenges and opportunities surrounding the environment in Zambia.

Executive Summary

The State of Digital rights and Internet freedom report is a trends report aimed at ascertaining the state of digital rights in Zambia by mapping key policy developments and trends in the Internet governance ecosystem. As such, the report is based on findings in the period under review i.e. a one-year period.

The policy and legal front was found to be somewhat progressive in view of several developments, key among them the development and launch of a comprehensive Information and Communication Technology (ICT) Policy which gives hope of possible improvements in the regulation and promotion of digital rights. The sector was also strengthened by the repeal of the provision on defamation of the President, which widens the space for citizens to engage online.

The legal and policy theme was further enriched by the enactment of the Access to Information (ATI) Bill—a signal of commitment by the government to ensure that citizens are equipped to engage on various digital platforms with the right information.

On the negative side, the failure to amend

the Cybercrimes and Cyber Security Act despite certain positive steps undertaken previously continued to be an issue of concern.

The successful launch of 5G network by two mobile network providers was a positive step that could provide the needed quantum leap for the digital transformation agenda. The launch of 5G network services is a positive development because one of the barriers to the enjoyment of digital rights is lack of adequate infrastructure and accessibility.

The period under review was also marred with violations of digital rights as noted in the media content monitored. While most arrests are yet to be adjudicated by the Courts based on specific facts, they remain as evidence of the impact of a suppressive legal regime where Internet freedom is concerned. Particularly, most of the arrests noted were under the Cyber Crimes and cyber security Act.

Overall, despite several developments that could enhance the enjoyment of digital rights and Internet freedom. It cannot be ignored that there are still some developments that should be of concern to stakeholders. These developments continue to undermine digital rights and Internet freedom in the Country.



1.0

INTRODUCTION



The State of Digital Rights and Internet freedom in Zambia report is a documentation of the state of digital rights and Internet Freedom in Zambia, with an emphasis on the current state of affairs (key trends), policy reforms, best practices and recommendations for the enhancement of digital rights.

Digital rights are essentially human rights that enable individuals to fully utilize the digital space. They are referred to as called digital rights because an individual's enjoyment of the said rights is enhanced or facilitated by digital technology or media, such as social networks. As such, digital rights are not separate, special rights isolated from the conventional space—they are human rights extended to the digital space and recognized in international conventions¹. Digital rights support the utilization of digital technology and set certain standards for users, service providers/intermediaries, regulators and government authorities.

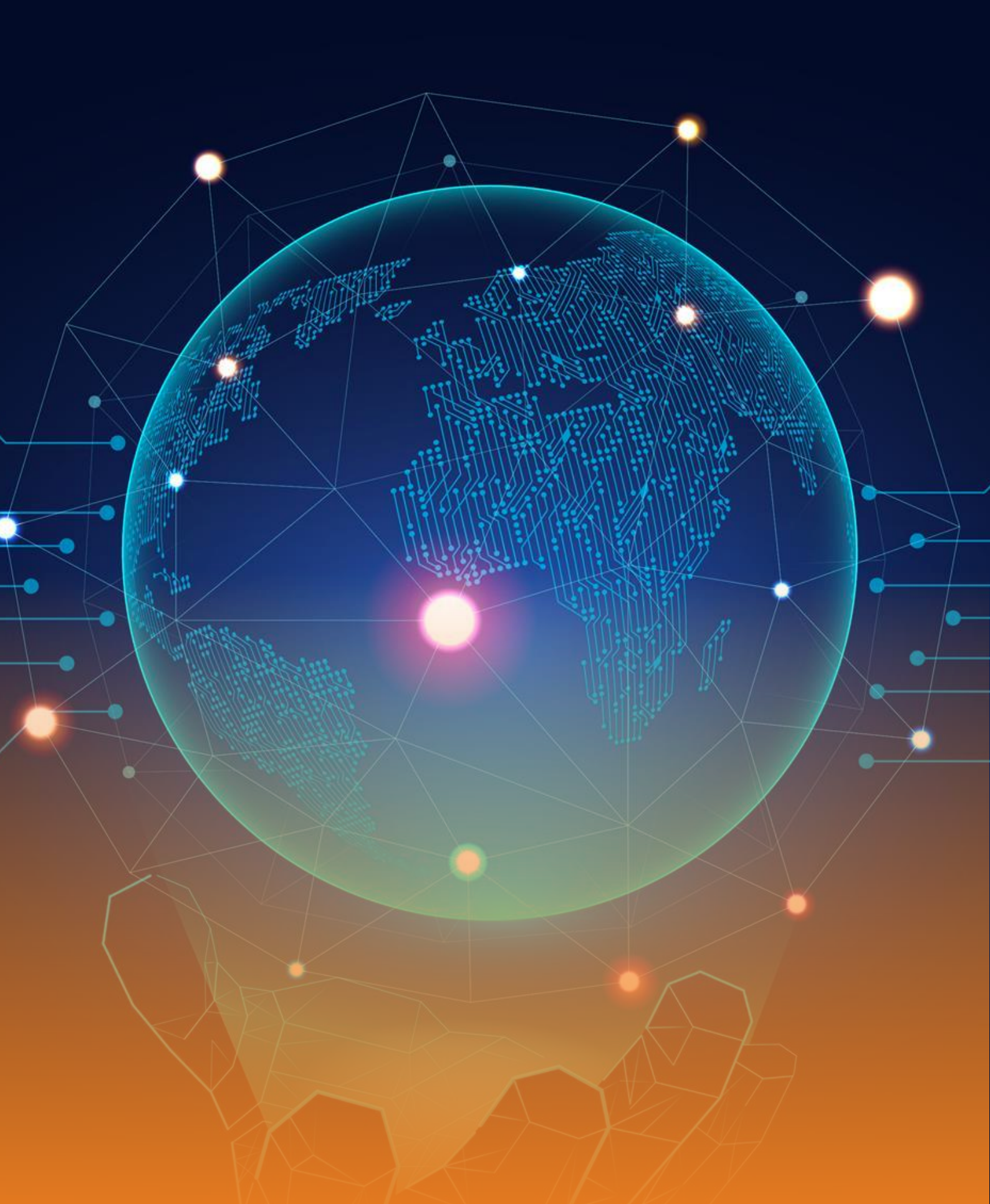
The objective of this report is to clearly

