

Freedom on the Net 2024



header1 Key Developments, June 1, 2023–May 31, 2024

Internet freedom in Zambia improved during the coverage period. Despite the decriminalization of defamation of the president in 2022, authorities continue to arrest and imprison internet users who criticize the president online, contributing to an enduring environment of self-censorship.

- Activists campaigned against high costs of living using the hashtag #PassMeTheMic in a nationwide social media campaign (see B8).
- Zambia enacted the Access to Information Act in December 2023, ending a two-decade effort to put in place access to information legislation (see C1).
- Several journalists, opposition leaders, and ordinary internet users were arrested for insulting the president online. (See C3)
- Two civil society organizations, Bloggers of Zambia and Chapter One Foundation, sued the Zambia Information and Communications Technology Authority (ZICTA) over a directive requiring service providers to process and retain live facial photographs collected during the mandatory registration of SIM cards (see C4).
- Zambia established a Data Protection Commission in June 2023 (see C6).

header2 Political Overview

Zambia's political system features regular multiparty elections, and some civil liberties are respected. While Zambia experiences democratic transfers of power, most recently in 2021, opposition parties face onerous legal and practical obstacles to fair competition. Restrictive laws that narrow political space and online speech remain in force.

A Obstacles to Access

A1 1.00-6.00 pts0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	2.002 6.006
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Zambia was among the early adopters of the internet in sub-Saharan Africa, though access has grown slowly since then. As of December 2023, official ZICTA data reported 12.6 million internet users in Zambia, representing a 64.1 percent penetration rate.¹ In contrast, DataReportal’s *Digital 2024* report only identifies an internet penetration rate of 31.2 percent.²

Over 99 percent of internet users in Zambia rely on mobile internet subscriptions due to the low costs of access as compared to fixed-line subscriptions, with only 99,000 fixed-line internet subscribers as of December 2023, according to ZICTA data.³

Despite increasing access, internet connection speeds are still slow. In February 2024, median download speeds were 19.59 megabits per second (Mbps) on mobile connections and 21.26 Mbps on fixed-line broadband connections, while median upload speeds for mobile and fixed-line connections were 7.61 and 5.27 Mbps, respectively.⁴ These download speeds represent an improvement from speeds of 17.13 Mbps and 8.79 Mbps recorded in March 2023 for mobile and fixed-line subscriptions, respectively.⁵

In October 2022, Technology and Science Minister Felix Mutati called for an information and communications technology (ICT) sector “reboot” and an investigation into poor network connectivity.⁶ In December 2023, ZICTA ordered Airtel—one of Zambia’s biggest mobile providers—to compensate its subscribers for network outages within five days of the outages.⁷ Consequently, in February 2024, ZICTA fined the company an undisclosed amount for failing to adhere to quality of service rules and directed Airtel to implement an action plan to resolve the recurring network outages.⁸ The situation raised rumors that the company was planning to exit the Zambian market, but Airtel denied this speculation.⁹

Increasing temperatures and decreasing rainfall due to climate change have lowered water levels at a key hydroelectric power plant at Kariba Dam, resulting in power shortages in recent years.¹⁰ These power shortages have disrupted telecommunications services in some areas of the country, as businesses and consumers are forced to rely on private generators during blackouts.^{11, 12} Due to continued drought conditions and low water levels, Zambia announced severe load shedding for eight hours per day in March 2024,¹³ which was increased to twelve hours per day in May 2024.¹⁴

Continued development of ICT infrastructure in Zambia has increased internet access. Twenty new communication towers were constructed in 2023, increasing the total number to 3,568. The year also saw growth in the number of telecommunication sites across 2G, 3G, 4G, and 5G networks. MTN, in partnership with the Chinese telecommunications company Huawei, launched the country’s first 5G service platform in November 2022,¹⁵ followed by Airtel’s 5G network launch in July 2023.¹⁶ 5G sites accounted for 1.3 percent of all telecommunication sites in 2023, while the share of 4G sites increased to 30.3 percent in 2023. 2G and 3G network sites remained the most common, however.¹⁷ The number of 2G sites is expected to decline following a recent directive to phase out 2G and 3G networks to make 4G the national standard.¹⁸ Mutati announced in March 2024 that the country was aiming to expand broadband access to 96 percent of Zambia by the end of the year.¹⁹

The government’s Universal Access Fund has helped pay for more than 1,000 base stations countrywide.^{20, 21} Other initiatives by technology companies, internet service providers (ISPs), and mobile providers are expected to increase broadband penetration, including the deployment of WiMax (worldwide interoperability for microwave access) wireless broadband technology and high-speed fiber to the premises (FTTP) connections.

A2 1.00-3.00 pts0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

1.001
3.003

Access to the internet in Zambia is still prohibitively expensive for some people, particularly among marginalized rural communities and lower-income individuals.

