



# STATE OF THE MEDIA IN ZAMBIA



**Quarter 3**  
July - September 2019





## **STATE OF THE MEDIA IN ZAMBIA**

**For the Third Quarter (July – August) 2019**

Copyright © MISA Zambia

Published 2019 by MISA Zambia with support from Friedrich Ebert Stiftung

**Contact**

The National Director

MISA Zambia

Plot 3814 Martin Mwamba Road, Olympia Park

P O Box 32295

Lusaka, Zambia

Tel: +260 211 294285/6

Email: [info@misazambia.org.uk](mailto:info@misazambia.org.uk)

Website: [www.zambia.misa.org](http://www.zambia.misa.org)

***Researched and compiled by:***

*Brenda Bukowa*

*Lecturer, Researcher and Media Consultant – Department of Media and Communication Studies  
University of Zambia*

***Edited by:***

*Thomas Zulu*

*Programmes Officer – MISA Zambia*

## Table of Contents

<b>Abbreviations and Acronyms .....</b>	<b>Error! Bookmark not defined.</b>
<b>1.0 Introduction.....</b>	<b>Error! Bookmark not defined.</b>
<b>2.0 Methodology .....</b>	<b>Error! Bookmark not defined.</b>
<b>3.0 Executive Summary Of Media Events During The Third Quarter .....</b>	<b>5</b>
<b>4.0 FINDINGS – OVERVIEW .....</b>	<b>6</b>
<b>4.1 Policy and Statutory Framework .....</b>	<b>Error! Bookmark not defined.</b>
4.1.1. Social Media Regulation .....	<b>Error! Bookmark not defined.</b>
4.1.2 Access to Information Bill (ATI) .....	8
4.1.3 Regulation of ZNBC .....	11
<b>4.2 Economic and Technological Environment .....</b>	<b>11</b>
<b>4.3. Legal and Political Environment.....</b>	<b>15</b>
4.3.1 Anti-Corruption fight .....	15
4.3.2 Censorship .....	17
4.3.2 Harrasments/Attacks .....	17
4.3.3. Lawsuits .....	19
<b>5.0. Freedom of expression online – Mainstream media/cyber space .....</b>	<b>23</b>
<b>6.0. Other developments .....</b>	<b>25</b>
6.1 Continued incarceration of Derrick Sinjela .....	27
6.2 Media Development .....	28
<b>7.0. Conclusion .....</b>	<b>Error! Bookmark not defined.</b>
<b>8.0. Recommendations .....</b>	<b>31</b>
<b>9.0 Appendix.....</b>	<b>Error! Bookmark not defined.</b>

**Abbreviations and Acronyms**

ATI	Access to Information
DN	Daily Nation newspaper
IBA	Independent Broadcasting Authority
MISA	Media Institute of Southern Africa
NGOCC	Non-governmental Gender Organisations' Coordinating Council
PF	Patriotic Front
ToZ	Times of Zambia newspaper
UPND	United Party for National Development
ZDM	Zambia Daily Mail newspaper
ZICTA	Zambia Information, Communication and Technology Authority
ZNBC	Zambia National Broadcasting Corporation

## **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 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 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 Third Quarter**

The Media in Zambia in the third quarter of 2019 was dominated by a number of issues; allegations of corruption. The ownership of the mysterious houses in Chalala residential area made the bulk

of media debates. Directly related to the media however, the quarter under review recorded a number of attacks and harassment of journalists. Prominent, was the attack on two Daily Mail journalists whilst covering the Katuba bye-election.

In the period under review, Press Freedom and freedom of expression were under threat with the Police attacking radio stations by storming into studios. There were also threats by government officials specifically the Police command directing all Police Commissioners to deal with abusers of freedoms. The problem with this directive is that it has potential to be abused by the Police itself.

The continued incarceration of Derrick Sinjela, the News Editor for a publication called “The New Vision Newspaper” also made headlines in the period under review and calls for his pardon were loud.

It should be noted that the third quarter of the year 2019 also scored some victories.

Arguably one of the biggest news received during the period under review were calls for the merging of the ZNBC and IBA Acts of 2010 to transform ZNBC into a true public broadcaster. Another success recorded during the period under review was the imprisonment of two (2) juveniles that attacked a journalist and robbed him of his laptop, phone and money. In passing judgement, High Court Judge Kelvin Limbani ordered the two Grade 12 scholars to reform and become better citizens.

Generally, however, the period under review recorded more violations of media freedoms than victories.

#### **4.0 Findings – Overview**

The media in the period under review was dominated by debates around the welfare of journalists; the attacks, harassment and how to improve their conditions of service.

The period under review was also dominated by debates of transforming ZNBC into a true Public Broadcaster by merging the ZNBC and IBA Acts of 2010. Proponents of the move like MISA Zambia are resolved that when achieved, the move will allow ZNBC to be regulated by IBA and

hence create a much more conducive environment for ZNBC to operate without undue influence from political players.

Also making news in the period under review were calls for regulation of social media and issues surrounding the Access to Information (ATI) Bill.

## **4.1 Policy and Statutory Framework**

### **4.1.1. Social Media Regulation**

There has been a lot of talk of cyberspace regulation especially in relation to fake news. Government has been in the fore front advocating for the regulation of the cyberspace. On 2<sup>nd</sup> July, 2019 the Daily Nation Newspaper Publication carried a headline, “State to curb Social Media falsehood.” It was reported that the then Minister of Transport and Communication, Hon. Dr. Brian Mushimba stated that government would enact laws to curb the increasing peddling of fake news on social media.