illustrate that digital rights are critical in the functioning of any democracy especially in the modern era, which strongly relies on Internet technology and platforms. Democracy is built on the premise of citizen participation in the process of governance, chiefly driven by access to information and freedom of expression. These rights are critical as they facilitate the enjoyment of other civil and political rights, and therefore, affect the democratic standing of a country.

Digital rights provide an opportunity for citizens to engage with their respective governments and other power centers in society. The enjoyment of digital rights is often affected by various factors such as weak legal and regulatory environments, repressive laws, surveillance and low accessibility. The objectives of this report, are, thus, to:

- Ascertain the state of digital rights in Zambia
- Map key (policy) developments and trends in the internet governance ecosystem in Zambia and;
- Identify best practices and opportunities for enhancement of digital rights in Zambia

¹ In July, 2021, the United Nations Human Rights Council adopted a resolution for the promotion, protection and enjoyment of human rights on the internet, underscoring the importance of 'digital rights'. Resolution A/HRC/RES/47/16 is available at <https://digitallibrary.un.org/record/3937534?ln=en>



2.0

METHODOLOGY

METHODOLOGY

This report is generally exploratory in nature. In compiling this report, a desk research was conducted in which various relevant documents and policies were reviewed on identified key themes and trends in line with the objectives of the report. Further, interviews were conducted with experts and individuals operating in the Internet freedom space in Zambia on the basis of their known or presumed knowledge on the state of digital rights and Internet freedom in Zambia. The report also relied on a review of media content for the period under review. The report limited its assessment to the period between October, 2022 and December, 2023.



3.0

OVERVIEW OF DIGITAL RIGHTS IN ZAMBIA



Zambia has seen an exponential increase in the number of mobile Internet users in the past decade, thereby designating the Internet as a public sphere. For example, the number of mobile Internet users has increased from 2.2 million in 2013 to around 11 million at the close of 2022², representing an average mobile Internet penetration rate (per hundred inhabitants) of nearly 45% for the decade.

On the other hand, as at the close of 2022, there were only 86, 000 fixed Internet subscribers, representing a fixed internet penetration of 0.44%, 0.8% less than it was five years ago. The discrepancy in internet use statistics between mobile broadband

and fixed internet is mainly accounted for by proliferation of internet technology and devices as well as increased mobile penetration rates coupled with limited services usually restricted to the line of rail. The noted acceleration of internet use is also accounted for by the effects of the COVID-19 pandemic and the new normal which brought to reality the instance of artificial intelligence and other responsive virtual services.

In like manner, social networks have seen an increase in the number of users in Zambia, standing at nearly 3 million at the time of compiling this report, seemingly correlating with the exponential increase in mobile Internet penetration.

² According to Zambia Information and Communication Technology Authority (ZICTA) Statistics. Available at <https://www.zicta.zm/ict-statistics/mno-stats>

