

Zambia

	2013	2014		
Internet Freedom Status	N/A	Partly Free	Population:	14.2 million
Obstacles to Access (0-25)	n/a	12	Internet Penetration 2013:	15 percent
Limits on Content (0-35)	n/a	13	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	n/a	18	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	N/A	43	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Not Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- In July 2013, Zambia’s southwestern region, Barotseland, reported an area-wide power outage that impacted all internet and mobile services for about 40 minutes. The region’s critical online radio station accused the government of deliberate interference to censor a controversial radio show (see **Obstacles to Access**).
- Access to four independent news websites was blocked for the first time in Zambia, reportedly as part of the government’s overall crackdown on critical media coverage (see **Limits on Content**).
- The ruling party continued to stall on a new draft constitution that provides for electronic media freedom and explicitly prohibits the government from interfering with media activities. The government instead called for legislation to regulate online media, citing the problems of “internet abuse” and cybercrime (see **Violations of User Rights**).
- The regulator disconnected all unregistered SIM cards after the registration deadline of January 31, 2014 (see **Violations of User Rights**).
- Officials targeted individuals suspected of being associated with the critical online news outlet *Zambian Watchdog*, arresting three suspects (see **Violations of User Rights**).

Editor's Note:

President Michael Sata died while holding office on October 28, 2014, leaving Vice President Guy Scott as Acting President for 90 days before the country holds a presidential by-election as required by the Constitution. The events covered in this report reflect developments during the May 1, 2013 – May 31, 2014 coverage period that occurred before President Sata's death. A draft constitution was eventually released in October 2014, though its path forward remains unclear amid the country's political transition.

Introduction

Zambia was among the early adopters of the internet in sub-Saharan Africa with the installation of dial-up and satellite technology at the University of Zambia in the early 1990s. Liberalization of the information and communication technology (ICT) sector in 1994 enabled new players to enter the market and invest in ICT development, but a long period of economic decline and stagnation through the late 1990s hindered meaningful progress. In recent years, investment in ICTs has regained momentum, bolstered by economic growth and government support through measures such as the 2009 National ICT Policy, the Information and Communications Act of 2009, and the Electronic Communications and Transactions (ECT) Act No. 21 of 2009, all of which established a new institutional, legal, and regulatory environment for ICT development.

Meanwhile, political stability in Zambia has been tenuous over the past few decades, with different ruling governments restricting freedom of expression and press freedom to varying degrees. In 1996, Zambia became the first country in sub-Saharan Africa to censor online content when the government demanded the removal of a banned edition of *The Post* from the newspaper's website by threatening to hold the internet service provider (ISP), Zamnet, criminally liable for the content.¹ There were no other reported incidents of internet censorship in the following years until July 2013, when four independent online news outlets were blocked, purportedly by the government for their critical coverage of the Patriotic Front (PF) ruling party under President Michael Sata. The government had previously tried to ban one of the outlets, *Zambian Watchdog*, in 2012.

Since coming into power in September 2011, the PF government intensified its crackdown against the press, using both legal and extrajudicial measures ostensibly to punish journalists for critical media coverage. In 2013, the authorities specifically targeted the independent online outlet *Zambian Watchdog*, which is based abroad but employs anonymous journalists in the country. Shortly after *Zambian Watchdog* was blocked in July 2013, officials raided the homes of two journalists suspected of writing for the outlet and arrested them for allegedly possessing seditious and obscene materials. Another journalist was also arrested in July and held without bail for two weeks on charges of "unlawful possession of restricted military pamphlet." Three others were arrested in September 2013 for possession of seditious news articles they had allegedly downloaded from the online news outlet *Barotse Post*, which was blocked just a few days prior to the arrests. None of the individuals have been convicted as of mid-2014.

Surveillance became a widespread concern during the coverage period, as SIM card registration

1 Sally Burnheim, "The right to communicate: the internet in Africa," Article 19, February 1999, <http://www.article19.org/data/files/pdfs/publications/africa-internet.pdf>

requirements led to beliefs that the government wanted to keep tabs on Zambians' mobile communications. There were reports throughout 2013 and 2014 of the government targeting various individuals with phone tapping, from senior government officials who fell out of Sata's favor to civil society leaders. In September 2013, China's Huawei Technologies was accused of installing email hacking devices on all ISPs in Zambia.

Obstacles to Access

Access to ICTs in Zambia has spread steadily over the past decade, with the internet growing from a penetration rate of 2 percent in 2004 to over 15 percent in 2013, while mobile phone penetration grew from 4 percent in 2004 to nearly 72 percent in 2013, according to the International Telecommunication Union (ITU).² Both fixed-broadband and mobile broadband subscriptions are still extremely rare, however, with low penetration rates of 0.1 percent and 0.7 percent, respectively, in 2013.³

Internet infrastructure is poorly developed in rural areas, resulting in a significant urban-rural divide in access. As such, rural citizens typically access the internet from telecenters or cybercafes, though the expansion of mobile phone internet services in recent years has enabled more people to access the internet from home, resulting in a declining number of internet cafes. Nevertheless, the cost of internet services in Zambia is still expensive for the majority of the population, largely due to its landlocked position, which makes the country reliant on satellite links or interconnection agreements with neighboring countries.⁴ As of mid-2014, a monthly subscription for fixed-line broadband internet costs an average of US\$128,⁵ which is completely out of reach for the 10 million Zambians who live on less than US\$2 per day. Meanwhile, low-income Zambians must spend at least 35 percent of their incomes for subscriptions to mobile broadband services, according to a 2013 study by the Alliance for Affordable Internet (A4AI).⁶

Meager electricity and the high cost of electronic devices further limit access to ICTs in rural areas, where only 3.5 percent of households have access to electricity.⁷ Rural communities are particularly vulnerable to the practice of load shedding, which shuts off electricity service in one area to support demand in another region, typically urban areas.⁸ Lasting anywhere between 5 minutes and 48 hours, power outages regularly interrupt internet and mobile phone services and limit internet connectivity by making local equipment unstable after a power failure.⁹

2 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

3 International Telecommunication Union, "Fixed (Wired)-Broadband Subscriptions, 2000-2013."

4 Panos London, "ICTs and development in Zambia: challenges and opportunities," Theta Regional ICT Discussion Forum Project, policy briefing, January 2011, <http://panos.org.uk/wp-content/files/2011/01/panos-london-zambia-policy-brief-web.pdf>.