The high costs of ICT device ownership, digital literacy, and access to internet services remain major barriers to access, especially in rural areas.²² During the coverage period, Zamtel was the most affordable internet service provider (ISP), offering monthly 5.5 gigabyte (GB) internet bundles at 60 kwacha (\$2.40).²³ According to Cable, a UK-based consultancy, the average price of 1 GB of data in Zambia was \$8.01 in August 2023.²⁴

Other mobile companies offer promotional data plans, such as social bundles that allow users unlimited access to social media platforms for a daily, weekly, or monthly period. Internet freedom advocates have criticized the practice of charging internet users different rates to access different content and services for violating the principle of net neutrality, though the promotions encourage internet use and help expand access in low-income areas. Airtel also offers Facebook Free Basics, which allows users to access a simplified version of Facebook for free and enables access to other websites, such as Wikipedia, WikiHow, AccuWeather, Go Zambia Jobs, and the Mobile Alliance for Maternal Action.²⁵ In 2017, MTN launched Facebook Flex, a service that allows subscribers to access the full version of Facebook for free.²⁶

Despite the introduction of less expensive social bundles, including for students using educational tools online, and free Facebook, affordability remains a concern for many Zambians. According to the World Bank, as of 2022, 64 percent of the Zambian population lived below the international poverty line of \$2.15 per day.²⁷ The Economist's Inclusive Internet Index reported that in 2022, 1GB of prepaid mobile data cost 2.62 percent of the average monthly income, while fixed-line broadband cost 13.79 percent of monthly income.²⁸ The Internet Service Providers Association of Zambia announced a 17.5 percent increase in fixed-line internet costs effective January 2024 as a result of a new excise duty on internet services, which has further raised the costs of connectivity for fixed-line subscribers.²⁹

In July 2019, the parliament adopted a motion to prohibit internet providers from prescribing expiration dates on data bundles to protect consumers and enhance digital inclusion.³⁰ As a result, all three mobile service providers now offer expiring and non-expiring data bundles to customers.³¹ Consumer advocates have complained that because of how they are priced, the non-expiring bundles are only affordable for high-income individuals.³²

The Zambia Research and Education Network (ZAMREN) provides free Wi-Fi at affiliated schools and universities, and in March 2024 announced plans to introduce free Wi-Fi in public spaces in Lusaka, the capital, such as international airports, shopping malls, and bus terminals.³³

Rural areas have lagged in internet access due to the high cost of hardware and software, poor network coverage, and high levels of illiteracy. Erratic and expensive electricity presents an additional obstacle to access in rural areas, where only about 14.5 percent of residents had access to electricity as of 2020, compared to 85.7 percent of the urban population.³⁴

The government and service providers have revealed plans to invest in expanding ICT infrastructure in rural areas. In February 2024, the government announced plans to build 60 new 4G towers and upgrade 50 towers from 2G and 3G to 4G to improve connectivity in rural areas.³⁵ In December 2023, the government also announced plans to set up "Community Digital Transformation Centres" where citizens can access free internet services and receive digital literacy skills training.³⁶

Starlink, a satellite internet service provider owned by the US-based SpaceX, received a license to operate in Zambia in June 2023, and began operations later that year.³⁷ In March 2024, the Ministry of Technology and Science and the Smart Zambia Institute provided all 156 parliamentary

constituencies with Starlink internet kits to boost internet connectivity in their offices, which residents will also be able to access.³⁸

A3 1.00-6.00 pts0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	5.005
	6.006

The government has previously restricted connectivity during contested elections and periods of political tension, including in August 2021, when social media platforms were blocked.

Following conflicting reports³⁹ about whether authorities would restrict internet connectivity,⁴⁰ on August 12, 2021—election day—WhatsApp, Facebook, Twitter, and Messenger were blocked on most networks for two days, apparently in response to an order from ZICTA (see B1).⁴¹ These platforms are the main sources of information and communication for Zambians, especially Zambian youth.⁴² Service returned on August 14, 2021, following an order from the High Court for connectivity to be restored after local human rights group Chapter One Foundation sued ZICTA.⁴³

Internet disruptions had previously occurred in opposition strongholds during moments of political tension⁴⁴ and protests⁴⁵ in 2016 and 2020, raising suspicions that the government had ordered the disruptions in both instances.⁴⁶

Partial state ownership of the country's fiber backbone and state control over connections to the international internet may enable the government to restrict connectivity at will.⁴⁷ As a landlocked country, Zambia's national fiber backbone is provided by three operators: the state-owned Zamtel, the state-owned Zambia Electricity Supply Company (ZESCO),⁴⁸ and the privately owned Liquid Intelligent Technologies.⁴⁹ Zamtel operates the fiber-optic connection to two international submarine cables: the West African Cable System (WACS) and the South Atlantic 3 (SAT-3).⁵⁰ MTN and Airtel lease access to the undersea cables from Zamtel, while MTN also connects directly to the Eastern Africa Submarine Cable System (EASSy).⁵¹ There is one internet exchange point (IXP) in the country.⁵² In September 2023, the Lusaka IXP was incorporated into ISP Paratus Zambia's data center, which was expected to lower latency and improve service quality.⁵³ Previously, the IXP was housed in the same building as Zamtel in Lusaka, which may have further enabled government influence over domestic internet traffic.⁵⁴

A4 1.00-6.00 pts0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	5.005
	6.006

The diversity of service providers is not significantly limited by legal or economic obstacles. The subscriber base in the country continues to grow as service providers introduce new products to the market and the government grants licenses to new entrants.

The Zambian ICT sector is one of the fastest growing in the country, playing a significant role in agriculture, health, media, mobile banking, governance, and education. The Zambian market for ISPs is competitive, although both the mobile and fixed-line markets are mostly concentrated in a few providers: Airtel and MTN for mobile; and Zamtel, MTN, and Liquid for fixed-line.⁵⁵ The number of active ISPs dropped from 19 to 12 in 2023, according to ZICTA.

