



STATE OF THE MEDIA IN ZAMBIA

4th Quarter

October– December, 2018.

MISA ZAMBIA

© 2018, Published by the Media Institute of Southern Africa (MISA) Zambia Chapter with support from Friedrich Ebert Stiftung

Contact:

The National Director,
MISA Zambia,
Plot 3814,
Martin Mwamba Road,
Olympia Park,
Lusaka - Zambia.

P.O Box 32295

Tel: +260 211 294285/6

Email: info@misazambia.org.uk

Website: www.zambia.misa.org

Researched and Compiled by:

Basil Hamusokwe, PhD

Edited by:

Thomas Zulu

Table of Contents

Abbreviations and acronyms 4

1.0 Introduction 5

2.0 Methodology 5

3.0 Executive Summary of media events during the Fourth Quarter 6

4.0 Findings - Overview 7

4.1 Policy and Statutory Framework 7

4.1.1 Cyber Space Regulation 7

4.2. Self-Regulation of the Media..... 9

4.2 Economic and Technological Environment 11

4.3 Legal and Political Environment 11

4.3.1 Censored 11

Appendix 27

Highlights of the year 2018..... 27

Abbreviations and acronyms

ATI	Access to Information
DN	<i>Daily Nation</i> newspaper
DPP	Director of Public Prosecutions
DTT	Digital Terrestrial Television
IBA	Independent Broadcasting Authority
MISA	Media Institute of Southern Africa
PF	Patriotic Front
ToZ	<i>Times of Zambia</i> newspaper
UPND	United Party for National Development
ZAF	Zambia Air Force
ZDM	<i>Zambia Daily Mail</i> newspaper
ZICTA	Zambia Information, Communication and Technology Authority
ZNBC	Zambia National Broadcasting Corporation
ZRA	Zambia Revenue Authority
ZUBID	Zambia Union of Broadcasters and Information Disseminators

1.0 Introduction

The *State of the Media in Zambia* is a quarterly report based on the assessment of events touching on the environment under which the media operated during the period under review. The report summarises the conditions under which the media houses and media practitioners operated, but more specifically in respect of the economic, technological, legal and political environments as well as any other pertinent major issues that affect the media industry in Zambia. In addition, the report reflects the main topical national issues that arose during the period and how the media reported these in its role of ensuring that the public was fully informed.

This quarterly report is prepared by the Media Institute of Southern Africa, Zambia Chapter (MiSA Zambia). It helps to cumulatively document major developments in the media industry in Zambia and to flag off any negative trends requiring remedial measures by MiSA Zambia and other major stakeholders.

2.0 Methodology

The fourth quarterly report of the State of the Media in Zambia is essentially based on careful review and analysis of materials that were available during the said quarter containing information that had an impact and influenced the operations of the media in Zambia. The materials reviewed included news reports in the media related to the media fraternity, reports, press statements, and MiSA Zambia media alerts published during the period under review. Further an analysis of the media houses with presence online was conducted, with particular attention to their online presence and level of activity.

Broadcast media, including radio and television news reports and other programs were monitored.

Many other media houses were engaged for more information on their operations in relation to their political and economic environments.

3.0 Executive Summary of media events during the Fourth Quarter

The State of the Media in Zambia the previous year has taken a different direction with regards to policy. Policies aimed at fostering and promoting press freedom have not been mentioned as before. In the fourth quarter of 2018 for instance, did not have media reports touching on access to information rather dwelt on reports surrounding the need to regulate the online media. Mostly calls came from government official stating that the cyber space was being used by politicians to promote ‘fake news and misinformation to the public.

In the period under review, it is worth noting that government advocacy for regulation of the cyber space increased. The Minister of Justice, Transport and Communication, and Information and Broadcasting Services at different times in the quarter indicated the need for government to enact the cyber laws. Despite the argument that the cyber laws are aimed at protecting government from criticism, government argues that the bills are aimed at prohibiting abuse of the online platforms. From government view, the laws are aimed at reducing fake news, misinformation and not hinder freedom of expression or access to the internet.

The quarter under review saw calls from the Minister of Information and Broadcasting Services Dora Siliya for the media to consider regulating itself. She suggested on several occasions that the media should consider pushing for a law to govern itself like other professions such as medicine and law among other professions. She said that way the profession will be protected in that it will have professional journalists with a media background.

The clarity of information on the ‘sale’ of ZNBC seem to remain unclear as government and information presented in the media is not consistent. For instance, Dora Siliya says, by the Act of Parliament, ZNBC cannot merge with any private media. Prior to her statement, CCPC confirmed and announced a merger between ZNBC and Startimes’ Hantext Corporation, a Chinese firm.

In the quarter, cases on defamation directly involving media personnel reduced. Instead, public figures sued each other on grounds of defamation. Further, attacks and threats on journalists surfaced in the media where football fans attacked three 3 journalists among other attacks on journalists. All in all the quarter saw heightened usage and to some extent abuse of the online space in the name of freedom of expression online.

4.0 Findings - Overview

There has been an increasing debate on issues surrounding the cyber space with majority talks around its regulation. The use of the cyber space has both been abused and used positively by the public. The main highlight with news and reports around the cyber space has been the treatment of news critical of government being fake news or misinformation.

4.1 Policy and Statutory Framework

4.1.1 Cyber Space Regulation

The most pronounced form of regulation reported in the media in the fourth quarter (October – December) of 2018 was the regulation of the cyber space. So far, both from the media and government, what contains fake news hasn't been defined making it uncertain on what exactly contains fake news. Information critical rather showing government inefficiencies is termed misinformation or 'fake news.' Following the increase in publication of such information, calls to regulate the cyber space intensified in the last quarter of the year.