5 "Cost of Living in Zambia," last updated September 2014, Numbeo.com, <http://www.numbeo.com/cost-of-living/country-result.jsp?country=Zambia>.

6 Alliance for Affordable Internet, "The Affordability Report 2013," December 8, 2013, http://1e8q3q16vyc81g8l3h3md6q5f5e.wpengine.netdna-cdn.com/wp-content/uploads/2014/01/Affordability-Report-2013_Final-2.pdf.

7 Consider Mudenda et al., "Power Instability in Rural Zambia, Case Macha," November 2013, https://www.academia.edu/4785382/Power_Instability_in_Rural_Zambia_Case_Macha.

8 Consider Mudenda et al., "Power Instability in Rural Zambia, Case Macha," November 2013.

9 Consider Mudenda et al., "Power Instability in Rural Zambia, Case Macha," November 2013.

In July 2013, the southwestern region of the country known as Barotseland—which has been fighting for its rights to autonomy within Zambia since 1964¹⁰—reported a region-wide power outage that impacted all internet and mobile services for about 40 minutes. The regional independent online news outlet, *Barotse Post*, accused the government of deliberately disconnecting the region's electricity during an anticipated online live chat forum that was scheduled to discuss the government's abrogation of a 1964 agreement that had granted Barotseland its autonomy.¹¹ While the government's alleged connection to the region-wide power outage could not be confirmed, the disruptive power outage demonstrated how the lack of reliable electricity regularly impacts citizens' access to ICTs and information.

Meanwhile, internet connection speeds in Zambia are slow, averaging 1.3 Mbps (compared to a global average of 3.9 Mbps), according to May 2014 data from Akamai's "State of the Internet" report.¹² In addition, Zambia's broadband adoption rate (characterized by connection speeds greater than 4 Mbps) was less than 2 percent of the internet population,¹³ while the country's narrowband adoption rate (connection speed below 256 kbps) was about 9 percent.¹⁴

The Zambian ISP market is very competitive, characterized by a lack of a significant dominant player.¹⁵ As of 2014, there are 23 internet service providers, three of which are also Zambia's mobile phone providers: MTN, Airtel, and Zambia Telecommunications Ltd (Zamtel).¹⁶ All internet and mobile service providers are privately owned, with the exception of Zamtel, which was renationalized in January 2012 under the directive of President Sata, who "deemed it desirable and expedient to compulsorily acquire the 75 percent shareholding of [Libya's] Lap Green Network in Zamtel," according to the government's official press release.¹⁷ Sata's predecessor had sold the 75

10 According to the Unrepresented Nations and Peoples Organization (UNPO): "Barotseland was a protectorate under British colonial rule and became part of Zambia at the country's independence in 1964. Barotse representatives signed the Barotseland Agreement 1964, whose purpose was to transfer Barotseland from British to Zambian protection. Therefore, the Agreement presented the Barotse autonomy within independent Zambia, whose only role would be to protect and safeguard Barotseland while receiving the benefits of strong political and economic ties. Zambia was supposed to inherit Britain's obligations over Barotseland, but instead chose to incorporate Barotseland into the newly formed Republic of Zambia. The Barotse people wish to regain their autonomy by exerting their right to self-determination and self-governance. They were incorporated into Zambia by a violation of the Barotseland Agreement 1964 and wish for this to be recognized by international institutions." See: UNPO, "Barotseland," March 27, 2014, <http://unpo.org/members/16714>.

11 "Nation wide electricity and internet black out frustrate the early start of Friday 5th July 2013 Radio Barotseland Live Chat Forum," *Barotsepost*, July 6, 2013, <http://www.barotsepost.com/index.php/en/frontnews/local-news/418-nation-wide-electricity-and-internet-black-out-frustrate-the-early-start-of-friday-5th-july-2013-radio-barotseland-live-chat-forum>.

12 Akamai, "Average Connection Speed: Zambia," map visualization, *The State of the Internet Q1* (2014), <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

13 Akamai, "Broadband Adoption (connections to Akamai >4 Mbps): Zambia," map visualization, *The State of the Internet, Q1* 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html>

14 Akamai, "Narrowband Adoption (connections to Akamai <256 kbps): Zambia," map visualization, *The State of the Internet, Q1* 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

15 Shuller Habeenzu, "Zambia ICT Sector Performance Review 2009/2010," Research ICT Africa, 2010, http://www.researchictafrica.net/publications/Policy_Paper_Series_Towards_Evidence-based_ICT_Policy_and_Regulation_-_Volume_2/Vol%202%20Paper%2017%20-%20Zambia%20ICT%20Sector%20Performance%20Review%202010.pdf.

16 "Internet Service Provider," ZICTA, accessed August 20, 2014, http://www.zicta.zm/index.php?option=com_content&view=article&id=62&Itemid=111/.

17 "Press Statement: ZAMTEL Nationalisation," Issued by: George Chellah, Special Assistant to the President, January 24, 2012, <https://www.facebook.com/notes/zambian-economist/press-statement-zamtel-nationalisation/378427975515572>; "Zambian Government Nationalizes Zamtel," *Balance Act Africa*, January 27, 2012, <http://www.balancingact-africa.com/news/en/issue-no-589/telecoms/zambian-government-n/en>.

percent share of Zamtel to Lap Green in 2010 for US\$257 million.¹⁸ Nevertheless, Zamtel has the smallest share in the mobile phone market,¹⁹ and there are plans for a fourth mobile operator to enter Zambia in 2015.²⁰ On the other hand, Zamtel commands the largest market share of internet subscriptions, with 61 percent of the market, as of the latest data available from February 2013.²¹

As a landlocked country, Zambia's national fiber backbone is provided by three operators—Zamtel, the state-owned Zambia Electricity Supply Corporation Ltd (ZESCO), and the Copperbelt Energy Corporation (CEC)—while Zamtel operates the fiber-optic connection to two international submarine cables—the West Africa Cable System (WACS) and South Atlantic 3 (Sat-3).²² MTN and Airtel lease access to the undersea cables from Zamtel,²³ though MTN also connects to the Eastern African Submarine Cable System (EASSy).²⁴ According to the ITU, the gateway to the international internet in Zambia is fully liberalized and competitive.²⁵ In July 2013, however, the critical online news outlet *Zambian Watchdog* reported details from inside sources alleging that the president's office controls Zambia's internet exchange point, which is housed in the same building as state-owned Zamtel in the capital city Lusaka.²⁶ Zamtel's management of two of the country's international submarine cables may also give the government some level of control over the international gateway.