All internet and mobile service providers are privately owned, with the exception of Zamtel, which was renationalized in 2012.⁵⁶

As of June 2023, Zamtel maintained the smallest market share of the three providers in the mobile internet market, with 17.3 percent of mobile internet subscriptions,⁵⁷ though it commands more than half of fixed-line subscriptions.⁵⁸ MTN held 35.3 percent of mobile internet subscriptions as of December 2023, while Airtel, the dominant player, held 47.4 percent.⁵⁹

In February 2021, ZICTA granted the country’s fourth mobile service provider license to Beeline Telecom, a Zambian company.⁶⁰ Beeline received an extension from ZICTA to begin operations in June 2022, after it failed to start operations due to delays it attributed to COVID-19.⁶¹ The provider launched in December 2022, trading as Zedmobile with plans to launch 4G and 5G services.⁶² However, the company had not started operating by the end of the coverage period, raising concerns among stakeholders, including the Zambia Consumers Association (ZACA).⁶³ In May 2024, the government announced that ZICTA had set a July 2024 deadline for Zedmobile to roll out its network.⁶⁴ Zedmobile commenced operations in July 2024, after the end of the coverage period.

ZICTA licensed Starlink to provide satellite internet services in Zambia in June 2023;⁶⁵ the company began operations later that year.⁶⁶

In 2017, the cabinet approved the introduction of a new converged licensing framework, which decentralized the provision of network and service licenses in order to enhance competition and ultimately lower prices.⁶⁷ ZICTA issued eight electronic communication licenses in the ICT sector in 2023, bringing the total number of valid licenses to 92.⁶⁸

A5 1.00-4.00 pts0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	2.002
	4.004

The independence of the national regulatory bodies that oversee service providers is undermined by the legal framework that guides their activities. ZICTA is the main regulatory body for the ICT and postal-service sectors, established under the Information and Communication Technologies Act of 2009⁶⁹ and the Postal Services Act of 2009.⁷⁰ ZICTA is nominally an independent and autonomous body.⁷¹ However, both acts provide opportunities for the minister of technology and science—who oversees ZICTA’s activities and appoints the members and chairperson of its board⁷²—to interfere with its operations.

In September 2021, the Ministry of Technology and Science was created to develop the technology and science sectors, as well as oversee all ICT functions, which were previously under the former ministry of transport and communications.⁷³ The Ministry of Technology and Science launched the revised National ICT Policy 2023 and a National Digital Transformation Strategy 2023–2027.⁷⁴ Both documents state that ZICTA is the body responsible for regulations and security of ICT platforms, as well as for setting guidelines and standards for digital transformation.

A new seven-member board of ZICTA was appointed in October 2022 by Technology and Science Minister Mutati.⁷⁵ A new director general, Choolwe Nalubamba, was appointed in March 2023.⁷⁶

Following the blocking of major social media and messaging platforms during the August 2021 elections (see A3), Chapter One Foundation and ZICTA entered into a landmark consent agreement in March 2022, where ZICTA agreed not to act outside of its legal authority. In addition, the regulator agreed to inform the public of the reason for any internet access disruption within 36 hours of such an incident.⁷⁷ In February 2022, five directors of ZICTA were fired, allegedly for their involvement in the blocking decision (see A3 and B1).⁷⁸

Some media content is also regulated by the Independent Broadcasting Authority (IBA), which oversees the enforcement of regulations in broadcast programming, including content that television and radio stations make available online.⁷⁹ In March 2024, the Ministry of Information announced plans to regulate internet content, including podcasts, through the revision of the IBA Act of 2002 and the Zambia National Broadcasting Corporation (ZNBC) Act of 1987 (see B6), a move that civil society called unconstitutional.⁸⁰

B Limits on Content

B1 1.00-6.00 pts0-6 pts

Journalists, bloggers, and to a lesser extent, everyday social media users increasingly write anonymously or pseudonymously to avoid harassment or the threat of legal action,⁹⁰ particularly on issues regarding politics and corruption involving government officials. Social media users may also restrict their communications to a private circle instead of sharing information publicly, especially after the enactment of the Cyber Security and Cyber Crimes Act (CSCCA) of 2021 (see C2).⁹¹ Most independent online news sites do not publicly share their physical addresses, ownership, management, or the actual names of their reporters, practices that stem in large part from fears of harassment.

A survey by Afrobarometer—an African-led series of national public attitude surveys on democracy and governance in Africa—published in 2023 found that a majority of Zambian respondents believed that people need to be cautious about what they say about politics.⁹² Previous polling had revealed an increasing percentage of people who watched what they said about politics, and that only a third of respondents were comfortable criticizing the president.⁹³

B5 1.00-4.00 pts0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	3.003 4.004
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Score Change: The score improved from 2 to 3 because of decreasing government involvement in online content manipulation.

Both the PF and the United Party of National Development (UPND) heavily rely on online resources, particularly social media, to advance their political agendas.

In March 2022 President Hakainde Hichilema of the UPND warned against social media abuse, saying platforms were “used to spread hate speech, commit crime, and corrupt the morals of the country,” as well as to spread fake news.⁹⁴ He said his government would not restrict social media access, but would instead enforce relevant laws to curb abuse.