From government's end, regulation is aimed at reducing abuse of social media. Advocates of increased access to the internet deem this as a means to punish people critical of government online. On 15th November, *Lusaka Times*¹ cited Justice Minister Given Lubinda saying the cyber laws are not meant to curb freedom of expression. Government in the last quarter indicated the urgent need for the cyber bills to reduce the spread of fake news especially on social media.

Justice Minister Given Lubinda says cyber security laws are not meant to curb freedom of expression. Mr. Lubinda says the internet is meant to improve the lives of the people.

He is however saddened that some people are using the internet to harm others.

Government in the same quarter indicated that it had set up a crack squad to fish out cyber criminals and fake news propagandists. Minister of Transport and Communication Brian Mushimba was quoted saying government had set up a crack squad comprising officers from Zambia Information and Communications Technology Authority (ZICTA) and other investigative wings to tackle cybercrime and fake news².

¹ Lusaka Times – Given Lubinda defends Cyber Laws – 15th November, 2018

² Daily Nation – government will fish out Cybercriminals, fake news propagandist – 22nd November, 2018

On 22nd November, Daily Nation further quoted Mr. Mushimba saying:

“Following the formation of the crack team, the nation would witness a more concerted and enhanced presence online to track down and fish out people using cyber space for criminal activities. He warned that individuals bent on using social media to spread fake news and other criminality would be arrested and prosecuted. He said once the crack squad became fully operational, its activities to curb fake news and cybercrime would immediately become visible.”

However, some among those whose work is on the cyber space feel the move is aimed at reducing criticism of government. They suggest that the calls to put in place bills to regulate the cyber space are aimed at reducing government criticism online. News Diggers on 4th December published an article saying Cyber laws are designed to protect government from criticism³.

“We have a lot issues to fix in our governments as Africans. And as we know, there is a lot of trying to fix the citizens instead of working with the citizens for the sake of development. What I noticed with the Cyber Crimes Bill that is currently being developed in Zimbabwe is that, it protects the State more than it protects ordinary citizens, and it is the same discussion that is also going on in Zambia,” Gwinji said during a plenary session dubbed: “Social Media: bullying, harassment and silencing of voices. What can be done?”

Government continues to justify itself saying the laws will not stop citizen from accessing the internet, but will prohibit the spread of fake news and misinformation. Minister of Transport and Communication however, maintained that the cyber laws will not hinder freedom of expression for the ordinary citizen⁴.

Through the cyber bill government has no initiations of curtailing citizen’s freedom of accessing internet but wants to put limits to cyber existence in Zambia. Internet laws are universe, they exist everywhere in the world.” Mr. Mushimba said.

³ News Diggers – Cyber Laws designed to protect govts from criticism-Gwinji – 4th December, 2018

⁴ Daily Nation – Zamtel Launches Online Buying Novelty – 14th December, 2018

4.2. Self-Regulation of the Media

Apart from the calls for regulation of the cyber space, calls to regulate the media were reported in the media in the quarter under review. Government called on the media to consider a law to allow for the media to regulate itself for professional recognition like other professions. The calls come at a time when the media in Zambia is said to have a lot of media practitioners without a media background. On 31st October, Information and Broadcasting Services Minister Dora Siliya called on media industry players to make proposals for government to enact suitable laws⁵.

The Minister on 22nd November, was quoted by *Lusaka Times* urging media professional to uphold professionalism⁶.

“Government is happy with the growing number of radio stations across the country, it is however concerned with the levels of unprofessionalism being perpetrated in some radio stations.

Ms. Siliya says there is need for practitioners and radio broadcasters to ensure high levels of professionalism that upholds journalism ethics with emphasis on truthfulness, objectivity, fairness and honesty.

Ms. Siliya called for a self- regulatory regime for the media, to address issues of unprofessionalism.

Further, ZNBC reported that government had reiterated the calls for self-regulation of the media⁷.

Government has reiterated its call for self-regulation of the media. Minister of Information and Broadcasting Services Dora Siliya also says the media has a responsibility to look after the interests of the state, especially when it comes to security issues.

And Ms. Siliya has disclosed that she will soon sign a Statutory Instrument that will ensure broadcasting regulations are adhered to.

⁵ Zambia Daily Mail –Siliya Calls for Input for Enactment of Right Laws – 31st October, 2018

⁶ Lusaka Times – Uphold professionalism, journalists warned – 22nd November, 2018

⁷ ZNBC – Media Regulation Debate Resurfaces – 22nd November, 2018

The comments from the Minister attracted reactions from Media Institute of Southern Africa (MiSA) Zambia⁸ and Governance, Elections, Advocacy Research Services (GEARS)⁹. The two organisations indicated that the calls to regulate the media were against the principles of democracy as well as press freedom.

The Media Institute of Southern Africa (MiSA) Zambia would like to state that while Zambia is having a debate around media ethics adherence among journalists, stakeholders must take note that Statutory Regulation of the media has no place in a democracy.

Unlike medicine and legal profession, media is the fourth estate and must operate as independently as possible from the state control.

MiSA also observed that there was need for government to put up policies to protect journalists from harassment rather than call for regulation of the media¹⁰.

And MiSA Zambia Vice Chairperson Hyde Haguta called on government to work on the implementation and actualising of a policy that will protect the media from harassment.

Mr. Haguta also called for professionalism among journalists as they carry out their duties because they have a duty to inform the nation correctly to ensure the public makes informed choices

GEARS Initiative Executive Director McDonald Chipenzi said press freedom was the prime base on which sound democracy is anchored in any given nation.