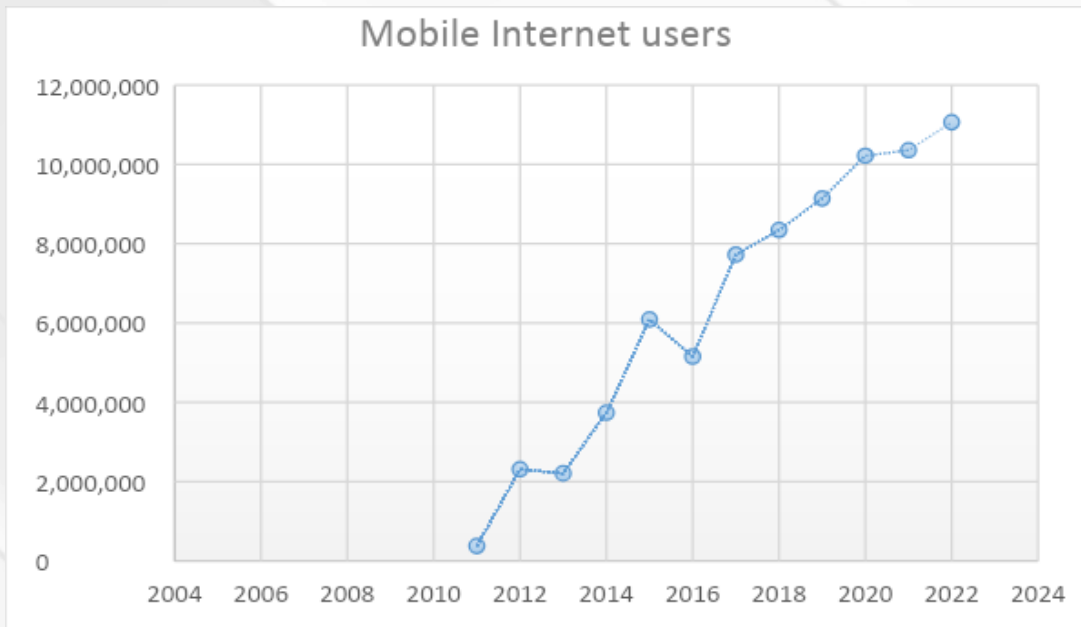


Figure 1. Extract of mobile internet user trend from 2012-2022. Source: ZICTA Mobile Network Operator volume statistics³

With this increased ‘netizen’ activity, safeguarding users’ digital rights becomes cardinal. In Zambia, some digital rights enabling human rights are Constitutionally guaranteed⁴ and include the freedom of expression in Article 20 (and by implication the right to access to information), the right to privacy (Article 17), freedom of assembly and association (Article 21) as well as the freedom of conscience (Article 19). Digital rights are also safeguarded through subsidiary legislation such as the Cyber Crimes and Cyber Security Act (No. 2 of 2021) and the Data Protection Act (No. of 2021), among others.

In spite of the increased internet use among citizens and the guarantee of digital rights, there are barriers that continue to hamper the enjoyment of these digital rights. Chief among

them is internet accessibility⁵. A significant part of the population remains underserved or unserved with no access to the internet, mainly due to poor network coverage, the high cost of smart devices and access dynamics such as gender barriers.

One of the most significant barriers to access is affordability. A significant part of the population (60%⁶) lives in poverty, thereby presenting challenges for citizens given the cost of data, which is slightly over one United States Dollar for a gigabyte of mobile data on average⁷, thereby excluding more people from exercising and enjoying their rights online. This is exacerbated by other direct and indirect taxes that tend to raise the cost of accessing the Internet.

Another notable barrier to digital rights is digital literacy. A significant part of the population still

³ Available at <https://www.zicta.zm/ict-statistics/mno-stats>

⁴ See the Constitution of Zambia at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/26620/90492/F735047973/ZMB26620.pdf>

⁵ In the Freedom House ‘Freedom on the Net’ 2023 report, Zambia scored 15/25 in terms of barriers to access. See <https://freedomhouse.org/country/zambia/freedom-net/2023> ⁶ According to the 2022 Zambia Statistic Agency Poverty Assessment Report. Available at <https://www.zamstats.gov.zm/wp-content/uploads/2023/09/Highlights-of-the-2022-Poverty-Assessment-in-Zambia-2023.pdf>

⁷ See measures reported on <https://www.statista.com/statistics/1272752/price-for-mobile-data-in-zambia/>. One gigabyte of mobile internet in Zambia cost, on average, 1.36 U.S. dollars in 2022. Out of 47 plans measured in Zambia, the lowest price observed was 0.45 U.S. dollars per 1GB, for a 30 days plan. In the most expensive plan, 1GB cost 30.6 U.S. dollars. With nearly 55% of the country’s population living on less than 1 dollar per day.

faces challenges in finding, evaluating and communicating information through digital platforms. This creates challenges of digital security, compromising individual privacy online. Among the factors that could account for the low digital literacy is the lack of access to smart devices, for example. Digital literacy is further hampered by gendered access dynamics. According to global statistics, men are 52% more likely to be online than women (in least-developed countries)⁸. Several reasons could account for such a scenario from income disparities to a patriarchal system

which limits access to devices in some cases, a situation which is common place in a patriarchal society like Zambia⁹.

Further, some marginalized groups, such as LGBTQI+ communities in Zambia face added legal and social restrictions in exercising their digital rights, particularly the freedom of expression and association.

Other barriers, as stated in the preamble above, include repressive laws which are further discussed in 4.1.



⁸ According to the International Telecommunications Union (ITU).

See <https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx>

⁹ See <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Zambia.pdf>



5G

4.0

KEY TRENDS AND FINDINGS



4.1. Policy and legal Environment

The period under review was fraught with several developments that had an impact on the state of internet freedom in Zambia. One of the most significant policy developments of the year was the launch of the revised ICT Policy¹⁰. Zambia had until then mostly relied on the 2006 ICT Policy which was developed during a time when technology had not advanced to the current level with several possibilities and threats that would need to be addressed.