Ahead of the August 2021 general elections, PF and UPND supporters used social media, blogs, and other online tools to express their views.⁹⁵ Both progovernment and opposition social media accounts have been known to publish misinformation, and false or misleading news disguised to look like real reports or government statements has become a more prominent feature of the online information landscape in recent years.⁹⁶

Government institutions and agencies routinely regulate the online activity of employees or other affiliated people, sometimes threatening discipline or termination.⁹⁷

B6 1.00-3.00 pts0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?	2.002 3.003
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While blogs hosted on international platforms such as WordPress have proliferated in recent years, online publications face economic constraints that compromise their ability to remain financially sustainable. The government is the largest source of advertising revenue for traditional media outlets and has been known to withhold advertisements from critical outlets.

The *African Media Barometer 2021* noted that Zambia’s advertisers, in an effort to please the government, placed 80 percent of their advertisements in state-owned media rather than in private media.⁹⁸ Private companies often do not advertise in news outlets that seem antagonistic to government policies out of fear of the potential repercussions.

In March 2024, the government announced plans to revise the IBA’s governing framework to provide licenses and regulate online content, including podcasts, which have proliferated in the

Zambian online media space in recent years.⁹⁹ Civil society groups and opposition political party leaders condemned the proposed amendments as unconstitutional, viewing them as a threat to individuals’ freedom of expression.¹⁰⁰ The IBA had previously sought to require online broadcasters to register and apply for broadcast licenses in 2020, following an inquiry as to whether a popular TV station critical of the government could operate exclusively online following the revocation of its TV broadcast license.¹⁰¹ The IBA again urged online broadcasters to register in 2021, but lacked a framework for applying the licenses.¹⁰²

Legal experts have criticized the IBA’s claim to subject online broadcasters to its regulations, arguing that Zambian law designates ZICTA as the sole regulator with authority over the internet.¹⁰³

B7 1.00-4.00 pts0-4 pts

Does the online information landscape lack diversity and reliability?	3.003 4.004
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There are a variety of viewpoints and independent information sources in Zambia’s online information landscape. However, there is less content produced by and relevant to women, rural populations, and marginalized groups such as LGBT+ people and people with disabilities.

Online content producers face considerably less government pressure than their traditional media counterparts, possibly because some web platforms allow them to publish anonymously and the ICT regulator does not have the full capacity to control them. As a result, social media platforms and citizen journalists have emerged as important sources of diverse information, and news consumers have become increasingly aware of alternative, diverse voices from online sources. Most online media houses’ content is in English.¹⁰⁴

The Zambian blogosphere and social media are vibrant, representing diverse, critical viewpoints and opposition voices, and many mainstream journalists have turned to social media to express themselves more freely and publish articles and commentaries that would not be allowed by media houses. Several bloggers’ organizations have emerged over time that push for digital rights through training, advocacy, and activism. Facebook remains the most popular social media platform among Zambians.¹⁰⁵

Zambia’s online information space is not always reliable, however, in part because supporters of political parties often post false or misleading content on social media; this was especially pronounced ahead of the August 2021 general elections (see B5).

B8 1.00-6.00 pts0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues?	5.005
	6.006

Score Change: The score improved from 4 to 5 to reflect the increasing use of social media in campaigns and activism.

Mobilization platforms are generally available to users, and social media continues to play an important role in facilitating political and social debates and discussions. However, fear of arrest and prosecution can stifle online activism, and laws allowing police to restrict gatherings dampen the effectiveness of online organizing.

Activists use social media in campaigns to speak truth to power, including through livestreams and cartoons in digital media outlets.¹⁰⁶ In February 2024, some leading artists and activists campaigned against high costs of living using the hashtag #PassMeTheMic.¹⁰⁷ The artists traveled countrywide, passing a microphone to citizens to air their views on the prevailing economic hardships that Zambia is facing.¹⁰⁸

Opposition parties have utilized virtual campaigning events, as police frequently withhold permits for public rallies and protests, stating reasons of insufficient manpower to maintain peace during demonstrations.¹⁰⁹ Zambia’s Public Order Act of 1955, which allows authorities to stop gatherings that have not obtained permits, is still on the books, and critics have said it is disproportionately used to prevent opposition rallies and anti-government protests.¹¹⁰ In April 2024, the inspector general of police drew criticism for saying he would not allow opposition parties to hold rallies.¹¹¹ After a rally in Kafue was blocked in May 2024, the United Kwacha Alliance (UKA) party held a virtual address instead.¹¹²

Political parties and activists used social media and held virtual rallies to mobilize ahead of the August 2021 general elections.¹¹³ Campaigning remained primarily offline, however, even despite limits placed on such activities in response to the COVID-19 pandemic and sporadic outbreaks of violence between PF and UPND supporters.¹¹⁴

C Violations of User Rights

C1 1.00-6.00 pts0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	2.002
	6.006

The constitution and a number of laws threaten freedom of expression and other key rights online. The Constitution of Zambia (Amendment) Act of 2016¹¹⁵ lacked many of the constitutional provisions sought by citizens, including the protection of fundamental rights and freedoms.¹¹⁶