Mr. Chipenzi has since suggested amendments to certain laws that hinder the growth of press freedom if the local media was to enjoy the freedom of expression.

⁸ MISA Zambia – Statutory Regulation of Media Ethics is Against International Standards, Bad for Democracy – 7th December, 2018

⁹ Lusaka Times – McDonald Chipenzi Initiative Calls for Press freedom – 14th December, 2018

¹⁰ ZNBC – Media Regulation Debate Resurfaces – 22nd November. 2018

He noted that media freedom was a key driver towards the development of the country's democracy.

Calls for self-regulation have continued with media practitioners divided on the matter.

4.2 Economic and Technological Environment

In the quarter under review government announced its plans to increase accessibility to media services through the construction of more communication towers. The Daily Nation reported that government through ZICTA planned to erect 12 more towers in Zambezi District¹¹.

Zambezi District Commissioner Lawrence Kayumba confirmed the development to Daily Nation in an interview yesterday.

Mr. Kayumba said out of the towers, six would be erected in the West bank while the other 6 would be erected on East bank.

“Eight towers have so far been erected. And the remaining 4 will also be erected,” he said.

Another development contributing to increased access to information was the rural TV project government introduced in 2018. In this quarter, Minister of Information and Broadcasting Services Dora Siliya said government will use the project to have a well-informed citizenry¹².

4.3 Legal and Political Environment

4.3.1 Censored

This quarter saw less cases of direct censorship of what was published in the media. However, IBA was urged to be proactive in ensuring that unwanted content is not given publicity. The case in point is information surrounding information published suggesting that government had sold ZAFFICO which sparked riots in Kitwe. On 6th November, the Daily Nation cited Special Assistant to the President for Press and Public Relations Amos Chanda urging IBA to be

¹¹ Daily Nation – ZICTA to Erect 12 More Towers In Zambezi – 14th November, 2018

¹² Zambia Daily Mail – TV to Reach Rural Dwellers – 3rd October, 2018

proactive and stop propagandists from making false and malicious statements to avoid inciting xenophobic behavior¹³.

He said it would not be against media freedom for the police to go to a radio station to stop an irresponsible leader from spreading misinformation that resulted in chaos as was the case with the riot in Kitwe.

Mr. Chanda urged the security wings in the country to be proactive in order to stop such malicious acts.

Briefing the media in Ndola yesterday, Mr. Chanda also said the media should be careful not to project misinformation from disgruntled individuals.

Mr. Chanda also challenged ZICTA to take action and bring down posts that contained fake news and were misinforming the public.

4.2.1 Law Suits

This quarter reported a lot of legal suits. Prominent among these were defamation cases. A news editor and a corruption activist were sentenced to prison for contempt of court. The two were slapped with different sentences for the same case.

On 14th October, the *Zambian Daily Mail* reported that UPND Leader Hakainde Hichilema had sued Chilufya Tayali for defamation¹⁴. The UPND leader sued Economic Equity Party (EPP) for alleged defamatory statements purportedly intended to expose Mr. Hichilema to ridicule, hatred and contempt and damage his reputation in society.

Law Association of Zambia President Eddie Mwitwa commended the Supreme Court for sentencing Gregory Chifire to 6 years imprisonment¹⁵. *Lusaka Times* reported that:

Mr. Mwitwa also observed that the Supreme Court judgment where Mr. Chifire was convicted indicated that the judiciary welcomed constructive criticism

¹³ Daily Nation – Stop the riot, IBA Told – 4th November, 2018

¹⁴ Zambia Daily Mail – HH Sues Tayali for Defamation – 14th October, 2018

¹⁵ Lusaka Times – Gregory Chifire sentenced to 6 years imprisonment – 25th November, 2018

through the right fora. Mr. Mwitwa has also welcomed the admonition by the Supreme Court Judges that lawyers must observe professional ethics when representing clients in the courts of law.

Mr. Mwitwa further upheld the observations by the judges that the media houses and personnel must be professional in handling court matters to avoid being cited for contempt of court. Mr. Chifire who is also Director of Southern Africa Network Against Corruption (SANAC) was cited for contempt of court for his disparaging remarks on Justice Irene Mambilima and the Judiciary after the disposal of the STANBIC Bank Versus SAVENDA Case. In a similar case, on 21st December, The Daily Nation reported the sentencing of Rainbow Newspaper Editor Derrick Sinjela¹⁶:

The Supreme Court has sentenced Rainbow Newspaper editor-in-chief Derrick Sinjela to 18 months imprisonment for contempt of court.

Meanwhile, MiSA Zambia Vice-Chairperson Hyde Haguta said, “Journalism is about freedom of expression. Journalism is about giving people, citizens a platform to be heard. You and I are the watchdog for the citizens and doing so we are compelled to give accurate and correct information...at the end of the day the court has made a decision and there is nothing we can do as MiSA, what can we do?”

Another case where media personnel were involved is the case in which the Concourt dismissed PEP president’s request to subpoena Siliya, Chanda and 3 journalists in eSwatini land case¹⁷. The PEP president wanted the court to ask Siliya, Chanda and the 3 journalists to stand as witnesses.

On 30th November *The Mast* reported that:

The Constitutional Court has declined to grant Patriots for Economic Progress president Sean Tembo leave to issue subpoenas against Dora Siliya, Amos Chanda, and three

¹⁶ Daily Nation - Sinjela Urges Scribes to be Strong as he Goes in – 21st December, 2018

¹⁷ The Mast - Concourt dismisses Tembo’s request to subpoena Siliya, Chanda and 3 journalists in eSwatini land case – 30th November, 2018

journalists. Tembo asked the court to grant him leave to subpoena Information Minister Dora Siliya,

President Lungu's Press Aid Amos Chanda, journalists Oliver Chisenga (The Mast), Stuart Lisulo (Diggers), Stehen Mvula (Zambia Daily Mail) saying their testimonies would support the case in which he wants the court to determine the legality of the land gift President Edgar Lungu received from his eSwantini counterpart.