Dr. Brian Mushimba was quoted saying “Government was concerned with the rising level of fake news by some sections of society and that the only way to curb it was to put in place stringent measures”. The Minister added that necessary laws would be effected before the end of the year 2019 so as to bring sanity to the online platforms.

The sentiments by Dr. Mushimba came after Father Teddy Musonda of Kizito Parish in Kabwe appealed to the government to come up with laws to curb falsehoods on social media as a result of some sections of society expressing concern at what they referred to as an “alarming level at which falsehoods were being peddled in Zambia”. The Catholic Priest was also quoted saying that it was prudent that a law be put in place in order to stop the lawlessness.

He added that the falsehoods being peddled could plunge the country into chaos hence the need to find ways and means of curbing it.

Some people however, feel that the regulation of the online spaces is a way for government to curtail free expression especially that the mainstream media in Zambia is heavily controlled by the ownership structure. For example, public media is controlled by government and private media is controlled by ownership models that have a huge influence on the editorial independence of the media organisation.



The debate on regulation of online spaces has been rife, with three Bills already in the process of being tabled before Parliament to help stop what the proponents of the legislation are calling lawlessness on social media.

The three Bills: Data Protection Bill, the E-Commerce Bill and the Cyber Security Bill are meant to address what is being referenced to as the “social media lawlessness” once enacted.

Media regulation of any kind has potential to stifle the freedoms of people. It must be noted that if not thought out carefully, the three proposed pieces of legislation bordering on social media regulation have potential to create an unconducive environment for free expression.

In as much as there is an urgent need to curtail falsehood on social media, there is also need to be wary of the negative consequences that come with a restricted media space such as increase in rumours and innuendos that turn into fake news.

Scholars have argued that the best way to deal with abuse of online media spaces is not to curtail the space but to promote sensitisation efforts on the responsible way of social media platforms.

### **4.1.2 Access to Information (ATI) Bill**

The ATI has been a subject of debate since the year 2002. The third quarter of 2019 however was presented with some laxity as pertains the enactment of the Bill into law.

Just to recap, in the first quarter of 2019, the Daily Mail publication carried a headline, “Access To Information Bill Approved.” It was reported that cabinet had approved the Access to Information Bill. This was announced through a tweet from Minister of Information and Broadcasting Services, Hon. Dora Siliya. In the tweet, Ms. Siliya said, the bill was meant to promote proactive and organised dissemination of information to the public. She tweeted:

*“I am happy to announce that finally Cabinet has approved the Access to Information Bill aimed at proactive and organised dissemination of information. This is a new beginning.”*

In the third quarter of 2019, it is surprising that the ATI Bill has not been presented to Parliament for enactment after so much hype as witnessed in the first quarter of 2019. As a result, various stakeholders have expressed worry at the non-disclosure of the contents of the piece of legislation.

As stated already, the debate on enactment of the ATI has been ongoing since the year 2002. Before the Patriotic Front (PF) government came into power, it promised to enact the Access to Information Bill. For more than seven years, the debate for the bill has raged on. In November 2011 shortly after assuming power, the then Minister of Information and Broadcasting, Mr. Given Lubinda said government was committed to enacting the bill into law. In February 2012, the then Permanent Secretary in the same Ministry Mr. Amos Malupenga said the bill would be presented to Parliament. In July 2013, the then Minister of Information, Mr. Kennedy Sakeni, also assured the nation that the bill would be presented to parliament. To date, the bill has only gone up to the Cabinet approval stage.

Despite scoring on the approval of the bill by Cabinet, government has been taken to task on the publication of the contents of the bill. Stakeholders have argued that the contents of the bill should be publicised so that the public is kept in the know.

Meanwhile, MISA Zambia in the period under review was quoted by The New Vision Newspaper Publication under the headline: “do not be troubled over Access to Information (ATI) Bill, MISA urges citizens”

The MISA Zambia National Director Mr. Austin Kayanda assured citizens saying: “citizens [should] not be troubled because the Access to information Bill, which is yet to be presented to Parliament for enactment, has not been doctored and will be tabled in the House in its original draft form”

The MISA National Director Austin Kayanda argued that the media body was pleased with the contents of the Bill because nothing has been tempered with other than updating what was originally drafted.

*“I cannot disclose its content at this stage, but from what I was given and deliberated upon, as MISA Zambia we are happy with the bill because it has not been doctored. I can assure the nation that if what I saw is the same content that is going to be presented in the parliament then we are happy with it,” Kayanda said.*

As regards the continued delay in enactment of the Bill, the MISA National Director said that there is urgent need to ensure that the bill is enacted into law because its benefits are for the betterment of all Zambians - journalists and ordinary citizens alike. “Just like other bills of national importance have been enacted at supersonic speed, we need the same political will towards the Access to Information Bill,” he said. He made an appeal to government through the ministries of Justice and Information and Broadcasting to ensure the long awaited Access to Information Bill is enacted into law.

It has been argued that stakeholders are casting doubts on the authenticity of the content of the draft bill owing to the fact that there has been a lot of back and forth pronouncements on the bill. For example, in the first quarter of 2019 the Lusaka Times online Publication carried a headline, “Access To Information Bill will not be presented in the next sitting of Parliament” and attributed the statement to Information and Broadcasting Permanent Secretary, Chanda Kasolo saying that the Access to Information Bill will not be presented in the next sitting of Parliament which opens on Tuesday 14<sup>th</sup> February, 2019.