The vision of the revised ICT policy¹¹ is to foster an integrated ICT ecosystem for Zambia's digital economy while the guiding principles include good governance and integrity, collaboration, transformation, inclusivity and innovation, adaptability, transparency and accountability, among others. The revised policy aims to increase availability, accessibility and usage of ICT products and services, enhance human development and ICT skills in all sectors and promote ICT research, innovation and entrepreneurship. Other policy objectives include the promotion of development and urbanization of e-services in both public and private sectors, ensuring a safe and

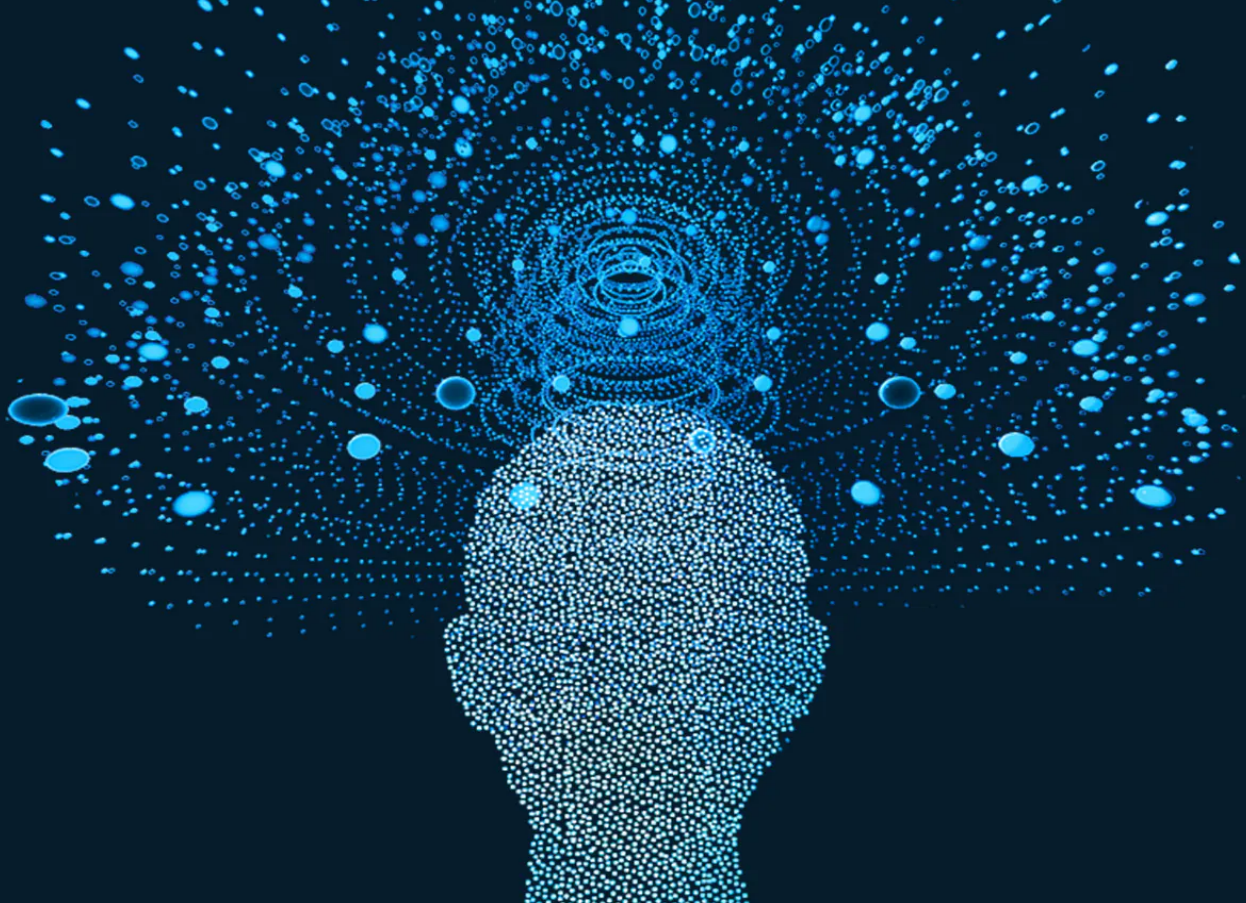
secure ICT environment as well as enhancement of the policy, legal and institutional framework.

The 2023 ICT Policy was accompanied by the National Digital Transformation Agenda which aims to establish a coordinated approach in building Zambia's digital economy to realise a complete shift towards the deliberate adoption of digital technologies across all sectors of the economy. This is with the hope of promoting the involvement of state and non-state actors in its implementation and leverages on international best practices in digital transformation.

The strategy is anchored on five pillars which are the principal drivers namely, digital Infrastructure, digital literacy and skills, digital innovation and entrepreneurship, digital platforms as well as digital Services. The Strategy also identifies enablers of the digital economy such as digital policy and regulation, digital government and digital security and integrity. One of the notably weak areas of the policy and digital transformation strategy is the low involvement of other players in the internet governance ecosystem. Internet governance involves several players; from the regulators

¹⁰ The Policy was launched on 14th October, 2023 by Minister of Science and Technology, Felix Mutati. The policy document is available at <https://www.mots.gov.zm/wp-content/uploads/2023/10/National-ICT-Policy-2023.pdf>

¹¹ See <https://www.mots.gov.zm/wp-content/uploads/2023/10/National-ICT-Policy-2023.pdf>



(ZICTA), telecommunication service providers, technical institutions, training institutions to civil society actors and other non-governmental entities as well as the public itself in ensuring a true multi-stakeholder approach is achieved. Such an approach ensures standards and aspirations in the policy document clearly provide for the role of such entities and how the lead institutions will ensure involvement of the many players in the internet space.