He stated that he served letters on the five on October 23 2018, inviting them to testify on the date of the trial but neither of the witnesses accepted service of the same nor showed willingness to appear on the date of the trial to testify and now wanted the court to compel them to testify.

Hope to have *The Post* come into operation were turned down by the Constitutional Court in this quarter. On 12th December, the *Daily Nation* reported that¹⁸:

Constitutional Court yesterday dismissed with costs a petition in which former Post Newspapers (in liquidation) proprietor Fred M'membe was seeking an order to reverse the winding up of the newspaper company.

Mr. M'Membe was also challenging the Kitwe High Court's decision to quash the Judicial Complaint Commission (JCC) ruling which found High Court Judge Sunday Nkonde with a prima facie case for professional misconduct.

On law suits, the year ended with the case in which *The Mast* newspaper was dragged to court for defamation. On 17th December, it was reported that Patriotic Front (PF) Southern Province Youth Chairman Obby Mweemba sued *The Mast* newspaper for defamation of character¹⁹.

According to the lawsuit filled at the registry of Livingstone High Court last week and obtained by the Daily Nation, Mr. Mweemba is demanding for damages caused by articles which the newspaper published about him.

This is in relation to the news article which the newspaper published last month in which Mr. Mweemba was referred to as a 'Mailoni brother'.

¹⁸ Daily Nation – M'membe Loses Bid To 'Resurrect' Post Newspaper – 12th December, 2018

¹⁹ Daily Nation – Mast Dragged To Court For Defamation- 17th December, 2018

4.2.2 Attacks

The third quarter saw three reports of journalists being attacked and manhandled. In some cases, reporters had their personal belongings grabbed from them while on duty.

The quarter opened with a report where sports fans attacked journalists. On October 8th, *The Mast*²⁰ reported that three journalists were attacked by soccer fans. The attacks were carried out by some soccer fans in Livingstone against Heinz Nawa Munene and Kelvin Like from Mazabuka Radio and Zambezi FM respectively. The two were also threatened to be burned alive. The other case saw fans manhandling a freelance journalist Dennis Tonga and grabbing his phone after they lost to Choma Stars.

Another incident reported in this period involves a journalist who was beaten outside the Kitwe Magistrate court for covering case in which a Kitwe Businessman was appearing before court on allegations of aggravated robbery. *Lusaka Times*²¹ reported that sympathisers to Daniel Makina, a Kitwe businessman and Director of Nkana College of Education, who was charged together with another man of aggravated robbery for stealing Copper cathodes, beat up a ZNBC journalist for covering the story.

Last week Friday, Makina's sympathizers harassed journalists and beat up ZNBC camera man Kashete Sinyangwe.

When the matter came up on Monday for a ruling on preliminary inquiry, unruly sympathizers besieged the Kitwe Magistrates grounds, hurled insults and threatened to deal with any journalist who had gone to cover the case.

Journalists' safety is slowly reducing. Scribes are not respected as before. They are attacked by cadres, politicians and sometimes the general citizenry when they do not want certain information published in the media.

²⁰ The Mast – Maramba Stars Fans Attack Journalists, Harass Referee – 8th October, 2018

²¹ Lusaka Times – Journalists beaten outside Kitwe Magistrate court – 15th October, 2018

4.2.3 Freedom of Expression Online - Cyber Space

Freedom of expression online continued raising concerns in the last quarter of 2018. An issue which was of particular concern was the content being shared on social media. It was observed from the reports published that the public is also abusing social media. However, it was also observed that the online space has attracted increased monitoring by government.

For instance, on 16th October, the online news platform Mwebantu²² reported that Zambia was among the 45 countries using spyware software from Israel in order to monitor some citizens' internet and phone usage.

Internet and phone usage continued being monitored by government.

PEGASUS spyware which is often used against the opposition, journalists and human rights activists has been found in Zambia.

Pegasus is a notorious spyware program sold only to governments.

The malware, known as Pegasus, was created by Israeli cyber-security firm NSO and has been around for at least three years, when it was first detailed in a report over the summer of 2016.

In a report titled '[Hide and Seek](#)' which was released on Monday, Citizen Lab — a Canada based internet watchdog — identified 45 countries in which infected devices have been traced, after scanning the internet for servers associated with Pegasus spyware.

Two instances of abuse and violation of the freedom of expression online were recorded in the period under review. On 14th February, The *Daily Nation*²³ reported that clinical officer was suspended for posting a picture on Facebook of patients who were attending ART session.

The clinical officer, who photographed and circulated pictures of people living with HIV attending Anti Retro Viral Treatment (ART) session on his Facebook

²² Mwebantu – Zambian phones targeted by Israeli made notorious spyware program that is sold only to governments – 16th October, 2018

²³ Daily Nation – Clinical Officer Suspended over Facebook Post – 14th November, 2018

page, has been suspended by the Health Professionals Council of Zambia (HPCZ).

Two weeks ago, Mwansa Chalwe, caused an uproar, with some sections of society demanding that he must be identified, arrested and fired for breaching confidentiality ethics when he took photographs of people living with HIV seeking health treatment at the facility he works for and posted on Facebook.

Mr. Chalwe circulated on his Facebook wall photographs of people getting ARV's with a caption "new and better ARV's in government institution #ART clinic at least I only have 145 clients today."