In the past, political interference in the ICT sector has obstructed the existence of diverse business entities providing access to digital technologies in Zambia. For example, in 2008, the government stripped the South African operator Vodacom of its provisional license to set up operations in Zambia, reportedly in an effort to protect the state-owned Zamtel.²⁷ Later in December 2009, the government issued a statutory instrument prohibiting the entry of new providers in the mobile service market until 2015,²⁸ which effectively restricted the number of players to three: state-owned Zamtel, Zain (purchased in 2010 by Airtel), and MTN.²⁹ Industry observers believed that the moratorium on new mobile providers was intended to enable the state-owned Zamtel to increase

18 Matthew Saltmarsh, "Privitization of Zambian Phone Company Degenerates Into a Feud," *New York Times*, October 3, 2010, <http://www.nytimes.com/2010/10/04/business/global/04iht-zamtel04.html?pagewanted=all>.

19 As of the latest data available from February 2013, Airtel has a market share of 52 percent, while MTN has 33 percent, and Zamtel has 15 percent. See: "Doing Business in Zambia – A unique flavour," Deloitte, March 2013, http://www.deloitte.com/assets/Dcom-India/Local%20Assets/Documents/Africa/Doing_Business_in_Zambia.pdf.

20 Michael Malakata, "Zambia to issue fourth mobile licence," *ITWebAfrica*, March 25, 2014, <http://www.itwebafrica.com/mobile/322-zambia/232612-zambia-to-issue-fourth-mobile-licence>.

21 "Doing Business in Zambia – A unique flavour," Deloitte, March 2013.

22 Michael Malakata, "Zambia's Zamtel connects to WACS, Sat-3 undersea cables," *PC Advisor*, July 26, 2012, <http://www.pcadvisor.co.uk/news/network-wifi/3372505/zambias-zamtel-connects-wacs-sat-3-undersea-cables/>.

23 Michael Malakata, "Zambia's Zamtel connects to WACS, Sat-3 undersea cables," *PC Advisor*, July 26, 2012.

24 "MTN Zambia to invest USD3 million on connection to EASSy," *TeleGeography*, March 29, 2012, <http://www.telegeography.com/products/commsupdate/articles/2012/03/29/mtn-zambia-to-invest-usd3-million-on-connection-to-eassy/>.

25 International Telecommunication Union, "Zambia Profile (latest data available: 2013)," *ICT-Eye*, accessed August 1, 2014, <http://www.itu.int/net4/itu-d/icteye/CountryProfileReport.aspx?countryID=8>.

26 "In bid to spy on citizens, Sata gives Chinese complete access to Zambia's military, OP files," *Zambian Watchdog*, July 23, 2013, <https://www.zambianwatchdog.com/in-bid-to-spy-on-citizens-sata-gives-chinese-complete-access-to-zambias-military-op-files/>.

27 Michael Malakata, "Zambia's fourth mobile license suspended," *ITWeb*, February 7, 2012, http://www.itweb.co.za/index.php?option=com_content&view=article&id=51326.

28 Statutory Instrument No. 111 of 2009, Information and Communication Technologies (Reserved Services) Order, 2009, December 18, 2009, <http://www.zambialii.org/files/zm/legislation/statutory-instrument/2009/111/SI%20No.%20111%202009.pdf>.

29 Shuller Habeenzu, "Zambia ICT Sector Performance Review 2009/2010," Research ICT Africa, 2010, http://www.researchictafrica.net/publications/Policy_Paper_Series_Towards_Evidence-based_ICT_Policy_and_Regulation_-_Volume_2/Vol%202%20Paper%2017%20-%20Zambia%20ICT%20Sector%20Performance%20Review%202010.pdf.

its market share and value before its subsequent privatization in 2010.³⁰ In recent years, there have been no further reports of political obstruction in the ICT sector. At the time of writing, the 2009 statutory instrument restricting the number of mobile providers is set to expire in December 2014, and there are plans for a fourth provider to enter the market in 2015.³¹

The Information and Communication Technologies (ICT) Act of 2009 provides for the economic and technical regulation of ICTs in Zambia. The Act also established the Zambia ICT Authority (ZICTA) as the sector regulator, which the ITU has characterized as autonomous in its decision-making.³² Nevertheless, the minister of communications is still mandated to oversee ZICTA's activities and is responsible for appointing the members and chairperson of the ZICTA's board.³³ The minister is also entitled to issue general directives, which the regulator is obligated to carry out.³⁴

Limits on Content

During the coverage period, four independent news websites were blocked—two popular outlets based abroad, and two radio news websites from the Barotseland region of the country. Reports indicated growing government intentions to manipulate online content, and self-censorship seemed to increase following a coordinated crackdown on critical online news.

In 2013, access to independent news websites was blocked for the first time in Zambia, reportedly as part of the government's overall crackdown on critical media coverage. *Zambian Watchdog*—an independent news site based abroad with anonymous reporters on the ground and known for its critical reporting on the ruling Patriotic Front party—was the first website to be blocked on June 24, 2013.³⁵ A secure version of the website using the "https" protocol was created four days later but was subsequently blocked on July 16, followed by the site's renamed domain at Zwd.cums.in.³⁶ Reporters Without Borders worked swiftly to create a mirror site for *Zambian Watchdog* at Zambianwatchdog.rsf.org, which was blocked within three hours on July 18.³⁷ Despite the persistent blocking efforts, *Watchdog* content could still be accessed via proxies and the news outlet's Facebook page.