Other policy developments in the sector during the period under review include the positive pronouncement of a zero rating of the supply of select ICT and telecommunications equipment in the 2023 National Budget¹², a move aimed at growing the ICT sector in the

country and possibly enabling the enjoyment of digital rights. This move was necessitated by the government's focus in 2023 of ensuring an increased uptake of digital services among the citizenry. This is, however, diluted by the government's insistence on maintaining measures such as the excise duty on telephone airtime¹³, which further raises the cost of internet access and could, thus, reduce uptake of digital services as discussed above.

On the legal front, the status remained the same, with calls for the review of laws inimical to internet freedom, such as the Cyber Crimes and Cyber Security Act No. 2 of 2021 which was previously challenged by various civil society organisations citing concerns on certain repressive parts of the Act. In the period under review, there were no

¹² The 2023 budget speech is available at https://www.parliament.gov.zm/sites/default/files/images/publication_docs/2023%20Budget%20Speech.pdf

¹³ Airtime includes minutes of voice calls, Short Message Services (SMS), Multi-media Services (MMS), internet bandwidth, and other similar services that a subscriber consumes on a mobile cellular telephone or other electronic communication device. See an analysis by KPMG at <https://taxsummaries.pwc.com/zambia/corporate/other-taxes>

¹⁴ In 2021, the government called for submission of comments to inform amendments to the Act by government.

¹⁵ See <https://diggers.news/guest-diggers/2023/02/02/press-statement-dated-1st-february-2023-on-the-proposed-amendments-to-the-cyber-security-and-cybercrimes-act/>

significant movements towards the review of the Act, save for a pronouncement by the Minister of Justice, Mulambo Haimbe, who announced that a Cybercrimes and cyber security Amendment Bill would be presented to Parliament after the petition by the named civil society organisations was withdrawn from court¹³. This position, however, was disputed by one of the petitioners, Chapter One Foundation, who indicated that an adjournment was passed with the consent of both parties on the understanding that the case is withdrawn from court once parliament has passed amendments to the Cybercrimes and cybersecurity Act¹⁵. At the time of compiling this report, the Bill had not been presented to Parliament.

The Cyber Crimes and Cyber security Act generally aims to inter alia provide for the protection of persons against cybercrime, provide for child online protection and the identification, declaration and protection of critical information infrastructure. The enactment of this law was long overdue as the existing legal regime at the time was inadequate in the fight against crimes perpetrated online. The Cybercrimes and cyber security Act, among others like the Data Protection Act, were a cure for the limitations encountered in fully prosecuting crimes of a digital nature. Laws of this nature need to make clear provisions for due process without arbitrary clauses that leave too room for abuse. Such laws as the Cyber Crimes and Cyber Security Act must also promote digital rights as well as a transparent system of dealing with such vices as surveillance.

However, the Act went beyond the envisaged

scope of safeguarding internet users to providing excess punishments, offences of an arbitrary nature as well as other suppressive provisions that are vague. Among the provisions of interest are Section 9 and 11 (power of search and seizure), Section 14 (empowers the Minister of Communication to give special directives to any person/organisation to take certain measures to prevent or counter a 'threat'), Section 29 (interception of communication to prevent bodily harm, loss of life or damage to property), Section 40 (mandatory installation of interception devices by service providers for easy routing and monitoring) as well as Section 59 (offenses of obscene matters and things).

On a positive note, the period under review saw the repeal of the Penal Code provision on defamation of the President, one of the laws considered to be repressive and a hindrance to the enjoyment of the freedom of expression online. The offence was contained in section 69 of the Penal Code Act and provided special protection for the reputation of a President. The law was applied on several instances against bloggers and social commentators online¹⁶, often inculcating a sense of self-censorship. The provision was repealed in December, 2022 when President Hakainde Hichilema assented to the Penal Code Amendment Bill which also abolished the death penalty.

The abolishment of this provision (defamation of the President) was a milestone in the period under review as it enhances the freedom of individuals online to discuss matters around the Presidency without unnecessary fear. This is because the Presidency which is also active online should be amenable to criticism by members of the public to whom the Presidency is accountable.

¹⁶ In 2022 alone, over four arrests were made for persons accused of defamation of the President for materials shared online. For example, see <https://shorturl.at/glnxA>

Despite the repeal of this provision which was often used against people criticizing the President online, there still exist several other laws with similar intentions and offenses that tend to claw back the safeguards rived by digital rights. These laws include Penal Code provisions of criminal libel (Section 191) and Seditious practices (Section 57-61) and Prohibited publications (Section 53).