On 15th November, the Gender Minister condemned the social media video of a man harassing his wife for allegedly committing adultery.

Minister of Gender Elizabeth Phiri said Gender Based Violence is a violation of human rights which should not be condoned irrespective of the offence committed and the relationship of the parties.

In a press statement issued to ZANIS in Lusaka today by the ministry's Media Liaison Officer Mwape Mwenya, the Minister has also condemned people who are in the habit of taking pictures and recording similar instances rather than helping vulnerable victims who are unable to defend themselves.

Mrs Phiri has urged the police to take necessary action against the perpetrator as there are better channels to air grievances than resorting to violence and breaking the law with impunity.

4.3 Review of Burning Issues

4.3.0. Zambia National Broadcasting Corporation (ZNBC)

Despite the national coverage ZNBC has, some places in the country don't access the national broadcaster signal. On 3rd October, the Zambia Daily Mail reported that residents of Mwansabombwe district were unable to listen to ZNBC due to lack of signal in the area²⁴.

²⁴ Zambia Daily Mail – Mwansabombwe Residents Want ZNBC Radio – 3rd October, 2018

Mwansabombwe District Commissioner Victor Kasuba has bemoaned the lack of Zambia National Broadcasting Services (ZNBC) signal in the area.

Mr. Kasuba said yesterday in an interview that the local people only access information on radio stations from neighboring Democratic Republic of Congo (DRC).

In the quarter under review, information surrounding the state of the national broadcaster emerged as to whether it was sold or not. On 19th October, *The Mast*²⁵ published an article indicating that ZNBC and Startimes had merged. According to the terms of the merger, which the Consumer Competition Protection Commission (CCPC) confirmed, the merger is ending after the \$270 million loan government contracted to facilitate the completion of the Digital Migration process is completely paid back.

“The merger will be relinquished when the \$270 million is paid back to Hantex Corporation, a loan government got to facilitate the digital migration process,” the article read in part.

Despite such revelations, government maintained that ZNBC had not been sold. On 26th October, the Minister of Information and Broadcasting Services Dora Siliya explained that ZNBC had not been sold, adding that its sale is subject to parliament approval²⁶. Ms. Siliya said the heightened campaign of misinformation on the sale of ZNBC is mere propaganda.

“ZNBC is a public broadcaster and will remain a public institution without merging or being taken over by any private company. It can only opt to enter into an agreement with any media institution for business purposes,” she said

Seemingly contrary to the statement made by CCPC that ZNBC was merging with Star Times, *Lusaka Times*²⁷ on the same day also published the Minister’s statement headlined ‘It’s impossible for any other institution to have shares in ZNBC, Dora Siliya tells Parliament.’

²⁵ The Mast – ZNBC, STARTIMES” HANTEX MERGE – 19th October, 2018

²⁶ Zambia Daily Mail – ZNBC Sale Subject to Parley Approval – Siliya – 26th October, 2018

²⁷ Lusaka Times – It’s impossible for any other institution to have shares in ZNBC, Dora Siliya tells Parliament – 26th October, 2018

The minister denied the merger, saying the public broadcaster did not merge with Star Times' TopStar.

ZNBC has not merged with TopStar contrary to assertions. Ms. Siliya explained that the conditional authorisation to the proposed merger of ZNBC and Star Times granted by the Competition and Consumer Protection Commission (CCPC) is merely a merger of interests in a joint venture and not of two independent institutions.

In a ministerial statement to Parliament, Ms. Siliya said that being a statutory body created by an Act of Parliament, it's not possible that any other institution can have shares in ZNBC. Any change of shareholding in ZNBC would have to be made by Parliament.

As it relates to the 'sale' of ZNBC, the quarter closed with an editorial from *The Mast* headlined 'ZNBC won't change names, but it's on lease to Chinese'²⁸. The editorial indicated that government has not clearly explained the issues surrounding the entire Digital Migration Process and how ZNBC is involved. If ZNBC cannot merge with any private company, CCPC said ZNBC had merged with the national broadcaster until the loan is relinquished, contrary to what the minister said.

From its editorial, *The Mast* suggest that ZNBC has been leased to the Chinese firm.

Government has continued to tell the same lie over and over again, hoping that maybe along the way it would probably graduate into being the truth. Well, that only works when there is no evidence to the contrary. But the criminality around the digital migration scandal is too documented to attract any believability from members of the public.

When we published an editorial comment explaining how the Chinese took over the Zambia National Broadcasting Corporation, those who get paid to defend government lies countered our opinion with a cheap argument that the records at PACRA were unchanged and, as such, ZNBC remained an autonomous

²⁸ The Mast – ZNBC won't change names, but it's on lease to Chinese – 30th October, 2018

institution. In essence, they want citizens to stay calm and believe that their public institution is as viable as ever, as long as it maintains its business name. –

Extract from the editorial.

As the year came to a close, the ZNBC signal could not be accessed in selected parts of Eastern Province. On 13th December, *Lusaka Times*²⁹ reported that three (3) districts in Eastern Province had not accessed the ZNBC signal for two (2) weeks.

Traditional leaders in Lumezi, Lundazi and Chasefu districts of Eastern Province have expressed concern over the collapse of Zambia National Broadcasting Corporation (ZNBC) radio one and two signals for two weeks now.

Chiefs Zumwanda, Mphamba and Senior Chief Magodi lamented that since Radio One and Two signals were lost on November 27 this year, their subjects have been missing out on news and current affairs.

4.3.1 Internet Usage in Zambia

Internet usage in Zambia has grown bringing about both pros and cons. From government's end, there are more cons especially that the internet is platform through which criticism can easily be leveled to government. Abuse of social media increased, with ZICTA recording over 100 fake Facebook accounts.. On 11th October, *Zambia Daily Mail* reported that ZICTA was in the process of bringing down more fake accounts³⁰.