Local journalists and civil society groups have called for President Hichilema to institute press freedom reforms by revising problematic laws that inhibit journalistic work, including the CSCCA and the penal code,¹¹⁷ which gives the president “absolute discretion” to ban publications regarded as “contrary to the public interest.”¹¹⁸ In February 2023, the government announced plans to hold another referendum to amend Part III of the Zambian constitution to enhance the Bill of Rights.¹¹⁹ A previous referendum held in 2016 on amendments to provide specific protections for print, broadcast, and electronic media freedom failed to reach the 50-percent turnout threshold.¹²⁰

In December 2023, Hichilema signed the Access to Information Bill into law, ending a two-decade process.¹²¹ Human rights watchdogs have warned that while the law meets acceptable international standards, some sections need further strengthening to distinguish between private and public entities, and to ensure that responsibility for monitoring compliance is placed in an independent oversight body like the Human Rights Commission, and not on government ministries responsible for disclosing information.^{122, 123}

Judicial independence is guaranteed in the constitution but is not respected in practice, and is undermined by other laws that allow for executive interference in the justice system. Recent concerns over executive interference in the judiciary have related to the eligibility of former president Edgar Lungu of the PF to run for a third presidential term. In 2018, while Lungu was still in office, the Constitutional Court ruled in his favor after a warning from the then-president, allowing him to contest the 2021 presidential elections.¹²⁴ Since taking office in 2021 following the UPND’s electoral victory, Lungu’s successor and political rival Hichilema has appointed new judges to the courts, including the Constitutional Court,¹²⁵ and in 2024, the Constitutional Court allowed a new challenge to Lungu’s eligibility to run for president in 2026.¹²⁶ Critics have accused Hichilema of using the judiciary to prevent the opposition from challenging the UPND in the next elections.¹²⁷

In July 2020, a court rejected an appeal to seek a ruling from the High Court and Constitutional Court on the constitutionality of defamation charges.¹²⁸

Constitutional protections have been seriously undermined in the past, such as when Lungu declared a state of emergency from July to October 2017 that prohibited public meetings, closed roads, imposed curfews, and restricted movements.¹²⁹ Civil society groups have also condemned the Public Order Act (see B8) for infringing on individuals' constitutionally protected right to freedom of assembly.

C2 1.00-4.00 pts0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

1.001

4.004

Despite the abolition of clauses in the penal code that criminalized defamation of the president,¹³⁰ laws that prescribe harsh prison terms for online activity continue to limit freedom of expression in Zambia.

In a landmark decision, President Hichilema abolished the law criminalizing defamation of the president under Section 69 of the Penal Code Act in 2022.¹³¹ The archaic law was historically used to silence, intimidate, detain, and arrest journalists, activists, citizens, and political opponents, including for online offences.

Critics remain concerned that other laws, such as the CSCCA, could still be used to persecute people if not reviewed. The CSCCA, signed in March 2021, put in place a range of changes relating to cybersecurity, online activities, and telecommunications surveillance (see C5 and C6). Several of its provisions may restrict political, social, and cultural speech online. These include Section 59, which bars the production and distribution of content “tending to corrupt morals” and which carries a fine of up to 3,000 kwacha (\$120) if violated. Section 69 criminalizes the use of electronic communication to “coerce, intimidate, harass, or cause emotional distress to a person” without defining those terms, and violators face a fine of up to 150,000 kwacha (\$8,800), up to five years' imprisonment, or both. Section 67 bars the disclosure of details relating to orders in a criminal investigation, without a public interest exception that would safeguard reporting on law enforcement investigations relevant to the public; the provision carries a penalty of up to five years' imprisonment, a fine of up to 150,000 kwacha, or both.¹³²

The CSCCA also bans the use of a computer to disseminate hate speech, which is broadly defined in the law; violators face up to two years imprisonment and a fine of 150,000 kwacha. The production and distribution of pornography carries harsh penalties, including a fine of 300,000 kwacha (\$17,500) and up to 10 years' imprisonment for the production of pornography for sale using a computer.¹³³

Offenses under the CSCCA committed extraterritorially may be prosecuted in Zambian courts, if the purported damage occurs within Zambia but the alleged perpetrator and the computers used to facilitate the offense are not located in the country.¹³⁴

Civil society organizations challenged the CSCCA with a petition to the High Court challenging the law's constitutionality in April 2021. President Hichilema's government announced plans to amend the CSCCA in May 2022,¹³⁵ and produced a draft bill in 2023.¹³⁶ In January 2023, Zambia's minister of justice made a statement that the law would not be amended until the case at the High Court was resolved; in response, Chapter One Foundation clarified that the case challenging the law would only be withdrawn after amendments were passed to bring the law into line with human rights standards protected under the constitution.¹³⁷ In July 2024, the Ministry of Technology and Science said it had passed the amendment bill to the Ministry of Justice for drafting.¹³⁸

In May 2021, the parliament assented to the Electoral Process (Amendment) Act, which implemented several reforms to Zambian election laws. The act imposes penalties on those who “without lawful authority announce and declare the results of an election.”¹³⁹ Transparency International Zambia noted that this provision applies to media, civil society organizations, and

individuals.¹⁴⁰ The breadth of the provision raised concerns that it would be used to restrict online speech about the election results, though no such cases were publicly reported in the 2021 elections. C3 1.00-6.00 pts0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	3.003
	6.006

Journalists, opposition leaders, and ordinary internet users face arrest and imprisonment in retaliation for their online activity, particularly for posts critical of the president and other government officials. Despite the Hichilema government's stated intent to reform the CSCCA (see C2), the law's broad provisions continue to be used against individuals for their online expression.