Another positive development during the period under review was the presentation and subsequent adoption of the Access to Information Bill by parliament¹⁷ after nearly three decades since the Bill was first mooted. The bill aims¹⁸ to give effect to the right to access information as guaranteed in the United Nations Convention against Corruption and the African Charter on Human and Peoples Rights; and designate the Human Rights Commission as an oversight institution on matters relating to access to information. The Bill also provides for the right to access information and its limitations as well as provide for procedures for processing requests for information.

This is a milestone for digital rights because one of the challenges that has been faced by 'netizens' in Zambia is that of lack of accurate information with which to engage their civic leaders online. As a result, disinformation has been rampant, with several 'leaked' documents whose authenticity cannot be verified surfacing every now and then. Once the Access To Information Bill is enacted into law, information holders such as Ministries and

other public bodies will be mandated to make information available to the public, including through digital means and platforms, thereby ensuring meaningful public participation. This will further facilitate the realisation of the digital transformation agenda. At the time of this report, the Bill was pending presidential assent.

Overall, the legal and policy front with regard to digital rights and internet freedom in the from 2022-2023 was somewhat progressive in view of some of the developments noted above. The development and launch of a comprehensive ICT Policy gives hope of possible improvements in the regulation and promotion of digital rights; the repeal of the provision of on defamation of the President widens the space for citizens to engage online while the presentation and adoption of the Access to Information Bill signals commitment by the government to ensure that citizens are equipped to engage on various digital platforms.

4.2. Best practices

During the period under review, some major developments were noted with potential to enhance the capacity of the internet as a medium that can facilitate the enjoyment of rights. One such development was the introduction of 5G services by MTN Zambia and later Airtel Zambia respectively.

This followed the successful auctioning of relevant spectrum for the provision of 5G services by the Zambia Information and Communication Technology Authority (ZICTA) in 2022¹⁹. After this move, mobile network providers undertook the

¹⁷ Minister of Information and Media, Cornelius Mweetwa, presented the Bill, which passed the first reading stage on 10th November, 2023.

¹⁸ Available at <https://shorturl.at/cmPTW>

¹⁹ The Authority revised the 5G Spectrum Roadmap for release of spectrum in the 700 MHz and 2600 MHz band due to the high-demand for the spectrum. See <https://res.cloudinary.com/dqwr0req3/image/upload/v1689481377/tpmdj97o5fgk9zdduar5.pdf>

announced the purchase of at least 500 Starlink kits to be distributed to all constituencies, border areas and selected hospitals²².

This pattern is a form of digital exclusion as those in rural, peripheral areas are unable to perform activities that require high-speed internet usually offered by 4G. As such, the launch of 5G in selected urban towns by both mobile network providers should be extended to other key sites across the country if the digital transformation agenda is to be attained indeed.

Another development during the period under review was the announcement of the fourth mobile service provider, Beeline Telecoms trading as Zed Mobile. The announcement and eventual launch of the fourth mobile network operator came after UZI Zambia (the company previously awarded a license as fourth mobile network provider) failed to commence operations by March 3, 2019, which was the

final deadline issued by the authority notwithstanding two earlier deadline extensions, the first being November 30, 2019, and the second May 30, 2020²³. At the time of compiling this report, Zed Mobile (the fourth mobile operator) has not commenced provision of mobile services, raising concerns among several stakeholders as the company was expected to roll out its operations by July, 2023.

The entry of a fourth mobile service provider into the Zambian market is long overdue as this is a call that has been made by consumers for many years in view of the lack of competition among the existing service providers, thereby raising the cost of services. The entry of an additional mobile service provider is expected to provide the necessary competition to help lower costs data, among other services. The additional mobile service provider could also introduce new, modern services and perhaps serve the unserved populations in rural and peripheral areas as alluded to above. It is for this reason that several stakeholders have raised the flag on the failure by



²² This was announced by Minister of technology and science, Hon. Felix Mutati. See <https://www.znbc.co.zm/news/all-constituencies-to-get-star-link-internet-connections/>

²³ See <https://www.lusakatimes.com/2020/06/12/uzi-zambia-limited-formally-withdraws-from-the-mobile-market/>

Beeline to immediately commence operations and roll out services to consumers, a situation which is reminiscent of the previous entrant, UZI, which eventually withdrew after failure to launch operations.

4.3. Violations and incidents of note

Below is a summary sheet of selected violations and other incidents of note during the period under review²⁴:

PERIOD	INCIDENT
August, 2022	The Chipata Magistrates' Court sentenced an evangelist to 15 months imprisonment with hard labour for defamation of the President. Evangelist Benson Tembo allegedly defamed President Hakainde Hichilema at Vizenge clinic on May 19, 2022 when he called the Head of State a satanist in his preaching.
September, 2022	Lawrence Bwalya Muchinda, a Lusaka resident, was arrested by police for allegedly issuing defamatory remarks against President Hichilema on TikTok
September, 2022	Police arrested opposition Patriots for Economic Progress (PeP) leader Sean Tembo, for allegedly insulting the president on Facebook. Tembo was granted bail after six days of detention.
June, 2023	Police formally charged and arrested Emmanuel Mwamba aged 52 and Andy Luchinde aged 29, both residents of Lusaka for two counts of forgery contrary to Section 342 of the Penal Code Chapter 88 of the Laws of Zambia and three counts of publication of information contrary to Section 54 of the Cyber Security and Cyber Crimes Act No. 2 of 2021. it is alleged that on June 8, 2023, Mr. Mwamba, jointly and while acting together with Mr. Luchinde and other unknown persons,

²⁴ The violations and incidents are as captured through media monitoring while care is taken to accurately reproduce the reports with the acknowledgement that incidents involving arrests are sub judice and the reproduction herein does not presume or prejudice the outcome of the Court process.