His justification for the move was that government wanted to ensure that caution is taken especially on security matters before the bill is enacted into law. Mr. Kasolo added that the bill will adequately be prepared so that there are no lacunas. The PS’s statement came before the Bill was presented to Cabinet and stakeholders cast doubt on the process owing to the flip-flopping stance taken by government.

The bill as of 25<sup>th</sup> October, 2019 awaits to be taken to parliament for debate.

Meanwhile, on 13<sup>th</sup> August 2019, The Daily Mail Newspaper Publication carried a headline,

“Malupenga tips media” where the Permanent Secretary in the Ministry of Local Government urged the media not to abuse their power to inform the masses by misleading the public with fake news. According to Mr. Amos Malupenga the Media should use their power to communicate to tell people the truth and disseminate information that promotes equity.

The sentiments by Mr. Malupenga were expressed during the re-launch of a ZNBC TV2’s programme dubbed “My Community” a programme aimed at providing a platform where members of the public interact with civic leaders and keep them accountable for service delivery.

During the programme, the PS stated: “The Media should guard against abuse of information power so as not to mislead the nation. People take what they see in the media as gospel truth, that’s why there is need to ensure what is taken out is factual.”

Mr Malupenga said the media should disseminate authentic and verified information so that the public can make informed decisions. He said the media should be innovative and come up with ways of defeating fake news, especially in the wake of social media.

The debate on the media disseminating authentic and verified information to keep the public informed cannot be complete minus a discussion on the need for the ATI Bill to be enacted into law so as to accord the media leverage to access information without any curtailment.

It is therefore important that the ATI Bill is enacted into law as soon as possible.

#### 4.1.3 Regulation of ZNBC

There have been calls for the regulation of the Zambia National Broadcasting Corporation (ZNBC) to transform it into an independent public broadcaster. Proposals have been made to merge the ZNBC Amendment Act 2010 and IBA Act of 2010 to bring into existence an independent public broadcaster. It has been argued that the two pieces of legislation when merged will ensure that the broadcasting industry has an independent regulatory body.

The calls to merge the two Acts were pioneered by MISA Zambia in 2017 after launching a policy document on the possibilities of having the Zambia National Broadcasting Corporation (ZNBC) regulated by the Independent Broadcasting Authority (IBA).

In line with this move, government in the first quarter announced intentions to come up with a law that will enable the Independent Broadcasting Authority (IBA) to scrutinise the Zambia National Broadcasting Corporation (ZNBC). The debate on IBA's regulation of ZNBC has continued and advocacy towards the same has intensified in the third quarter with various stakeholders calling for the move to bring about autonomy and independence of news and information in public broadcasting.

#### 4.2 Economic and Technological Environment

The monetisation of digital technologies has been a subject of debate world over and many governments have realised this. On 7<sup>th</sup> August 2019, the Mast Newspaper carried a head line “Kenya mulls taxation of foreign online media services.”

The paper reported that:

*Kenya plans to begin taxing foreign online streaming media services such as YouTube and Netflix, the communication regulator said. Francis Wangusi, Director General of Communication Authority of Kenya, told journalists in Nairobi that the government is fast tracking the development of a policy that would guide the taxation of the “over the top” technologies that provide content over the internet thereby passing traditional distribution channels.*

The development in Kenya have been recorded in Zambia with calls for the country to tax digital content service providers so as to diversify on the revenue base for the treasury. It is argued though that this situation

must be carefully studied to ensure that all stakeholders are well taken into consideration and no party is disadvantaged in the process.

The Mast Newspaper further reported that the Kenyan authorities were calling for policy change in order to go through with the move. The paper further stated that the authorities had proposed a policy framework that will require the foreign entities to declare income derived from Kenyan consumers.

The Communications Authority Director was quoted saying:

*We can force them [foreign online streaming media services] to declare and pay and if not, we can shut them down from being accessible in Kenya. Government is able to monitor all online transactions that take place in Kenya. The only drawback will be to force foreign companies without local presence from paying taxes for services provided to Kenyans. Kenya in this vein, will benchmark with developed countries to learn how to successfully implement taxation so that the country can share revenues accrued in Kenya with content owners.*

In the same vein of monetising the digital technologies, on the 26<sup>th</sup> September, 2019 the Daily Mail Newspaper publication carried a headline: “Let us chat on expiring bundles.” The Paper reported that:

*The Ministry of Transport and Communications has written to mobile service operators: Zamtel, Airtel and MTN, on how best to implement Parliament’s unanimous decision for them to stop prescribing bundles that expire. Transport and Communications Permanent Secretary Eng. Misheck Lungu said the government wants the engagement to result in a win situation for both mobile service operators and their subscribers.*

The paper further quoted Eng. Lungu saying:

*We have written to operators to look at how we can implement decisions (by parliament) and as soon as we conclude our consultations with the operators we will see some action,” Mr Lungu said, without providing much detail. The consultations done so far had indicated that using bundles was cheaper than pay-as-you-go involving unbundled airtime for data services.*

*The Government did not want to impose a costly mechanism hence he was hopeful that the engagement of operators would culminate into a fair option.*

According to Mr Lungu the coming up with a win-win mechanism required adequate consultations stating that there was no need for government to rush the process.

Parliament in July, 2019 unanimously resolved that the government should stop internet service providers from prescribing data bundles that expired daily, weekly and monthly. Instead they should be replaced with data bundles that expired together with a dormant SIM card, which has a minimum of 90 days.

Members of Parliament likened the expiry of data bundles before consumers exhausted them to exploitation, extortion and tax evasion.