There is no concrete evidence that the government was behind the blocking of *Zambian Watchdog* and its affiliated mirror websites, though testing conducted by an independent researcher with the Tor Project's Open Observatory of Network Interference (OONI) in July 2013 discovered the presence

30 Shuller Habeenzu, "Zambia ICT Sector Performance Review 2009/2010," Research ICT Africa, 2010.

31 Monitor Global Outlook, "Exclusive: Zambia to add mobile license in early 2015," (brief), July 8, 2014, <http://www.monitorglobaloutlook.com/Briefings/2014/07/exclusive-zambia-to-add-mobile-license-in-early-2015>.

32 International Telecommunication Union, "Zambia Profile (latest data available: 2013)," *ICT-Eye*, accessed August 1, 2014.

33 First Schedule (Section 4), The Information and Communication Technologies, Act [No. 15 of 2009], http://www.zicta.zm/index.php?option=com_jdownloads&Itemid=79&view=finish&cid=186&catid=24&m=0.

34 Part XI, Article 91. Regulations, The Information and Communication Technologies, Act [No. 15 of 2009]. See also: Shuller Habeenzu, "Zambia ICT Sector Performance Review 2009/2010," Research ICT Africa, 2010.

35 Committee to Protect Journalists, "Critical website blocked for four days in Zambia," news alert, June 27, 2013, <https://cpj.org/2013/06/critical-website-blocked-for-four-days-in-zambia.php>.

36 Reporters Without Borders, "Authorities block independent news site, arrest journalists," July 18, 2013, <http://en.rsf.org/zambia-rwb-publishes-articles-censored-by-02-08-2013.44932.html>.

37 Brandon Gregory, "Reporters Without Borders creates *Zambian Watchdog* mirror site," *HumanIPO*, July 19, 2013, <http://www.humanipo.com/news/7402/reporters-without-borders-creates-zambian-watchdog-mirror-site/>.

of deep packet inspection (DPI) filtering tactics as the source of the block.³⁸ *Watchdog* accused Chinese company Huawei Technologies of installing DPI on Zambia's ISPs to enable the blocking of internet content.³⁹ While the government did not claim responsibility for the blocking, Vice President Guy Scott reportedly stated that the independent outlet deserved to be censored because it was "promoting hate speech" and disseminating false news.⁴⁰ He also characterized the party responsible for the blocking as a "well-wisher" and thanked them for their work.⁴¹

In addition, the Patriotic Front government has targeted *Zambian Watchdog* since at least 2012, when the minister of tourism publicly called for the outlet to be banned, ostensibly out of concern that *Watchdog's* critical reporting would negatively impact the country's image in the lead up to Zambia's hosting of the UN World Tourism Organization meeting in August 2013.⁴² The minister reportedly directed the regulatory authority ZICTA to "revoke the law that allows the Zambia Watchdog to operate as an online publication," which ZICTA declined to do since the website is not hosted within the country's jurisdiction.⁴³ In May 2012, *Zambian Watchdog* was also a target of distributed denial of service (DDoS) attacks that temporarily brought the site down,⁴⁴ which the site blamed on the government.⁴⁵

In July 2013, another critical online publication hosted abroad, *Zambia Reports*, was completely blocked inside the country. The news site filed a complaint to ZICTA about the block on July 22 but received no response.⁴⁶ Administrators subsequently sent a letter to the Ministry of Information and Broadcasting Services on July 23 asking for an explanation of the reasons for the blocking and called for a national enquiry into online censorship, which also received no acknowledgement.⁴⁷ In September 2013, access to the online news outlet *Barotse Post* and the online radio station *Radio Barotse*—two websites that advocate for an autonomous Barotse state in western Zambia—were blocked. Similar to the other censored news sites, content could still be accessed via proxies and the webpages' social media accounts.⁴⁸

In April 2014, *Zambia Reports* announced that both *Zambian Watchdog* and *Zambia Reports*

38 "Zambia, a country under Deep Packet Inspection," OONI: Open Observatory of Network Interference (Tor Project), July 15, 2013, <https://ooni.torproject.org/zambia-a-country-under-deep-packet-inspection.html>.

39 "More on Huawei, ZTE and PF corruption; Huawei is a spy agency for China," *Zambian Watchdog*, September 6, 2013, <https://www.zambianwatchdog.com/more-on-huawei-zte-and-pf-corruption-huawei-is-a-spy-agency-for-china/>.

40 "Guy Scott admits blocking watchdog website," UKZambians, July 27, 2013, <http://ukzambians.co.uk/home/2013/07/27/guy-scott-admits-blocking-zambia-watchdog-website/>.

41 "Zambia: Government plans to regulate online media," Media Institute of Southern Africa (MISA), January 2014, <http://www.misa.org/misa-chapters/zambia/item/2690-zambia-plans-to-regulate-online-media>.

42 "Stop the Zambian Watchdog, orders Masebo," *Zambian Eye*, August 26, 2012, <http://zambianeye.com/archives/986>.

43 Edith Mwale, "Minister orders Watchdog shut down," *BiztechAfrica*, August 28, 2012, <http://www.biztechAfrica.com/article/minister-orders-watchdog-shut-down/3989/?rel=author#.VCBfPIdXL8>.

44 Ndesanjo Macha, "Zambian Watchdog Website in Jeopardy," Media Institute of Southern Africa (MISA), October 12, 2012, <http://www.misa.org/component/k2/item/632-zambian-watchdog-website-in-jeopardy>.

45 Gershom Ndhlovu, "Zambia: Citizen News Website Hacked," Global Voices Online, May 13, 2012, <http://globalvoicesonline.org/2012/05/13/zambia-citizen-news-website-hacked/>.

46 Committee to Protect Journalists, "Zambia blocks another website, re-arrests reporter," news alert, July 30, 2013, <http://cpj.org/2013/07/zambia-blocks-another-website-re-arrests-reporter.php>.

47 The Editorial Board of Zambia Reports, "Zambia Requested to Stop Blocking Access to Websites," *Zambia Reports*, July 25, 2013, <http://zambiareports.com/2013/07/25/zambian-government-requested-to-stop-blocking-access-to-news-websites/>.