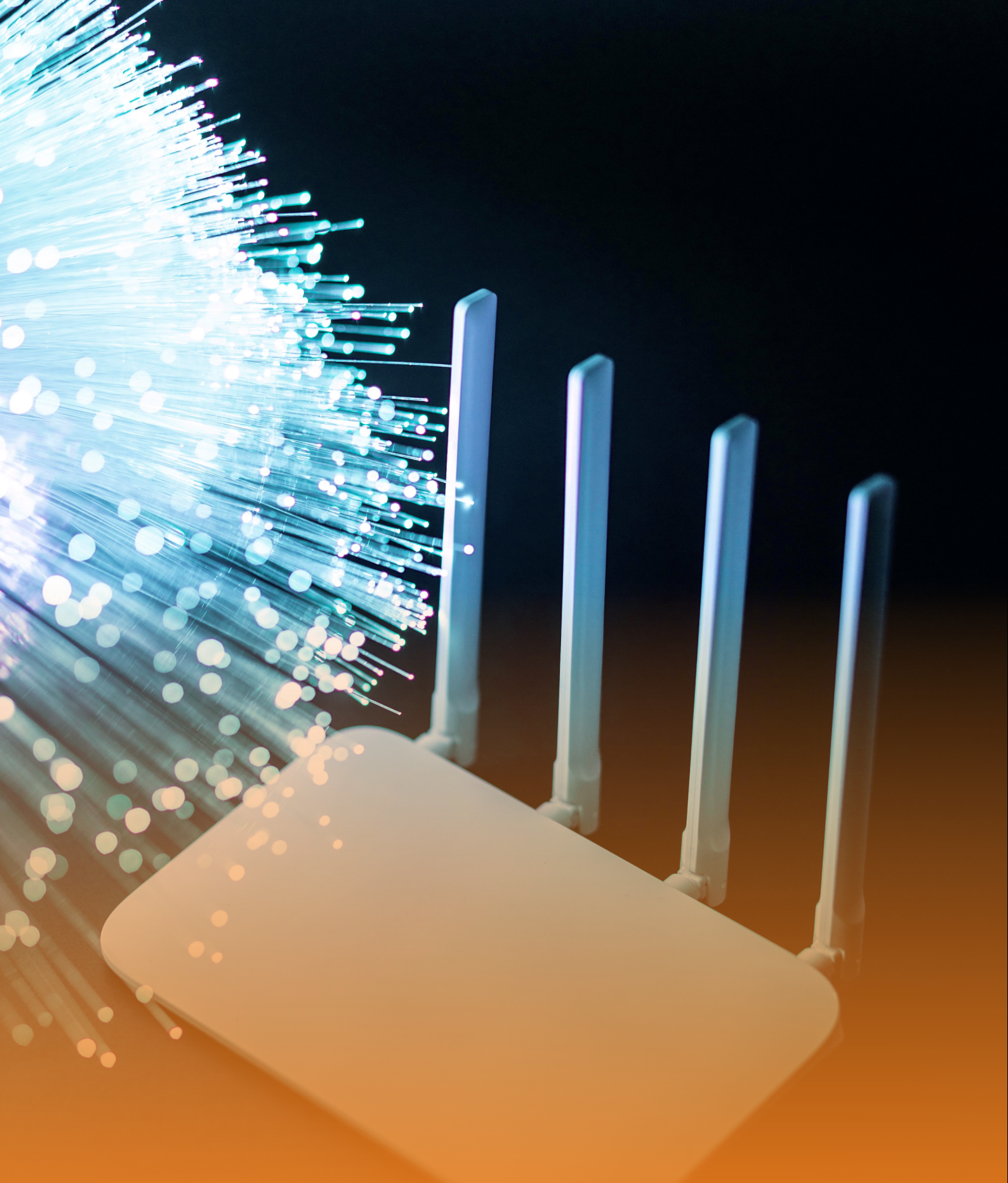
	<p>with intent to compromise the safety and security of the Republican President did publish a letter in the picture purporting to have been signed by the Republican President directing the Director General of the Zambia Security and Intelligence Service to contain the influence of Archbishop Alick Banda over the Roman Catholic Church on Government Institutions and other quasi-government institutions using a computer system on the Facebook pages known as Patriotic Front-PF and Grindstone Television Zambia.</p>
June, 2023	<p>Police formally charged and arrested Rizwan Dawood Patel, aged 41, of Bebos Construction and Supplies Limited, for two counts of forgery contrary to Section 342 of the Penal Code Act Chapter 87 of the Laws of Zambia and in count two publication of information contrary to Section 54 of the Cyber Security and Cyber Crimes Act No. 2 of 2021.</p>
August, 2023	<p>Police arrested and charged Socialist Party President FRED M'MEMBE for the offence of Communication of certain Information.</p> <p>Dr. M'MEMBE, with other unknown persons is reported to have received classified information that the Chairperson of the Central Joint Operations Committee had been changed.</p> <p>Police stated that Dr. M'MEMBE then posted the information on July 21, 2023 on the Facebook page called FRED M'MEMBE, an act that contravenes the State Security Act.</p>
October, 2023	<p>MISA presented a statement to the African Commission on Human and People's rights on the right to freedom of expression in Southern Africa at the 77th ordinary session of the ACHPR. The</p>