Nalikwanda Parliamentarian Prof. Geoffrey Lungwangwa moved a private motion to stop the expiry of bundles.

Meanwhile, cases of fraud as regards cyber-crimes are generally rampant in Zambia. On 18<sup>th</sup> July, 2019 The Daily Nation Newspaper Publication carried a headline, “ZICTA sends cybercrime alert” the paper reported that: *“The Zambia Information and Communication Technology Authority (ZICTA) has warned people in Western Province to be on the lookout for increased cyber scams in the country”*.

According to Mr. Edward Mulenga the Communications officer at ZICTA, social interactions with strangers put one at risk of cybercrimes as it exposes confidential information to the outside world. Mr Mulenga said each year 45 percent of people worldwide suffered monetary loss as a result of fraud and urged people to remain vigilant and heighten cyber security measures.

The Daily Nation newspaper reported that Mr. Mulenga said sixty (60) percent of people in rural and urban areas of Zambia had stopped using digital financial services for fear of being duped by swindlers. He advised citizens residents to explore safer ways of banking their money and avoid the burden of carrying cash in their hands. This is as a result of the fact that despite Zambia advancing in digital and computerised systems, the country still has 55 percent of people in the country not having access to computer information technology.

In an effort to promote specialised reporting amongst journalists, Bloomberg Media Initiative a pan-African program aimed at building media capacity, convening international leaders and improving access to information in order to advance transparency, accountability and governance on the continent, was launched to train journalists in financial reporting.

According to the Daily Mail newspaper on 10<sup>th</sup> September, it was reported that “Business Journalism matters”. The sentiments were attributed to UNZA Vice Chancellor, Prof. Luke Evuta Mumba.

The paper reported that:

*As Zambia makes strides in becoming a middle-income country by 2030, the right to information on the economy is crucial in helping investors make informed decisions that would help accelerate economic growth.*

*UNZA Vice Chancellor Luke Mumba says financial journalists are therefore, critical in the information dissemination process hence the need for them to be well informed on socio-economic issues. In a speech read for him by Acting Deputy Vice –Chancellor Dr. Michael Mulenga at the launch of Bloomberg Media Initiative Africa-sponsored financial journalism training programme, Professor Mumba said the media plays an important role of ensuring the public is well informed in areas of business, finance and economics.*

In the same vein, on 30<sup>th</sup> July, 2019 The Times of Zambia Newspaper reported that . “DSAT orients science journalists” in a bid to achieve specialised reporting amongst journalists.

The paper reported that:

*From time immemorial, the media industry in the country has a deficiency in having a cadre of reporters with a burning desire to pursue science communication.*

*Owing to lack of adequate understanding of science matters coupled with a shortage in enthusiasm among reporters, science related stories have often been treated as a second fiddle in the news rooms.*

*This has therefore birthed a society that always has its own misconceptions on science related issues which are difficult to comprehend by lay people.*

*Thus, in a bid to inculcate a cadre of science communicators, Dizwa Science & Technology (DSat) Trust recently organized a one-day orientation workshop for journalists in Lusaka. The event was held in conjunction with the National Biosafety Authority (NBA), the University of Zambia (UNZA) and the Biotechnology Outreach society of Zambia.*

*DSaT wants to distinguish itself through the determination to contribute to the Zambian society and build support for science through proactive communication outreach to targeted audiences.*

*This is premised on complimenting researcher’s efforts to contribute to the Zambian society and build support for science through proactive communication outreach to targeted audiences.*

The need for specialised reporting has become a necessary part of the press because of the need to address the inadequacies presented by straightforward news reports. Because society is getting more and more complex with time, so are the people. Mere news stories are no longer adequate to address the yearnings of the complex human societies for complex angles to stories. An investment in specialised journalism is a step in the right direction.

### 4.3. Legal and Political Environment

#### 4.3.1 Anti-Corruption fight

The state of the media in the period under review was dominated by debates on corruptions and allegation of corruption. On 23<sup>th</sup> July, 2019 the Daily Mail newspaper reported that the state had trashed allegations of a Minister owning 40 houses. The paper quoted the Minister of Information and Broadcasting saying:

*Government regrets that sensationalism and failure to cross check facts with relevant authorities will remain a liability in the fight against corruption. “If a Zambian journalist, Kwangu Liwewe, had bothered to go to the Ministry of Local Government and get facts, she would have been offered a more substantiated story.*

*Government has continued putting in place stringent measures to fight corruption against anyone because there are no sacred cows. She said the establishment of the Anti-Corruption commission, the Drug Enforcement Commission and, more recently, the Financial intelligent Centre, attest to this.*

*This is coupled with Government’s hand-off approach to the media, which is free to report on corruption and other issues of national interest. This has enhanced the visibility of the country’s governance system, including the fight against corruption, not only locally but also at the international stage.*

*Government is Proud that as a result of these and other measures, for the first time in the history of the country, the anti-corruption crusade is not only visible but also bearing the desired results. The minister said the fight against corruption is not only targeted at politicians but all government and private sector players.*

The case of a government Minister owning 40 houses were followed up by allegations of corruption that involved a total of forty-eight (48) mysterious houses that were purported by the Anti-Corruption Commission to be owned by no-one.