48 "Zambia blocks third website: Barotse Post," *Zambian Watchdog*, September 10, 2013, <https://www.zambianwatchdog.com/zambia-blocks-third-website-barotse-post/>.

were unblocked, ostensibly due to pressure from international partners.⁴⁹ Nevertheless, there is a complete lack of transparency behind censorship decisions, in addition to an ineffective complaints and appeals process through the regulatory body ZICTA, as demonstrated by the government's silence toward *Zambia Report's* formal complaint to the regulator and ministry of information in July 2013. Otherwise, social media platforms such as Facebook, Twitter, and YouTube and international blog-hosting services are all freely available in Zambia.

The government also censors the internet by directing websites to take down certain content upon request, though the extent of this practice is unknown given the predominance of state-owned and progovernment news outlets in the country.⁵⁰ The majority of takedown requests are likely unreported. The only known incident comes from *Zambia Reports*, who publicly admitted to complying with a government takedown request in its July 2013 open letter to the government, though the outlet did not reveal the nature of the content that was taken down or when it occurred.⁵¹ Otherwise, intermediaries are not held liable for prohibited content under the 2009 Electronic Communications and Transactions Act.⁵²

Government pressure on the media since President Sata took office in 2011 has created a climate of intimidation and increased self-censorship among journalists, both online and off.⁵³ Social media users tend to express themselves freely online, but a growing belief that the government monitors social media activity has made general users more cautious in recent years.⁵⁴ Nevertheless, the Zambian blogosphere is vibrant, representing a diversity of viewpoints and opposition voices, and many mainstream journalists have turned to blogs to express themselves more freely. These journalist bloggers and many others, however, choose to write anonymously due to the threat of harassment, legal action, or both,⁵⁵ particularly on issues regarding the Patriotic Front government and corruption. Online self-censorship increased palpably following the arrests of journalists for their suspected connection to *Zambian Watchdog* in summer 2013 (see "Violations of User Rights").

In response to the growing influence of independent online news outlets and blogs, the ministry of information in September 2013 reportedly directed public media houses to expand their presence on the internet and engage with audiences on social media.⁵⁶ According to the Media Institute of Southern Africa (MISA), the public outlets were also instructed to provide only "correct" information about Zambia, reflecting the government's intent and efforts to manipulate online content.⁵⁷ Moreover, progovernment trolls are becoming increasingly common on social media platforms such

49 Nse Udoh, "Zambia Reports, Watchdog 'Unblocked,'" *Zambia Reports*, April 4, 2014, <http://zambiareports.com/2014/04/04/zambia-reports-watchdog-unblocked/>.

50 Freedom House, "Zambia," *Freedom of the Press 2014*, <http://www.freedomhouse.org/report/freedom-press/2014/zambia>.

51 The Editorial Board of Zambia Reports, "Zambia Requested to Stop Blocking Access to Websites," *Zambia Reports*, July 25, 2013, <http://zambiareports.com/2013/07/25/zambian-government-requested-to-stop-blocking-access-to-news-websites/>.

52 "Part X, Limitation of Liability of Service Providers," *Electronic Communications and Transaction Act No. 21 of 2009*, <http://www.zambialii.org/files/zm/legislation/act/2009/21/psa2009172.pdf>.

53 Catherine de Lange, "Journalism in Zambia: Self-Censorship, Blocked Websites, and Social Media Monitoring," International Reporting Project, Johns Hopkins University, July 26, 2013, <http://internationalreportingproject.org/stories/view/journalism-in-zambia-self-censorship-blocked-websites-and-social-media-moni>.

54 Gershom Ndhlovu, "Zambia: Chinese Experts to Monitor Internet?" *Global Voices Advocacy*, February 23, 2013, <http://advocacy.globalvoicesonline.org/2013/02/23/zambia-chinese-experts-to-monitor-internet/>.

55 "Zambia 2013," *African Media Barometer* (Friedrich-Ebert-Stiftung: fesmedia Africa, 2013).

56 MISA Zambia, "Zambia," *State of media freedom in Southern Africa 2013*, http://www.misa.org/files/STID_2013_Zambia.pdf.

57 MISA Zambia, "Zambia," *State of media freedom in Southern Africa 2013*, http://www.misa.org/files/STID_2013_Zambia.pdf.

as Facebook, typically flooding posts that are critical of the government with insults and comments on unrelated issues.⁵⁸ Some observers suspect that the government may be paying the trolls to disseminate progovernment propaganda.⁵⁹

While blogs hosted on international platforms 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.⁶⁰ In addition, private companies often do not advertise in news outlets that seem antagonistic to government policies out of fear of potential repercussions.⁶¹ These trends are likely mirrored online, though in general, online news platforms are much less developed than print and broadcast media. The two most popular independent online news outlets in Zambia—*Zambian Watchdog* and *Zambia Reports*—are both hosted abroad and receive advertising revenue from international businesses.

Despite the blocking of *Zambian Watchdog* and *Zambia Reports* in 2013, Zambian netizens were largely still able to access the websites through the use of proxies. Netizens also increasingly took to the internet as a platform for digital activism. Most notably in July 2013, a collective known as the Zambian Bloggers Network organized a demonstration at the Freedom Statue in Lusaka to protest internet censorship and the arrests of journalists suspected of their connection to *Zambian Watchdog*.⁶² Unfortunately, the turnout was small—likely due to fears of how the government would respond—and the demonstration had little impact on the status of the blocked websites and arrested journalists.

Violations of User Rights

The ruling party continued to stall on a new draft constitution that provides for electronic media freedom and explicitly prohibits the government from interfering with media activities. The regulator disconnected all unregistered SIM cards after the registration deadline of January 31, 2014. Officials targeted individuals suspected of being associated with the critical online news outlet *Zambian Watchdog*, arresting three suspects.

Freedom of expression is enshrined in the Zambian Constitution but is limited by other statutes that restrict expression in the interest of defense, public order, safety, morality, and health, which can be broadly interpreted.⁶³ Meanwhile, the constitution does not explicitly guarantee press freedom but includes a provision stating that “no law shall make any provision that derogates from freedom

58 *Zambian Economist* Facebook page, post on July 12, 2014, accessed September 23, 2014, <https://www.facebook.com/zambian.economist/posts/873865505976735>.

59 Evans Mulenga, “Zambia’s Growing Censorship Problem,” *Zambia Reports*, May 6, 2014, <http://zambiareports.com/2014/05/06/zambias-growing-censorship-problem/>.