ZICTA corporate communications manager Ngabo Nankonde said in an interview yesterday that the process of pulling down fake Facebook accounts is still on going.

“In the last month, we have facilitated the removal of about 100 fake Facebook accounts created in different names,” he she said.

The increase in internet usage saw an increase in reports calling for reduction of fake news. On 8th November, *Zambia Daily Mail* published a story indicating that the increase in fake news had

²⁹ Lusaka Times – Chiefs concerned with collapsed ZNBC signal for two weeks now – 13th December, 2018

³⁰ Zambia Daily Mail – ZICTA Pulls Down over 100 Fake Facebook accounts – 11th October, 2018

power to cause division in the country³¹. Naturally, there are people who continue to use social media for professional news dissemination. The *Daily Nation* on 4th December echoed sentiments of a Lusaka Archbishop, Alick Banda, calling on the public to stop publishing fake news on social media³². The same article quoted Chishimba Kambwili stating that there are genuine people using social media while others are using it to fabricate stories.

Mr. Kambwili however said that people expressing their views on social media after analyzing a particular situation should not be mistaken for abusers.

“Those who are misusing social media for the sake of lying it’s not good. If you go on social media and start creating stories which are not there, that is abuse of social media,” he said.

In this quarter, fake advertisements soliciting for money from applicants increased on social media, though only one case had been reported in the media. With the growth of internet usage in Zambia, fake job adverts have increased which are being used as scams to solicit money from unsuspecting users. Zambia Daily Mail on 22nd November cited ZAF dismissing online recruitment advert³³.

The Zambia Air Force (ZAF) has cautioned citizens against falling prey to a fake advertisement that is recruiting staff online.

Members of the public are being swindled out of huge sums of money from individuals claiming to be recruiting under ZAF. This is according to a statement issued yesterday by ZAF Director for Public Relations and Foreign Liaison, Chondela Manjimela.

Following the increase in the abuse of the internet by some members of society, government continues indicating that a bill to regulate internet usage will be tabled before parliament.

³¹ Zambia Daily Mail – Fake News has the potential to divide Nation – 8th November, 2018

³² Daily Nation – Stop Fake News – Bishop – 4th December, 2018

³³ Zambia Daily Mail – ZAF dismisses online recruitment drive – 22nd November, 2018

4.3.2 Violation of Public Freedom of Expression

Various stories suggesting violation of freedom of expression by both government officials and the public increased in the last quarter. Information from news and speculations were published online by various members of society among them politicians. On 3rd October, the Zambia Daily Mail quoted Home Affairs Minister Stephen Kampyongo urging Zambians and politicians to desist from publishing statements that are not true³⁴.

Minister of Home Affairs Stephen Kampyongo has urged politicians to stop tarnishing government's image by giving Zambians false information on various national issues.

Mr. Kampyongo said it is unfortunate that false stories are being peddled against government on social media.

Another case of abuse of freedom of expression, which also bordered on attack on the media, involved the Siavonga District Commissioner, who interrupted a live broadcast in a bid to be given chance to be on air.

On 30th October, *Zambian Observer* quoted MiSA expressing disappointment in the action of the DC³⁵.

The Media Institute of Southern Africa (MiSA) Zambia is disappointed with the attack on Kariba FM by Siavonga District Commissioner Mr Lovemore Kanyama, on a radio station situated in Southern Province.

According to reports reaching MISA Zambia, the Siavonga District Commissioner interrupted a Live Radio Programme and forced himself on air on allegations that one caller had insulted him.

³⁴ Zambia Daily Mail – Stop Giving False Information- False Stories Being Peddled Against Government On Social Media – 3rd October, 2018

³⁵ *Zambian Observer* – Attacks on Kariba FM, Caller Unconstitutional – MISA – 30th October, 2018

4.4 Other Developments

4.4.0. Positive Developments

In the period under review, Minister of Information and Broadcasting Services Dora Siliya called tertiary institutions to revise their curricula to incorporate technology in their trainings³⁶. The Minister was suggesting that that way, students will be equipped enough to set up their own enterprises.

Minister of Information and Broadcasting services Dora Siliya has called for revision of the journalism training curriculum to incorporate technology.

Ms. Siliya said this will equip students with the required skills and knowledge to set up their own enterprises.

4.4.1. Negative Developments

This quarter (October – December, 2018), saw *Times of Zambia* publish some articles in Chinese. On 9th October, Times of Zambia published an article in Chinese, which sparked some debates and saw viral posts on social media. Speaker of the National Assembly was on 12th October expected to give a ruling following a point of order raised by Jack Mwiimbu, who stated that the Times of Zambia was not in order to publish an article in Chinese when majority Zambian languages are not published in the paper³⁷.

Speaker of the National Assembly Patrick Matibini is today Friday October 12 set to rule on the Chinese articles running in the Times of Zambia Newspaper.

This follows a point of order raised by leader of the opposition Jack Mwiimbu who wanted to know why the publication has been sidelining Zambians by publishing the Chinese language and not any other Zambian language.

³⁶ Zambia Daily Mail – State Calls for Journalism Curriculum Revision – 28th October, 2018

³⁷ Lusaka Times – Speaker to rule on why Times of Zambia is publishing articles in Chinese Language – 12th October, 2018

Another case that emerged is the case of *The Post* newspaper in which former Information and Broadcasting Services Minister Chishimba Kambwili said *The Post* was closed by President Edgar Lungu³⁸, *The Mast* reported:

“I never closed The Post newspaper. The post was closed by ZRA and you know when The Post was closed the constitutional court had ruled that ministers must be out of the office and the time ZRA pounced on The Post, that time I wasn’t the minister of Information and even if I was, decisions are made by cabinet and not by an individual,” Kambwili said.