On 8<sup>th</sup> August, 2019, the Lusaka Times online publication reported that The Anti-Corruption Commission (ACC) had maintained that the case of the 48 Houses is closed. The paper reported that:

*The ACC Chairperson, Judge Anderson Zikonda however said the criminal investigations are active and still ongoing. Judge Zikonda stated that the Commission is happy to collaborate with other investigative wings in the matter.*

Further it was reported in the Lusaka Times quoting the ACC Chairperson to have issued a statement clarifying on the 48 houses. Below is the statement:

*Further to the media reports and concerns raised by the members of the general public, the Commission wishes to state that the 48 flats were forfeited to the State after due process of the law pursuant to Statutory Instrument No. 58 of 2004. In as far as the forfeiture process is concerned the matter is closed. The criminal investigations however, are active and still ongoing and that the Commission is happy to collaborate with other investigative wings in this matter.*

In similar circumstances, the Permanent Secretary in the Ministry of Information and Broadcasting services Mr. Chanda Kasolo was quoted by the News Diggers challenging journalists to investigate corruption claims as opposed to “pushing agendas of people who are simply trying to gain mileage.”

It must be noted however that It is difficult to investigate allegations of corruption under the prevailing conditions such as the continued delayal of the enactment of the ATI Bill into law that would allow journalists access to information. As of October however, the owner of the 48 houses was found with government officials proclaiming that the individuals have been handed over to investigative wings for appropriate action.

### 4.3.2. Censorship

The quarter under review, saw less cases of direct censorship of what was published in the media. However, on 4<sup>th</sup> July 2019, it was reported by Radio Mano that the Judiciary gagged the radio station by stopping it from discussing issues related to the construction of a new court room.

The facts of the matter are that a listener from Chilubula Mission sent a letter complaining about lack of a court structure explaining that the judiciary asked the church for space to use as a court. The programme featured three advisors who noted that government must construct a structure that will be used as courts. Following the airing of the programme, local court officials wrote to the Station Manager and summoned him and the three (3) men to appear before the court and when they appeared they were told that by discussing the judiciary they are obstructing the court and they were sent to Prison.

Such punitive measures in dealing with conflict has potential to lead to an environment with restricted Press Freedom and freedom of expression. It must be noted that environments that stifle press freedom and freedom of expression have potential to lead to an environment where self-censorship is rife. Self-censorship kills creativity and critical thinking amongst journalists and the public as a whole.

### 4.3.3. Harassment / Attacks

The state of the media in the third quarter was dominated by cases of harassment and attacks on journalists.

On 30<sup>th</sup> September, the News Diggers! carried a headline: violence against journalist's intolerable- Kasolo. The paper further reported that:

*The Permanent Secretary in the Ministry of Information and Broadcasting Services Mr. Chanda Kasolo has called for stiffer punishment for people found perpetuating violence against journalists in the country. Speaking when he graced the MISA Zambia 17<sup>th</sup> Media Awards, Friday evening, Kasolo said claims of corruption must be investigated so that those found wanting can face the law. "I urge you that were you find somebody saying 'oh, there is corruption in government, there is corruption where,' go and interview them, go and get the facts because most of these people are lying because of trying to attract attention to be relevant to the political sphere of Zambia. I urge you to play a role, interview them and get the facts and if indeed some people are corrupt, let's get them tried by the court of law and if convicted,*

*have them locked up. That will be good for the people of Zambia and the poor people that are in the rural areas,” Kasolo said.*

The paper further stated that:

*He [Chanda Kasolo] reiterated government’s commitment to promoting media freedom in the country. “The government’s Commitment to media freedom is undeniable. The government has liberalised the media sector in Zambia and therefore we have a lot of new Radio stations and over 140 television stations that the government have licensed. And 99% of those are in private hands with their owners having a view of their own with no undue influence from the government. You have TV stations over 40 in the country, only limiting factor for TV and radio are frequencies, then we have to go back to ZICTA to see if they can expand the range. But otherwise we encourage people to come fourth, those that are interested in making sure that their influence not only goes on in Zambia, they can come and hire licenses and set up a TV station,”*

In similar circumstances, it was reported that reporters covering the Southern Province expo were barred from attending the inaugural Southern Province tourism expo events unless they pay entry fees.

On the 21<sup>st</sup> of August, 2019 the Mast Newspaper publication carried a heading “South Expo ‘bars’ Journalists.”

It was reported that:

*According to Times of Zambia Journalist Chali Mulenga (who on Saturday evening was denied entry into the ZAF banquet hall for a preparatory Expo fundraising event by organising committee member Mervin Kalumba) the decision not to allow journalists free entry to Expo events was tabled at a meeting.*

The paper quoted Mulenga narrating the incident saying:

*“I was assigned to cover the event but when I arrived I was told by the Livingstone City Council planner Mr. Mervin Kalumba that it was resolved that the media needs to pay over k250... he alleged that the media has not supported the Expo organising committee through the Livingstone Press Club (LPC) and was ready to be on record,” Mulenga said. He said Kalumba even refused to talk to his supervisor when given the phone. “I gave him the phone to talk to my supervisor but he cut the line and walked away... later in the car park when he*

*saw me leave he said ‘sorry, don’t hate me, I am just implementing a resolution against the Livingstone Press Club’,” Mulenga said.*

It must be noted that journalists and the industry players must work as partners in advancing information access. It is saddening to hear cases of journalists being denied access to events which are supposed to be publicised.

#### **4.3.4 Lawsuits**

In the same vein, on 23<sup>rd</sup> September, 2019 the Daily Mail News Paper Publication carried a headline “G12 pupils jailed for robbing reporter”.