60 Freedom House, “Zambia,” *Freedom of the Press 2014*, <http://www.freedomhouse.org/report/freedom-press/2014/zambia>.

61 “Zambia 2013,” African Media Barometer (Friedrich-Ebert-Stiftung: fesmedia Africa, 2013).

62 “Zambian Bloggers Network and Journalists Protest, Demand Media Freedom,” *ZedChronicle*, July 20, 2013, <http://zedchronicle.com/?p=18094>.

63 “Article 20 (1), Protection of Freedom of Expression,” Zambia’s Constitution of 1991 with Amendments through 2009, <http://www.wipo.int/edocs/lexdocs/laws/en/zm/zm053en.pdf>.

of the press.”⁶⁴ Some media observers have noted that this provision inadequately protects press freedom.⁶⁵ Freedom of expression and the media are further limited by clauses in the penal code that criminalize defamation of the president⁶⁶ and gives the president “absolute discretion” to ban publications regarded as “contrary to the public interest.”⁶⁷ In April 2014, the government reportedly stated intentions to introduce legislation regulating online media, citing the problems of “internet abuse” and cybercrime.⁶⁸

In an effort to deliver on its campaign promise of tackling legal reform, the Patriotic Front government in September 2011 tasked a coalition of government and civil society members with drafting a new constitution.⁶⁹ Completed in late 2013, the final draft (which the president tried to keep from the public but was leaked by *Zambian Watchdog* in January 2014⁷⁰) included specific protections for print, broadcast, and electronic media freedom and explicitly prohibited the government from exercising control or interfering with media activities.⁷¹ In April 2014, however, President Sata reportedly rejected the draft constitution altogether, proclaiming that the process had been “hijacked by individuals whose objective is to embarrass, humiliate and undermine the public will” and that “the country already has a functional constitution.”⁷² Despite the president’s objections, the draft constitution is still being deliberated as of late 2014, pushed forward by Justice Minister Edgar Lungu who published the draft online in October 2014 for public review.⁷³

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 Zambia’s justice system. Notably, the Service Commissions Act—which establishes a Judicial Service Commission to advise the president on judicial appointments—provides the president with the power to give the commission “general directions as the President may consider, necessary” and obliges the commission to comply

64 “Article 20 (2), Protection of Freedom of Expression,” Zambia’s Constitution of 1991 with Amendments through 2009, <http://www.wipo.int/edocs/lexdocs/laws/en/zm/zm053en.pdf>.

65 “Zambia 2013,” African Media Barometer (Friedrich-Ebert-Stiftung: fesmedia Africa, 2013).

66 “Article 69, Defamation of president,” Chapter 87, The Penal Code Act, <http://www.parliament.gov.zm/downloads/VOLUME%207.pdf>.

67 “Article 53, Prohibited publications,” Chapter 87, The Penal Code Act, <http://www.parliament.gov.zm/downloads/VOLUME%207.pdf>.

68 Michael Malakata, “Zambia rejects new constitution permitting online news freedom,” Computerworld Zambia, April 11, 2014, <http://www.pcadvisor.co.uk/news/internet/3511556/zambia-rejects-new-constitution-permitting-online-news-freedom/>.

69 Paul Carlucci, “Zambia: How Much Can a New Constitution Really Change?” *Think Africa Press*, January 21, 2014, <http://thinkafricapress.com/zambia/how-much-can-new-constitution-really-change>.

70 The authenticity of the leaked final draft is uncertain, but it doesn’t differ too much from the publically available first draft, available here: Constance Johnson, “Zambia: Draft Constitution to Include Press Freedom,” Library of Congress, May 7, 2012, http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403132_text. See leaked draft here: “Here is the draft constitution as given to Sata by the Technical Committee,” *Zambian Watchdog*, January 15, 2014, <https://www.zambianwatchdog.com/here-is-the-draft-constitution-as-given-to-sata-by-the-technical-committee/>.

71 “Article 36, Freedom of media,” DRAFT Constitution of Zambia, leaked by *Zambian Watchdogs*, January 2014, <https://www.zambianwatchdog.com/wp-content/uploads/2014/01/CONSTITUTION-OF-ZAMBIA-TECHNICAL-COMMITTEE-AUGUST-2013-3.pdf>.

72 Arthur Simuchoba, “Zambia: Sata’s constitutional tricks risk electoral backlash,” African Arguments (blog), April 14, 2014, <http://africanarguments.org/2014/04/14/zambia-satas-constitutional-tricks-risk-electoral-backlash-by-arthur-simuchoba/>.

73 Clement Malambo, “Government Releases Draft Constitution Ahead of Jubilee,” *Zambia Reports*, October 23, 2014, <http://zambiareports.com/2014/10/23/government-releases-draft-constitution-ahead-jubilee/>.

with the directions.⁷⁴ Upon taking office in 2011, Sata suspended top judges for alleged misconduct and installed his cousin as acting chief justice.⁷⁵

In 2013, the Patriotic Front government intensified its crackdown against the press, using both legal and extrajudicial measures ostensibly to punish journalists for critical media coverage. The authorities specifically targeted the independent online outlet *Zambian Watchdog*, which is based abroad but employs anonymous journalists in the country. On July 9, 2013, shortly after *Zambian Watchdog* was blocked, officials raided the homes of two journalists suspected of writing for the outlet—Clayson Hamasaka and Thomas Zyambo—purportedly to search for seditious materials and drugs.⁷⁶ The authorities confiscated computers and other digital equipment, then detained and interrogated the two individuals without charge for nearly two days. Zyambo was charged a few days later with sedition for his alleged possession of seditious documents about President Sata found in his home.⁷⁷ Hamasaka was initially released without charges but rearrested a few weeks later for the alleged possession of obscene material that was reportedly found on his confiscated laptop.⁷⁸

Another journalist suspected of working for *Zambian Watchdog*, Wilson Pondamali, was arrested on July 16, 2013 and held for two weeks without bail on charges of “unlawful possession of restricted military pamphlet” based on a document the police allegedly found in his home suggesting that President Sata was not fit to govern.⁷⁹ He was also charged with stealing a library book but later acquitted of the ridiculous charge in August 2014, though his previous charge remained.⁸⁰ All cases against the suspected *Watchdog* journalists remained resolved as of mid-2014.