Asked to state whether there was a cabinet meeting to discuss this, he said, “No, that time there was no cabinet, there was only the President in office. So its ultimately the President who had directed ZRA to do that.”

Despite not having statistics available from relevant authorities, a lot of people have lost money through the mobile money scams. In the last quarter, majority Airtel subscribers received messages from unknown numbers asking them to send money to them. To this day, relevant authorities have not issued a comprehensive report on how far the investigations have gone. Though the public has expressed concern in the matter, relevant authorities such as ZICTA and the Cyber Division of the Zambia Police have not made any statement in the media on the progress made to curb such a vice.

The *Daily Nation* on 15th November reported³⁹ that:

We are deeply saddened by the failure by the Zambia Information Communication Technology Authority to track culprits involved in mobile money scams leading to an increase in the number of people being defrauded, the patriots for Economic Progress (PEP) have said.

PEP President Sean Enock Tembo said it was sad that ZICTA has failed to bring culprits to book despite their cellphone numbers being known.

³⁸ The Mast – Lungu Closed the Post – 26th October, 2018

³⁹ Daily Nation – ZICTA Slammed for Failing to Stop Mobile Money Scams – 15th November, 2018

He said ZICTA officers must realize that they were funded by Zambians to safeguard their interests and not to occupy lavishing offices.

5.0 Conclusion

There has been an increase in the usage of the internet for dissemination of information, especially in urban areas. Most of the information published using social media and other internet reliant channels is that which hasn't been published in traditional media or may never get to be published. Also, such information is concerns issues that government officials are not willing to share with the public. By the time government comes to clear the air, information released by via the internet is inconsistent with the information already in public domain. This is because earlier published information suggests to have evidence government doesn't have.

With calls to regulate the cyber space and the media increasing, there is strong suggestion that government has more to hide which it doesn't want the Fourth Estate to share with the public. This is evident in that when issues are raised, government takes long to give feedback. In fact, the government is rather reactive.

Increased calls for regulation of the media have taken over calls to have the ATI enacted. As such, continuity of such reporting will overshadow the calls for increased access to information, thereby making attempts to make government accountable by the media fail.

Further, increased law suits and attacks on journalists by general citizenry is worrying. It is making the operating environment of journalist harsh.

6.0 Recommendations

Based on the information made available in this report, the following are the recommendations:

- The media should take the lead and deliberately drive the agenda for safety of journalists.
- There is need to increase news coverage relating to the ATI to increase advocacy for its enactment.
- MiSA Zambia and media advocates should review the contents of the cyber laws that government officials are increasingly talking about to ensure it does not suppress press freedom and freedom of expression.

- Journalists and media personnel must strive to make government and the public they both serve to understand the impact of the enactment of the cyber bills vis-à-vis the need for the enactment of the ATI

Appendix

Highlights of the year 2018

1. Assaulted | Harassed | Attacked

First Quarter

- ✓ On 27th January, the Daily Nation, reported that its reporter Michael Miyoba was abducted and tortured by four ZAF officers charged with the mandate to clearing vendors from Lusaka streets, for merely being found on the street as he went to board a bus home.
- ✓ On 26th February, The Mast reported that its reporter Marilyn Rose was verbally assaulted by PF cadres for reporting President's Edgar Lungu's "ubomba mwibala" remark. The Mast newspaper on 12th February, headlined "YOU CAN STEAL".... but tabalila kumo nembuto kumo – Lungu.
- ✓ Daily Nation on 21st March was Petrol bombed and had its packer assaulted by unknown people.

Second Quarter

- ✓ On 8th May, New Vision reported that Prime TV journalist was attacked by PF cadres while on duty.
- ✓ On 5th June, Suspected UPND cadres attacked seven journalists from various media houses as they were heading to the totalling centre of the Chilanga by election.
- ✓ 1st June letter to MISA: More than 10 armed officer stormed iWAVE Radio over unverified reports the station aired a News item saying C4 (Victor Phiri) the man allegedly accused of committing a spate of crimes in Chingola had disappeared from custody.
- ✓ On 22nd June, ABN TV journalist Jubilee Malambo was beaten by ZP and Immigration officers after they saw him filming them as they were conducting an operation to nub some illegal immigrants.

Fourth Quarter

- ✓ 8th October The Mast reported that 3 journalists were attacked by soccer fan

- ✓ On 15th October, Journalists were reportedly beaten by Kitwe business men sympathizers.

2. Censored | Surveillance

First Quarter

- ✓ On 19th March, 2018, Radio Mano management was summoned by the police in Kasama over a post made by one of its Fun Club members on the ‘Radio Mano Fun Club’ Facebook page.
- ✓ 14th April the Mast reported that police in Mansa picked up Chishimba Kambwili from KFM radio during an on air program.

Second Quarter

- ✓ 3rd June the Mast reported that Police in Lusaka had written to Prime Television to release footage in which Fresher Siwale allegedly defamed President Edgar Lungu.
- ✓ 2nd July, ZICTA was directed to shut down Facebook accounts which “cyber criminals” were using to defraud people. At least 627 fake Facebook accounts were closed mostly linked to ministers and the President.

Third Quarter

- ✓ Times of Zambia, on 23rd August, government announced that about 200 Facebook pages were blocked.