It was reported that:

*Two grade 12 pupils in Kabwe will spend the next three years at Mukobeko correctional facility for attacking a journalist and stealing from him a laptop and an Infinix mobile phone.*

*Kabwe High court judge in charge Kelvin Limbani has jailed Chola Banda, 19, a pupil at Kabwe Secondary school and William Chungu, 19, a learner at Kalonga Secondary school, after they admitted committing the offence of robbery.*

*They committed the offence on March 16 this year around 23:00 in Nkrumah Extension near Finger of God Church, where they attacked Humphrey Pailande, 31, and his colleague with an iron bar.*

*They Stole from Mr Pailande a laptop bag, a mobile phone and two flash discs all valued at K4,920.00.*

In passing judgement, High Court Judge Kelvin Limbani stated that:

*“As youths, you should have directed your energy to productive ventures that will secure your future and not resort to crime because the consequences are severe. I hope that the time you will be in jail you reflect and reform. Ensure that you change into better citizens. I will sentence each of you to three years’ imprisonment with hard labour.”*

Judge Limbani further told the youths that robbery is a serious offence which carries a jail term of up to 14 years with hard labour. He said in sentencing the duo, that he considered the fact they were pupils who readily pleaded guilty and, as such, did not waste the court’s time.

Judge Limbani stated that:

*“It is sad that they attacked a 31year old reporter whom you threatened with fists as he was heading home around 23:00. You robbed him of his laptop, laptop bag, and an infinix cell phone. Perpetrators of robbery need stiff punishment to safe guard the lives of innocent people and their property.*

Banda and Chungu were initially charged with aggravated robbery. However, their charge was reduced to the charge of robbery because of the fact that the duo were pupils who were first offenders and because they showed remorse for their actions and appealed to the court to exercise maximum leniency.

In an unusual happening, on 13<sup>th</sup> August, 2019, The Rise FM Radio Station carried a headline, “Zambia Police Storms Rise FM, arrests Radio Presenter”.

The radio station reported that:

*More than 62 job seekers in Chingola who were promised employment by Mox Minerals limited were arrested and charged with conduct likely to cause the breach of peace. The incident happened yesterday at around 11:00 when they went to RISE FM to have their grievances aired. Few minutes later Zambia Police arrived in four police vehicles at 11:05hrs and immediately started brutalising job seekers at the radio station. In the process RISE FM radio presenter Derrick Chilufya was harassed and arrested for answering a phone call. He was spotted by one of the police officers who thought he was taking a video as evidence for their brutality in the radio station premises.*

It was also reported that, Derrick Chilufya was taken to Chingola Central Police and charged with misconduct. According to the Radio Station, efforts to have Mr. Chilufya released on the same day proved futile as Chingola Police command refused even when there was no evidence of him taking a video.

He was released after spending 24hrs in police custody and admission of guilty paid.

The story of the arrest of the Rise FM journalist was extensively covered. Debate on the harassment of scribes by Police dominated much of the debate on the safety and security of journalists in the third quarter under review.

In the same vein, on 16th August 2019, The Sun NewsUbuntu online Publication carried a headline, “MISA condemns Police harassment of Chingola scribe”. The paper reported that:

*Media Institute of Southern Africa (MISA) has condemned the harassment and subsequent arrest of Chingola's Rise FM Radio Presenter Derrick Chilufya by police on August 12. This was after more than 60 job seekers who were promised employment which was not given to them by a company known as Mox Minerals Limited went to the radio station to express their grievances. In a statement Issued by MISA Chairperson, Hellen Mwale, it was explained that Police officers went to check on what was happening at the radio station where they started beating the job seekers. In the process they spotted Chilufya answering a phone call as he was coming out of the studio and suspected that he was taking a video of what was happening.*

Further, MISA through the Chairperson Helen Mwale reiterated that:

*We view this harassment of Chilufya by police officers who are expected to protect him but with impunity turned around to harass him as an exhibition of clear unprofessionalism and unprofessional conduct which must be checked,*

*MISA Zambia would like to remind the police that they are the law enforcers and as such they should aim at protecting the people in Zambia and not harass them.*

She added that:

*Journalists deserved protection and space to carry out their work in an environment free of intimidation, harassment or any form of harm. Police should work to create an environment which promotes mutual cooperation rather than resort to confrontation and therefore abusing freedom of expression and the media adding that It was the statutory obligation of the police to ensure that Zambians and journalists enjoy their fundamental rights and freedoms.*

Ms Mwale advised the Zambia Police Service to act in a professional manner and not contribute to the erosion of the little faith Zambians still have in the service.

A couple of weeks before the assault on Rise FM, two Zambia Daily Mail reporters were attacked and injured by cadres while covering the Katuba bye-elections. The Zambia Daily Mail on 30<sup>th</sup> July, 2019 carried a headline saying that "Gang beats up Mail reporters, smashes vehicle."

The paper reported that:

*Two Zambia Daily Mail reporters were on 29<sup>th</sup> July 2019, beaten up by gangsters armed with machetes in Katuba Constituency, the attackers also smashed windows of the Nissan Hard*

*body the reporters were driving in the constituency as they covered yesterday's by election. The attackers also stole a camera recorder and money.*

*The paper further reported that:*

*Sunday Mail Chief Reporter Jack Zimba was hacked with a machete on the leg and beaten up. He was treated for his injuries at The University Teaching Hospitals. One of the attackers struck the windscreen twice, targeting to hit Jack, who was on the driver's seat. He was later on pulled out of the vehicle and repeatedly punched before one struck him with a machete on the left leg. Senior Reporter Steven Mvula was equally dragged from the vehicle and beaten up.*

In response to the attacks on journalists, various stakeholders including the Republican President condemned the act of violence against journalists.