Similar in fashion to the *Zambian Watchdog* crackdown, the police arrested three people on September 9, 2013 for possession of “seditious” news articles they had allegedly downloaded from the online news outlet *Barotse Post*, which was blocked just a few days prior to the arrests.⁸¹ One individual was shortly released while the two others remained in detention, though no further information about the individuals and the status of their charges were known as of mid-2014.⁸²

74 “Part II, Service Commissions,” Service Commissions Act, Cap 259, <http://www.zambialii.org/zm/legislation/consolidated-act/259>. See also: Richard Lee, “Executive interference undermines judiciary in Zambia,” Open Society Initiative for Southern Africa (blog), August 27, 2013, <http://www.osisa.org/law/executive-interference-undermines-judiciary-zambia>.

75 Freedom House, “Zambia,” *Freedom in the World 2014*, <http://www.freedomhouse.org/report/freedom-world/2014/zambia>.

76 “Police raid houses and detain journalists suspected of publishing *Zambian Watchdog*,” *Zambian Watchdog*, July 9, 2013, <https://www.zambianwatchdog.com/police-raid-houses-and-detain-journalists-suspected-of-publishing-zambian-watchdog/>.

77 “One journalist charged with sedition, one released without being questioned,” *Zambian Watchdog*, July 10, 2013, <https://www.zambianwatchdog.com/one-journalist-charged-with-sedition-one-released-without-being-questioned/>.

78 “Hamasaka released on police bond, may face more trumped-up charges,” *Zambian Watchdog*, July 30, 2013, <http://zwd.cums.in/hamasaka-released-on-police-bond-may-face-more-trumped-up-charges/>. AFP, “Reporter arrested for porn after criticizing Zambia’s president,” *Mail & Guardian*, July 30, 2013, <http://mg.co.za/article/2013-07-30-third-journo-arrested-after-criticising-zambias-president>.

79 AFP, “Zambian police charge investigative journalist,” *Daily Nation*, July 18, 2013, <http://www.nation.co.ke/News/africa/Zambian-police-charge-investigative-journalist/-/1066/1918442/-/lko7n/-/index.html>.

80 “Journalist Wilson Mpondamali Acquitted,” *Zambia Reports*, August 1, 2014, <http://allafrica.com/stories/201408010663.html/>.

81 “Zambia blocks third website: Barotse Post,” *Zambian Watchdog*, September 10, 2013, <https://www.zambianwatchdog.com/zambia-blocks-third-website-barotse-post/>.

82 “Now Cowardly Zambian Government Block Local Access to Both Barotsepost.com and RadioBarotseland.com as three Livingstone Barotzis arrested for possessing Barotsepost.com news excerpts,” *Barotse Post*, September 10, 2013, <http://www.barotsepost.com/index.php/en/frontnews/local-news/475-now-cowardly-zambian-government-block-local-access-to-both-barotsepost-com-and-radiobarotseland-com-as-three-livingstone-barotzis-arrested-for-possessing-barotsepost-com-news-excerpts>.

The ability for Zambians to communicate anonymously through digital media is compromised by SIM card registration requirements, which were instituted in September 2012 and extended to January 31, 2014, after which point the regulator ZICTA disconnected all unregistered SIM cards.⁸³ Registration requires an original and valid identity card such as a national registration card presented in person to a registration agent at a mobile service provider.⁸⁴ While the government stated that the registration requirements were for the purposes of combatting crime,⁸⁵ *Zambian Watchdog* reported a story in November 2012 based on inside sources alleging that subscriber details were passed directly to the secret service for the creation of a mobile phone user database.⁸⁶ An official from ZICTA also publicly stated in November 2012 that registration would “enable law enforcement agencies [to] create a database to help identify the mobile SIM card owners,” according to a news report in *Lusaka Times*.⁸⁷

Meanwhile, registration for the .zm country code top-level domain (ccTLD) is managed by ZICTA as provided for under the 2009 Electronic Communications and Transaction Act, which may compromise the anonymity of .zm website owners given the murky independence of the regulatory authority.⁸⁸ The Act also provides a government minister the authority to create statutory agreements that determine further requirements for domain name registration, in addition to “the circumstances and manner in which registrations may be assigned, registered, renewed, refused, or revoked.”⁸⁹ This provision may have enabled the government to order ZICTA to shut down *Zambian Watchdog* in 2012, which the regulator ultimately could not do since the website was not hosted in the country.⁹⁰ The .zm domain was previously managed by Zamnet.⁹¹

The Electronic Communications and Transaction Act of 2009 also details conditions for lawful interception of communications, which generally requires a court order.⁹² Since Sata came into office in September 2011, however, numerous reports have accused the government of conducting extensive illegal surveillance of citizens’ ICT activities. There were reports throughout 2013 and

83 “Zambia switches off 2.4 million unregistered SIMs,” *Lusaka Voice*, February 6, 2014, <http://lusakavoice.com/2014/02/06/zambia-switches-off-2-4-million-unregistered-sims/>.

84 “SIM Registration,” MTN Zambia, accessed September 25, 2014, <http://www.mtnzambia.com/personal/support/column-1/sim-registration.html>.

85 Gershom Ndhlovu, “SIM Registration is For Security Reasons,” Global Voices Advocacy (blog), November 30, 2012, <http://advocacy.globalvoicesonline.org/2012/11/30/zambia-sim-registration-is-for-security-reasons/>.

86 “OP compiling Database from simcard registration exercise,” *Zambian Watchdog*, November 13, 2012, <https://www.zambianwatchdog.com/op-compiling-data-base-from-simcard-registration-exercise/>.

87 “SIM card registration is not a political issue-ZICTA,” *Lusaka Times*, November 25, 2012, <http://www.lusakatimes.com/2012/11/25/sim-card-registration-political-issuezicta/>.

88 “Part IX, Domain Name Regulation,” *Electronic Communications and Transaction Act No. 21 of 2009*, <http://www.zambialii.org/files/zm/legislation/act/2009/21/psa2009172.pdf>.

89 “Part IX, Domain Name Regulation, Article 52,” *Electronic Communications and Transaction Act No. 21 of 2009*, <http://www.zambialii.org/files/zm/legislation/act/2009/21/psa2009172.pdf>.