In January 2024, freelance journalist Chilufya Makasa was arrested and charged with hate speech and disseminating false information for publishing a video of a woman discussing the high cost of living in Zambia on the Facebook page Generation TV. Makasa and the woman who appeared in the video were both charged with using insulting language towards the president.¹⁴¹ Makasa was not released for thirteen days, despite his family providing surety to guarantee that he would make his court date. He appeared in court in February 2024 and posted a public apology video on the Generation TV page in March 2024.¹⁴²

In November 2023, investigative journalist Thomas Zgambo was detained on charges of sedition in connection with a post he made on the *Zambian Whistleblower Facebook* page that the *Zambian National Service (ZNS)*—a part of the *Zambian Defense Force*—was importing genetically modified maize meal without informing consumers.¹⁴³ He was released on bail after three days in detention, and his case was still ongoing at the end of the coverage period.¹⁴⁴ Zgambo was arrested again for publishing “seditious material” on Facebook in August 2024, after the end of the coverage period, for another *Zambian Whistleblower* report in which he called for transparency over links between the president and property the government had rented.

Freelance journalist Jaja Komoko was arrested in August 2023 for libel for allegedly publishing a malicious article about the UPND national youth chairperson on social media-based news outlet *The Scoop*. Komoko was released the next day after being formally charged.¹⁴⁵ The current status of his case is unclear.

The coverage period also saw an increase in prosecutions of opposition party officials for online speech.

In December 2023, Chishimba Kambwili, a former PF member of parliament, was sentenced to five months in prison with hard labor for hate speech under the CSCCA. Kambwili had been arrested in June 2022 for remarks made in 2021 that Hichilema would not win that year's elections due to his Tonga heritage.¹⁴⁶ Kambwili's lawyers stated that they would appeal the decision.¹⁴⁷

In October 2023, Sean Tembo, leader of the opposition Patriots for Economic Progress (PeP) party, was called to a police station in Lusaka on two counts of using insulting language against the president that he allegedly posted on his Facebook page. After he did not appear at the station, police raided his home to arrest him.¹⁴⁸ Tembo pled not guilty to charges of insulting language under Section 179 of the penal code; the trial was set to commence in March 2024.¹⁴⁹ This was not his first arrest for defamation and hate-speech-related offenses posted on his social media; Tembo had previously been arrested in September 2022 and detained for six days for allegedly insulting the president on Facebook.¹⁵⁰ He had also been sued by a former cabinet secretary, Leslie Mbula, for making disparaging comments about the president on Facebook, though the Constitutional Court dismissed Mbula's lawsuit in October 2023.¹⁵¹

In October 2023, a PF party official, Stardy Mwale, was arrested for seditious practices for allegedly circulating an audio clip on social media that encouraged millers in the country to revolt against the government by halting the production of mealie meal for thirty days.¹⁵² The case was still ongoing as of April 2024.¹⁵³

Socialist Party leader Fred M'membe was arrested and questioned for libel in August 2023 over a social media post that allegedly intentionally defamed the deputy inspector general of police.¹⁵⁴ M'membe was also reportedly issued a warning for violating Chapter 111 of the State Security Act of 1969 by posting classified information on Facebook about a change in the leadership of the Central Joint Operations Committee in July 2023.¹⁵⁵ Prior to his arrest, M'membe raised concerns over what he called rising state surveillance that would hinder citizens' meaningful participation in civic matters.¹⁵⁶ M'membe was arrested again in August 2024, after the end of the coverage period, and charged with seditious practices for posts on his Facebook and X (formerly Twitter) accounts.¹⁵⁷

In June 2023, senior PF official Emmanuel Mwamba and Lusaka resident Andy Luchinde, were arrested and charged with two counts of forgery under the penal code and three counts of publication of information with the intent to harm a third party under the CSCCA for publishing documents purported to have been signed by the president and key government staff on the Facebook pages Patriotic Front-PF and Grindstone Television Zambia, with alleged intent to compromise their safety and security.¹⁵⁸ Later in June, PF blogger Rizwaan Patel was also arrested on two counts of forgery for the same fake documents published on Facebook.¹⁵⁹ After Mwamba failed to attend court proceedings for a separate charge of assaulting a police officer that took place while Mwamba was traveling internationally, the Lusaka magistrate court in February 2024 ordered him to surrender his passport.¹⁶⁰

In November 2022, opposition National Democratic Congress (NDC) spokesperson Saboi Imboela was arrested on charges of libel and hate speech after making a Facebook post that criticized the president's media director.¹⁶¹ She was released on bail after three days in police custody.¹⁶² Her trial began in March 2023 and was still ongoing at the end of the current coverage period.¹⁶³

Ordinary internet users have also faced arrest and prison sentences for online speech. In March 2024, Lusaka resident Jackson Chama was convicted on charges of hate speech under the CSCCA and sentenced to one year in prison with hard labor for posting a video on TikTok, Facebook, and WhatsApp in which he disparaged people of the Tonga ethnic group.¹⁶⁴

In August 2023, police arrested Brighton Mwanza, a resident of Lusaka, for inciting mutiny after he posted on X encouraging the Zambian military to rise against the government in a coup d'état.¹⁶⁵ He was detained for 30 days before being released.¹⁶⁶

In June 2022, Chienge residents Danny Kapambwe and Justine Chimpinde were sentenced to 24 months in prison with hard labor for defamation of the president after allegedly verbally insulting him in a TikTok video.¹⁶⁷ In September 2022, Lawrence Bwalya Muchinda, a Lusaka resident, was also arrested by police for allegedly issuing defamatory remarks against President Hichilema on TikTok.¹⁶⁸ The current status of his case is unclear.