For example, on 31<sup>st</sup> July 2019, The Daily Mail Newspaper carried a headline "Lungu directs Police to cage scribes' attacker criminals posing as cadres" The paper reported that:

*President Edgar Lungu has condemned the attack on two Zambia Daily Mail Reporters in Katuba during a by – election. The President has directed Police to immediately bring culprits to book. Chief Reporters Jack Zimba and Senior Reporter Steven Mvula were brutally attacked by a gang in full view of senior police officers.*

*The attackers, who emerged from Savannah Lodge where the Patriotic Front had set up a camp on Great North Road, beat up and hacked Zimba with a machete and smashed all the windows of a Nissan Hard body.*

*The attackers further stole a camera, recorder and some money. In a statement issued by Isaac Chipambe, the special assistant for Press and Public Relations, the President said criminals masquerading as cadres had no place in today's democratic Zambia.*

A review of the 1<sup>st</sup> and 2<sup>nd</sup> quarter reports of 2019 shows an increasing trend of harassment and attacks on journalists. Various stakeholders have denounced the acts of violence against journalists.

On 2<sup>nd</sup> August, 2019 The Daily Mail Newspaper carried a story attributed to the Free Press Initiative that denounced the acts of violence against journalists.

The paper reported that

*The Free Press Initiative (FPI) says it will engage Home Affairs Minister Stephen Kampyongo and all political parties to ensure a commitment is made to the protection of journalists wherever they are deployed to carry out their works.*

*FPI founder Joan Chirwa said the organisation had learnt with deep sadness the attack on Zambia Daily Mail journalists Steven Mvula and Jack Zimba by political party cadres during the Katuba by elections on Tuesday.*

The paper further quoted Ms. Chirwa saying:

*The attackers according to the information we have received, even grabbed a camera and other valuables from the journalists. The fact that the two had a camera should have rung bells in the minds of these known cadres that their victims are journalists who were there only to do their job. We are happy to hear that President Edgar Lungu has condemned the attack but what we ask is quick movement to ensure those behind this barbaric act are arrested and prosecuted.*

The paper added that:

*The FPI reiterates that leaving the cadres to get away with such acts would encourage them to continue with this behaviour which might even get worse as the country heads towards the 2021 general elections.*

*Safety of Journalists should be a priority among all political parties and to this end, the FPI will engage Minister of Home Affairs Mr Stephen Kampyongo and all political parties to ensure a commitment is made to the protection of journalists' wherever they are deployed to carry out their works.*

To date the perpetrators of the violence against the two journalists from Daily Mail have not been arrested to stand trial and the issue as died a natural death.

## **5.0. Freedom of Expression Online – Mainstream Media/Cyber Space**

Freedom of expression refers to the right to seek, receive and impart information and ideas without fear or restriction from surveillance, censorship or laws silencing dissent. As people turn to various media as a way



of expressing their views, they may not feel safe as more governments are using legislation to stifle free speech.

In the third quarter of 2019, it was reported by the Daily Nation Newspaper on 2<sup>nd</sup> August, 2019 that the Inspector General of Police had instructed all Police Commissioners to “curb abusers of freedoms”.

The Paper reported that:

*Inspector General of Police Kakoma Kanganja has directed all Police Commissioners to deal with people abusing their freedom of expression to insult, use hate speech and incite citizens to rise against a legitimately elected government.*

*Mr Kanganja says the Constitution empowers police to deal with individuals who intend to disrupt peace in the country.*

The Police IG was further quoted saying:

*Of late, it has been observed that some people have been deliberately abusing their freedom of expression to the extent of inciting peace loving Zambians to rise against a legitimately elected government.*

*Let me sound this warning that the Zambia Police Service will deal decisively with such people as provided for in the laws of Zambia.*

It must be noted that the pronouncement by the Police IG has potential to result into two issues. To start with, it is debatable as to what extent one goes before it is considered an abuse of freedom of expression and requiring stiff punishment from the police. Secondly, the directive by the Police IG has potential to lead to what is called self-censorship amongst people. The solution therefore, is to engage in sensitisation of the public on the responsible use of the various social media platforms and the internet in general.

On a positive note, the quarter under review witnessed efforts at enhancing freedom of expression amongst people.

On the 12<sup>th</sup> of August the Zambia Daily Mail newspaper publication carried a headline, “Community Radio as watchdog making listening clubs effective in holding civic leaders accountable.” The paper reported that the community of Kalomo are allowed a chance to engage in good governance through radio listening clubs.

It was reported that the initiative of establishing Radio listening clubs has potential to contribute to the promotion and enhancement of democracy and the act of making civic leaders accountable to the needs and aspirations of the communities that they are supposed to lead. The project which is aimed at increasing awareness of good governance and encouraging communities to take a leading role in holding civic leaders accountable, was reported in the paper to have been received well by community members.

The paper reported that as a result of the Radio listening club project:

*“community members meet every Monday to listen to the radio programme that features civic leaders. After that, they pick topics that are relevant to their situation and dissect whether or not their interests are being represented. The community members are also empowered with phones to call in on the radio programmes so as to hold the leaders accountable. Where they can, they applaud them and where they want them to do more, they tell them through phoning in to the programme.”*

## 6.0. Other Developments

### 6.1. Media Ethics and Ethical Conduct

Media ethics is the subdivision of applied ethics dealing with the specific ethical principles and standards of media, including broadcast media, film, theatre, the arts, print media and the internet.