Fourth Quarter

- ✓ IBA in October was told to stop riots, following comments that ZAFFICO was sold to the Chinese.
- ✓ 16th October, Zambia was listed among countries with a spyware software for phones sold to government. The software is used to spy phone conversation of selected people by government.
- ✓ ZICTA shut down more than 100 ‘fake’ Facebook pages, reported 11th October.

3. Blocked from a press briefing

First Quarter

- ✓ Smart Eagles on 15th March reported that Brian Mwale was harassment and chased from covering Kambwili's press briefing.

4. Detained

Third Quarter

- ✓ Police confiscated Salim Dawood's camera before detaining him at Kabwata Police Station for taking pictures of a ZESCO substation in Kabwata.
- ✓ Facebook Happy Samfya Man Nabbed for defamation of the President – 6th July, 2018.

5. Sued

Second Quarter

- ✓ On 1st June News Diggers reported that MMD National Secretary Raphael Nakachinda sued Prime TV for calling him a thief.

Third Quarter

- ✓ 6th July, Zambia Daily Mail reported that for Post Newspaper Editor-in Chief Dr. Fred M'membe sued Rainbow Party Secretary General Winter Kabimba on allegations of homosexuality which were aired on Millennium radio.
- ✓ 26th Sept, Zambia Daily Mail reported that Rainbow newspaper Editor-in-Chief Derrick Sinjela pleaded guilty to contempt of court, Sentenced on 20th December.
- ✓ Media 365 sued for allegedly using songs of artists in the Love Games series without their consent.

Fourth Quarter

- ✓ Post case to see its restored was turned down by the Concourt , 12th December, reported by Daily Nation.

- ✓ Mast Newspaper was dragged to court for defamation of a PF Southern Province Youth Chairman, reported on 17th December.

6. Legislation

First Quarter

- ✓ Ministry of Justice Given Lubinda on 23rd February, 2018 said that the ATI Bill would not be reviewed because there were a lot of Bills to table before parliament.
- ✓ On two instances i.e. 17th February, 2018v(*News Diggers*) and 20th March, 2018 (*Zambia Daily Mail*), the President's Press Aid indicated that the document was ready and that only parliament was left to review the document before being signed in to law.
- ✓ In January government indicated that it would enact cyber bills: with reference to Medical Dr Arrest for a Facebook post allegedly defaming the president.
- ✓ Zitukule Consortium Executive Director Nicolas Phiri: It wouldn't be surprising if the Political Party Bill, which only came in 2017 and the Proposed Cyber Laws see the light of day before the ATI Bill which was started in 2002 has its day in parliament.

Second Quarter

- ✓ On 4th April, 2018, the Zambia Daily Mail cited Minister of Transport and Communications, Brian Mushimba announcing government plans to enact cyber security bills.
- ✓ On 15th May, 2018, government spokesperson Dora Siliya claimed that cyber bullying had increased thus the need to enact laws to regulate the cyber space.
- ✓ ZICTA Director of Support Services Chisala Mofya on 30th May while featuring on ZNBC's Open Line program announced that WhatsApp administrators would soon be required to register their groups.

Third Quarter

- ✓ Government on 6th August was quoted by the Daily Nation justifying the proposed 30 ngwee tax on internet calls.
- ✓ 27th September, LT | Dora Siliya has urged journalists to quickly formulate a self-regulatory media council that will save journalism from total collapse in Zambia

Fourth Quarter

- ✓ 22nd November, Calls for media self-regulation were made by the minister of information.
- ✓ 14th December, Government defended cyber laws saying they won't hinder freedom of expression.

7. License Suspension | Revoked

Second Quarter

- ✓ 12 radio stations had their broadcasting licenses suspended for allegedly failing to pay license fees. The IBA also revoked a license for a television station for failing to start operations.

8. Sentenced

Fourth Quarter

On 20th December, Derrick Sinjela was sentenced to 18 Months imprisonment for contempt of court in a case where a clergy, Bishop Mambo pleaded guilty but did not serve any sentence, corruption activist Gregory Chifire was sentenced to 6 years imprisonment.

9. Threatened

First Quarter

- ✓ On 7th March, 2018, Diamond TV reported that TopStar halted the move to switch off local TV station.

Second Quarter

- ✓ 15th June, Mast and News Diggers reported that Copperbelt Permanent Secretary Bright Nundwe asked IBA to close down media houses that covered the President in negative light.

Third Quarter

- ✓ 2nd Sept, Mast reported that the media was told to avoid using language deemed offensive to government.

10. Noteworthy Development

First Quarter

- ✓ 1st April, announcement that IBA was to collect TV Levy on behalf of ZNBC.
- ✓ Zambia Daily Mail reporters saw a seven percent (7%) increase in their salaries.
- ✓ Protest by ZNBC workers following a delay in payment of salaries.
- ✓ Gerald Shawa revealed that in the private media [Journalists' Salaries] is between K2 000 - K5 000 and for public media it's between K5 000 - K10 000. Raising income [has been challenging for the private media] as government opted not to give business to most media in the private sector as they are considered to be their enemies.
- ✓ Almost all media houses in the country have an active presence online with some updating their social media pages with their programming to engage their readers/listeners/viewers while other use them for news updates.
- ✓ 4th April, News Diggers reported that, "enquiry shows that government is collecting double TV levy.

Third Quarter

- ✓ Third quarter increase in Facebook Live use during broadcast time as well as Hot FM's increased use of Mingletainment.
- ✓ Government procured OB vans for ZNBC.
- ✓ TopStar Village TV project saw an increase in the number of satellite television being distributed in the country. Government in partnership with the Chinese government was distributing satellite TV in rural areas.
- ✓ 6th July, Times of Zambia reported that 627 Zambians were victims of cybercrimes in which more than K600, 000 was stolen from them in 2018.