C4 1.00-4.00 pts0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3.003
4.004

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

The 2021 ECT Act generally does not limit on the use of encryption. Section 88 of the 2021 legislation prohibits the unauthorized release of a decryption key and the unauthorized release of data, while Section 89 prohibits the use of encryption to obstruct a law enforcement officer, punishable by up to two years in prison, a fine up to 60,000 kwacha (\$3,500), or both.¹⁶⁹

The ECT Act establishes a register of all cryptography providers. Unless they are registered with ZICTA—which is designated as the national root certification authority by the ECT Act—a person

cannot provide cryptographic services or products. Provision of cryptography services without registration is a criminal offense, punishable by imprisonment of up to five years, a fine of up to 150,000 kwacha (\$8,800), or both.¹⁷⁰

Anonymous communication through digital media is compromised by SIM card registration requirements instituted in 2012.¹⁷¹ Registration requires an original and valid identity card, such as a national registration card, to be presented in person to the mobile service provider.¹⁷² While the government stated that the registration requirements were instituted to combat crime,¹⁷³ investigative reports from 2012 found that subscriber details may be passed directly to the secret service for the creation of a mobile phone user database.¹⁷⁴ Fearing infringements on their privacy, some activists, politicians, and investigative journalists have used preregistered SIM cards. The practice, however, is a criminal offense in Zambia. Cybercafes do not require user registration.

In 2022, ZICTA issued a SIM card registration directive to mobile operators requiring the collection, processing, and retention of live facial photographs for all subscribers by February 2023.¹⁷⁵ Bloggers of Zambia and Chapter One Foundation sued ZICTA over the directive, calling the move unconstitutional.¹⁷⁶ ZICTA claimed the suit was an abuse of court process, as the regulator had already suspended the directive.¹⁷⁷ The court case remained ongoing during the coverage period.¹⁷⁸

Online anonymity is further compromised by the CSCCA. The law requires telecommunications companies to collect the full name, address, and identity number of all subscribers (see C2, C5, and C6).¹⁷⁹

Despite the lack of regulations governing implementation at the time (see C6), the government in March 2022 proceeded to develop and introduce a digital identity system known as the Integrated National Registration Information System (INRIS) to replace the paper and manual national registration system.¹⁸⁰ In April 2024, the government announced that it would postpone the project to free up resources to address the severe drought afflicting Zambia during the coverage period (see A1).¹⁸¹

Registration for the .zm country code top-level domain (ccTLD) is managed by ZICTA, through its designation as the national root certification authority under the ECT Act, which may compromise the anonymity of .zm website owners, given the questionable independence of the regulatory authority.¹⁸² Almost all independent online news sites use the .com domain, which may stem from historical distrust of ZICTA. The ECT Act also provides the minister in charge of communications with the authority to regulate domain name registration.¹⁸³ Such direct oversight of local web domains may allow the government to access user data belonging to local content creators and hosts.

C5 1.00-6.00 pts0-6 pts

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

The CSCCA (see C2), passed in March 2021, established new authorities under which the government can compel telecommunications companies to intercept data (see C6). The law also grants ZICTA, which is designated as the enforcement authority under the law, to appoint inspectors who may search and seize computer systems on receipt of a warrant.¹⁸⁴

In June 2024, during a live state of the nation address, President Hichilema stated that he had planted people to spy on conversations on private messaging platforms.¹⁸⁵ His remarks sparked concerns over potential government surveillance of WhatsApp groups.¹⁸⁶

A December 2020 report by Citizen Lab identified the Zambian government as a likely customer of Circles, a surveillance company that allows customers to monitor calls, texts, and cell phone

geolocation by exploiting weaknesses in mobile telecommunications infrastructure.¹⁸⁷

In February 2018, the Zambia Watchdog news site reported that Huawei had begun connecting government buildings in Lusaka under the Smart Zambia project,¹⁸⁸ raising concerns about potential digital surveillance given the company’s close ties to the Chinese government, which operates a vast surveillance apparatus.¹⁸⁹ The chairperson of the Civil Service Commission had warned civil servants that the Smart Zambia project would allow the government to trace discussions of political issues on social media.¹⁹⁰

In a 2018 report by Citizen Lab, Zambia was listed as one of 45 countries worldwide in which devices were likely breached by Pegasus, a targeted spyware developed by Israeli technology firm NSO Group. Pegasus is known to be used by some governments to spy on journalists, human rights defenders, and opposition members, though it is unclear if the Zambian government is a Pegasus client.¹⁹¹

C6 1.00-6.00 pts0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?

2.002
6.006

Service providers and technology companies are required by law to assist the government in the lawful interception of communications. The law gives the government significant powers to compel service providers to monitor communications with limited oversight.