statement notes that “Artificial Intelligence’s growth in Southern Africa adds a new layer of uncertainty for an already vulnerable media fraternity. Surveillance is a massive threat to freedom of expression in the region. Governments must be more transparent in deploying surveillance equipment and the information they seek. As I have presented on this platform, a report released three years ago named Botswana, Zambia and Zimbabwe as the countries deployed surveillance equipment from the Israeli firm Circles. None of these countries have responded to the report, with this issue not even being discussed in the legislatures of any of these countries.

In countries with pervasive surveillance, sources of journalistic information and whistleblowers are too afraid to communicate with journalists. When whistleblowers cannot shine the light on dark spots because they fear surveillance, you know that democratic backsliding is in full motion and democracy is under threat.

Without proper safeguards for human rights, cyber security laws can be misused to stifle freedom of expression. Protecting human rights ensures that individuals can express their thoughts and opinions online without unwarranted interference or censorship. In particular, all laws must protect journalists’ work and sources.

In cases where governments are not transparent with how they use surveillance equipment, there is every reason to worry that deploying unchecked AI could be detrimental to freedom of expression and the media. This is because AI can be used for propaganda, misinformation, and disinformation. Information disorders are particularly worrisome because they can potentially affect public participation and citizen engagement”.



5.0

SUMMARY AND CONCLUSION



SUMMARY AND CONCLUSION

The period under review was filled with several developments that had the potential to contribute both positively and negatively to internet freedom and the enjoyment of digital rights as shown in the discussions above.

It is clear that the guarantee of digital rights is important for the functioning of democracy which depends on citizen participation at its core. There are however, several barriers to the enjoyment of these rights, among them the high cost of access, the large population that remains underserved as well as digital literacy and legal challenges, among others.

On a positive note during the period under review, the ICT Policy saw revision with the launch of the 2023 National ICT Policy with a new focus that recognises new developments in the sector. The new focus allows for the promotion of digital rights and internet freedom. The ICT Policy was accompanied by a digital transformation agenda with positive pronouncements to increase citizen participation in governance. Other policy initiatives such as the zero rating of ICT equipment will go a long way in enhancing digital literacy by making devices available. There were negative developments, however, such as

the maintenance of excise duty on telephone airtime, which continues to raise the cost of access.

On the legal front, most variables and provisions remained the same, casting a bleak picture with regard to the status of digital rights. However, the repeal of the colonial provision on defamation of the President could contribute to widening the space for citizens to exercise their freedom of expression online. Further, the presentation of the Access to Information Bill to Parliament is a positive move that could transform citizen participation in governance through digital platforms.

With regard to best practices, the introduction of new technology, particular 5G network coverage in some parts of the country, could be the much needed step towards a quantum leap if applied effectively.

Despite several developments that could enhance the enjoyment of digital rights and internet freedom, the period under review still had development that should be of concern to stakeholders. These developments continue to undermine digital rights and internet freedom and contribute to the deterioration of the status of internet freedom.

6. RECOMMENDATIONS

In view of the findings noted above, we recommend:

- The government should consider removal of excise duty that was introduced on airtime in a bid to lower the cost of access: High cost of services creates additional barriers to internet access and enjoyment of digital rights
- Laws inimical to digital rights be reviewed: There is need to consider a holistic review of laws that are inimical to freedom of expression and by extension internet freedom. As mentioned in the legal and policy development section above, such laws tend to suppress online expression and this can be observed in the selected arrests that are highlighted above
- The government invests in infrastructure and technology development: There is need for continued investment in the telecommunications sector in order to meet the growing demand for high capacity services that require technology supported by 5G network and artificial intelligence. This way, the citizenry will have wider options and even access to opportunities for commerce.
- Civil society and other stakeholders take a more central role in monitoring policy frameworks: There is need for continued advocacy by stakeholders and civil society to ensure policies in the sector are being applied as they should with a view to meeting the digital transformation agenda. Various actors must ensure a realistic, multi stakeholder approach is applied by regulators, ministries and other responsible agencies.
- Stakeholders collect evidence to support advocacy: there is need for the continued production of evidence to support advocacy and lobbying. The evidence collected will help to inform policy reviews as well as make the case for digital rights, especially where violations are concerned.

ABOUT COMMON CAUSE ZAMBIA

Common Cause Zambia is a non-profit, nongovernmental organisation whose core mandate is to contribute to good governance in Zambia through sustained community engagements and participation in governance processes. The organisation was established with the objective of empowering citizens to participate and contribute to governance and development through initiatives that enhance their capacities to claim their rights and foster accountability.

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