90 Edith Mwale, “Minister orders Watchdog shut down,” *Biztech Africa*, August 28, 2012, <http://www.biztechafrica.com/article/minister-orders-watchdog-shut-down/3989/?rel=author#VCSIAfldXL9>.

91 “Report on the Redelegation of the .ZM domain representing Zambia to Zambia Information and Communications Technology Authority,” IANA, February 1, 2014, <http://www.iana.org/reports/2014/zm-report-20140201.html>.

92 “Part XI, Interception of Communication,” *Electronic Communications and Transaction Act No. 21 of 2009*, <http://www.zambialii.org/files/zm/legislation/act/2009/21/psa2009172.pdf>.

2014 of the government targeting various individuals with phone tapping, from senior government officials who fell out of Sata's favor⁹³ to civil society leaders.⁹⁴

In February 2013, *Zambian Watchdog* reported that the government had contracted Chinese experts to install an internet surveillance system such as deep-packet inspection (DPI) technology to monitor, intercept, censor, and mine data from digital communications.⁹⁵ The subsequent blocking of *Zambian Watchdog* and *Zambia Reports* in July 2013 corroborated the use of DPI technology as the mechanism behind the blocking.⁹⁶ *Zambian Watchdog* also separately reported that Sata had signed a presidential order in February 2013 that authorized the president's office to interfere with ICT communications without oversight.⁹⁷ According to the anonymous news article, ZICTA had directed all ISPs and mobile service providers in Zambia "to allow safe passage of Information Technology (IT) Specialists from the Office of the President and China."⁹⁸ Later in September 2013, *Zambian Watchdog* reported that China's Huawei had installed email hacking devices on all ISPs in Zambia.⁹⁹ To date, *Zambian Watchdog* has been the primary source of reports on illegal surveillance in Zambia.

In the past few years, journalists noted an increasing climate of intimidation for media workers who regularly faced harassment and physical attacks for their independent reporting. In 2013, violence extended to online journalists. In its attempts to shut down the critical online news outlets, *Zambian Watchdog* and *Zambia Reports*, the government targeted individuals suspected of writing for the outlets anonymously, including Thomas Zyambo, Clayson Hamasaka, and Wilson Pondamali who were all harassed and subsequently arrested between June and September 2013. Zyambo was reportedly threatened and physically assaulted by President Sata's son for unknown reasons in March 2014,¹⁰⁰ while Pondamali was attacked in April 2014 at a public event, allegedly by government "thugs" who took off with his digital equipment.¹⁰¹

Otherwise, government-sponsored technical attacks against opposition activists, ordinary users, or online journalists are not common in Zambia and were not reported during the coverage period. *Zambian Watchdog* last reported a DDoS attack against its website in May 2012, which brought

93 Evans Mulenga, "Sata Is Listening to Your Conversation," *Zambia Reports*, October 9, 2013, <http://zambiareports.com/2013/10/09/sata-is-listening-to-your-conversation/>; Rebecca Chao, "Zambian President Admits to Spying on Fellow Officials," *TechPresident* (blog), October 16, 2013, <http://techpresident.com/news/wegov/24434/zambian-president-admits-spying-fellow-officials>.

94 New Udoh, "Sata is Tapping Phones, says Fr Bwalya," *Zambia Reports*, January 23, 2014, <http://zambiareports.com/2014/01/23/sata-tapping-phones-says-fr-bwalya/>.

95 Michael Malakata, "China reportedly helping Zambia with eavesdropping technology," *Computer World*, February 19, 2013, <http://news.idg.no/cw/art.cfm?id=8D281D63-EB45-F659-8092EB297F02C732>; "PF govt to crack on internet users, targeting ZWD and Diplomats," *Zambian Watchdog*, February 14, 2013, <https://www.zambianwatchdog.com/pf-govt-to-crack-on-internet-users-targeting-zwd-and-diplomats/>.

96 "Zambia, a country under Deep Packet Inspection," OONI: Open Observatory of Network Interference (Tor Project), July 15, 2013, <https://ooni.torproject.org/zambia-a-country-under-deep-packet-inspection.html>.

97 "Sata signs order for OP to tap phones, emails," *Zambian Watchdog*, February 18, 2013, <https://www.zambianwatchdog.com/sata-signs-order-for-op-to-tap-phones-emails/>.

98 "Sata signs order for OP to tap phones, emails," *Zambian Watchdog*, February 18, 2013; Gershom Ndhlovu, "Zambia: Chinese Experts to Monitor Internet," *Global Voices Advocacy* (blog), February 23, 2013, <http://advocacy.globalvoicesonline.org/2013/02/23/zambia-chinese-experts-to-monitor-internet/>.

99 Brandon Gregory, "Huawei allegedly installs hacking devices on ISPs in Zambia," *humanIPO*, September 3, 2013, <http://www.humanipo.com/news/31104/huawei-allegedly-installs-hacking-devices-on-isps-in-zambia/>.

100 Gershom Ndhlovu, "Zambia: President's Son Warns Journalist, 'We Will Kill You,'" *Global Voices Advocacy* (blog), March 12, 2014, <http://advocacy.globalvoicesonline.org/2014/03/13/zambia-presidents-son-warns-journalist-we-will-kill-you/>.

101 "PF thugs beat up Journalist Wilson Pondamali," *Zambian Watchdog*, April 11, 2014, <https://www.zambianwatchdog.com/pf-thugs-beat-up-journalist-wilson-pondamali/>.

down the site for about eight hours.¹⁰² In April 2014, the Media Institute for Southern Africa (MISA) was reportedly hacked, alongside a number of government websites, by hackers from the Middle East.¹⁰³

102 Gershom Ndhlovu, "Zambia: Citizen News Website Hacked," Global Voices Advocacy (blog), May 13, 2012, <http://globalvoicesonline.org/2012/05/13/zambia-citizen-news-website-hacked/>.

103 Limbikani Makani, "100+ Zambian websites hacked & defaced: Spar, Postdotnet, SEC, Home Affairs, Ministry of Finance," Tech Trends, April 15, 2014, <http://www.techtrends.co.zm/internet-security-2/zambian-websites-hacked>.