An August 2019 article published by the *Wall Street Journal* disclosed that Huawei technicians embedded within ZICTA had helped the government access phones and Facebook pages belonging to opposition bloggers, as well as to intercept the communications of criminal suspects, opposition supporters, activists, and journalists. A spokesperson for the PF, which was in power at the time, said that ZICTA and Huawei helped to track down “perpetrators of fake news” and to neutralize opposition news sites.¹⁹²

The Data Protection Act of 2021, which establishes a strong set of data protections for Zambians, entered into effect in March 2021.¹⁹³ The data rights established under the law are broad, including special protections for sensitive data, though it provides similarly broad exceptions for criminal investigations and to protect national security. The act requires personal data to be stored in Zambia, with cross-border data transfer subject to review by the data protection commissioner.¹⁹⁴ Civil society organizations have raised concerns about the independence of the data protection commissioner, who reports to the minister in charge of communications, and the investigative powers afforded to authorities under the law.¹⁹⁵ The office of the Data Protection Commission was established in June 2023, with Likando Luywa appointed as the commissioner.¹⁹⁶ The implementation regulations were set to be enacted in April 2024.¹⁹⁷

In November 2021, the government ratified the African Union (AU) Convention on Cybersecurity and Personal Data Protection (known as the Malabo Convention), which calls on signatories to establish data protections.¹⁹⁸

The CSCCA (see C2) established new authorities under which the government can compel telecommunications companies to intercept data, hand over stored communications, and install monitoring systems. Companies may be compelled to do so with a court order, a warrant, or both, depending on the type of monitoring, though the law also permits broad exceptions to those safeguards.¹⁹⁹ Separately, the law requires telecommunications companies to collect the full names, addresses, and identity numbers of all subscribers, limiting online anonymity (see C4).²⁰⁰

The CSCCA also mandates data localization of vaguely-defined “critical information.” The act empowers the minister of technology and science to declare information that is “critical for the purposes of national security or the economic and social wellbeing of the Republic” as critical information. In addition to localization, the minister can impose additional oversight and requirements on infrastructure related to critical information.²⁰¹

In its May 2021 analysis of the CSCCA, the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) noted that the provisions for communications interception do not adequately impose safeguards for privacy. For instance, the law does not limit the period of validity for interception orders, opening the door to long-term surveillance, nor does it adequately protect collected data from abuse by officials who have access.[202](#)

The 2021 ECT Act (see B2 and C4) replaced a 2009 law, which had afforded the government sweeping surveillance powers with little to no oversight.[203](#)

C7 1.00-5.00 pts0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?	3.003
	5.005

Internet users in Zambia face harassment and intimidation for their online activities, and they may face retaliation when criticizing the government online. In recent years, online journalists have also been physically attacked in the course of reporting.

In November 2023, plainclothes police raided the hotel room of investigative journalist Thomas Zgambo and confiscated his devices before detaining him on charges of sedition for a Facebook post he made the month before (see C3). Media advocates reported that Zgambo was denied bond and was also denied medical attention in custody.[204](#)

Mwamba, the PF official who was arrested on charges of forgery and publication of information in connection with posts he made on Facebook in June 2023 (see C3), filed a lawsuit in October 2023 to demand compensation for alleged torture and assault he experienced during his arrest and while in police custody.[205](#) Patel, the PF blogger who was later arrested and charged in connection with the same Facebook posts (see C3), accused the police of torture that he said had affected his eyesight while in custody.[206](#) Lawyers filed a complaint on behalf of both individuals seeking damages for assault and battery in June 2023.[207](#)

In April 2022, town officials knocked journalist Eric Chiyuka's phone to the ground and slapped him. Chiyuka, who works with the online publication CIC Press, had been taking photographs and videos of a physical altercation between police officers and members of a church.[208](#)

Women regularly face harassment and bullying in online spaces. According to the Zambia National Women's Lobby (ZNWL), women politicians faced cyberbullying and online sexual harassment while campaigning online ahead of the August 2021 elections.[209](#)

LGBT+ people are also targeted online, though few people openly identify as such because same-sex sexual activity is criminalized in Zambia.

C8 1.00-3.00 pts0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	3.003
	3.003

Technical attacks against opposition activists, internet users, and journalists are uncommon in Zambia. Media organizations have previously reported difficulty in accessing their social media accounts, sometimes attributing the difficulty to hacking. The last reported cyberattack against a media organization took place in 2019. Growing cybercrime and mobile money fraud rings pose financial threats to many Zambians.[210](#)

In July 2023, cybercriminals took over the Central Bank's social media accounts, and also hacked the National Pensions Scheme Authority (NAPSA) system. The attack took down the NAPSA portal, stealing data and preventing employers from filing returns.[211](#) The Data Protection

Commission expressed concern over the increase in attacks on financial institutions, and the significant risks that such incidents pose to national security.²¹²

In March 2021, the government passed the CSCCA (see C2) to strengthen Zambia's capacity to defend against cyberattacks. The law empowers several authorities, including ZICTA, to coordinate and buttress cybersecurity in the country.²¹³ In 2022, ZICTA intensified efforts to curb cybercrimes, particularly mobile money crimes, by collaborating with mobile service providers to deactivate SIM cards used in perpetuating digital fraud and scams.²¹⁴ In addition to deactivating SIM cards, ZICTA also introduced a short code in October 2022 that users can input to report scams and digital financial crimes.²¹⁵