In the period under review, the News Diggers! publication carried a heading “Editors, Journalists reaffirm importance of ethical conduct”.

The paper reported on 30<sup>th</sup> September that:

*The Zambia Media Freedom Committee of the World Association of Newspapers and Publishers, (WAN-IRFA) has reminded Journalists to always remember the importance of ethics in their practice. During a one-day workshop on media ethics organized by Zambia Media Freedom Committee of the WAN-IFRA, Journalists and News Editors agreed to defend the integrity of the journalism profession. Issues of media ethics and how important they were in the practice of journalism were championed by those in attendance.*

The paper further reported that journalists agreed to draft guidelines for themselves in a communique. The communique read in part as follows:

*...we will ensure balanced coverage in our stories and accord all sides a chance to tell their side of the story. We will end the inclination to political parties in our coverage of stories to ensure credibility of our media institutions. We will, through establishments like the Media Freedom Committee of WAN-IFRA and Free Press Initiative, engage political parties to sensitise cadres to respect and protect journalist's because journalism is not a crime. We will ensure that we fact check pieces of information we come across especially on social media, as one ethical practice of journalism. We will treat social media postings about what we consider news as tips and not a complete story for 'copying and pasting.*

*The participants further agreed that:*

*... we will enforce ethical and professional conduct among practitioners. We will ensure only qualified people practice journalism. We will utilize established institutions to strengthen the interface between industry and journalism training institutions. We will push for the revision of the training curriculum to keep in tune with developing trends and technological advancement. We will support capacity building of media practitioners through mentorship programmes by senior practitioners.*

The participants also agreed that:

*They would further demand decent salaries from employers in order to deal with issues of demanding transport refund from sources. "We will demand adequate financing of our budgets to avoid falling victim to bribery. Our employers must equip news rooms for us to operate optimally. All sponsored awards for the media in the country must be managed by bodies like MISA Zambia to ensure credibility.*

Prior to the stakeholders drawing up guiding principles for journalistic work, the Mast Newspaper on 7<sup>th</sup> August, 2019 carried a heading glorifying the newspaper having exhibited maturity in its reporting. These sentiments were attributed to MMD President, Nevers Mumba.

The paper reported that:

*MMD President Nevers Mumba says The Mast Newspaper has exhibited tremendous maturity in its reporting and that it must not relent.*

*He described the kind of reporting of the privately-owned newspaper as inspiring.*

*Mumba, the MMD president, was speaking when he paid a courtesy call on The Mast newspaper offices in Lusaka's Ibex Hill area on Monday.*

*"What happens in the media is of great interest to us and I speak as the leader of the Movement for Multiparty Democracy (MMD). We have been greatly inspired by The Mast. We are fully aware of the challenges that you have faced over the years," Mumba said.*

*"One thing I can see is that you are just a group of people that have refused to die. It gives us great encouragement! Even under very difficult circumstances, you've continued to demonstrate tremendous maturity in the manner that you handle your stories. Just a few days ago, and I wasn't even aware I'm going to be here, my wife was talking to me about The Mast and she said 'with all that they have gone through, their editorial seems to be so balanced. They are strong on facts but they are not expressing bitterness and if it were others, the newspaper would just be a piece of bitterness and hitting back.'"*

The paper further reported that Mr. Mumba hailed the factual stance of The Mast newspaper.

*"You've been extremely factual and when we read the editorial [comment], we think that you would like to hit the truth. Basically, my conclusion is that you've got some of the senior journalists around here that are not just local but they are international material," Mumba noted.*

*"Please, keep it up. We have a country to preserve. All of us get angry, especially those of us that go in and out of jail. There is a tendency of us getting angry and our speeches being out of anger."*

The opposition leader emphasised that with all the operational difficulties The Mast went through, especially in its infancy, it tried to remain relevant to its readers.

### **6.1. Continued incarceration of Derrick Sinjela**

In the last quarter of 2018, the Supreme Court of Zambia jailed journalist and blogger, Derick Sinjela for 18 months for contempt. The Court sentenced Sinjela for his remarks over the Savenda Vs Stanbic case in which corruption and irregularity were alleged.

In the third quarter of 2019, calls for his pardon has continued with stakeholders calling upon the Republican President Mr. Edgar Lungu to pardon Mr. Sinjela.

Among the voices advocating for Mr. Sinjela's release are his fellow journalists and advocacy groups who have campaigned for his release. The third quarter witnessed a number of journalists visiting the journalist in prison.

Mr. Derrick Sinjela is still incarcerated in a Zambian prison but is due for release in December, 2019.

## 6.2. Media Development

Media development involves capacity building for institutions or individuals related to freedom of expression, pluralism and diversity of media, as well as transparency of media ownership. Media development plays a role in democracy and effective democratic discourse through supporting free and independent media.

As a way to promote media development, MISA Zambia has been involved in hosting Media awards for journalists in Zambia. The awards meant to promote excellence amongst journalists are hosted every year. On 11<sup>th</sup> July 2019, The Radio Phoenix Facebook Page carried a headline titled, "MISA launches 2019 media awards."

It was reported that:

*MISA Zambia chapter has announced the launch of its 2019 media awards from which it has reduced the number of awards to six. Addressing the media in Lusaka, MISA treasurer Jetty Lungu said the reduction in the number of awards was meant to improve competitiveness, quality and value of the awards.*

Radio Phoenix further reported that:

*Mr Lungu further said MISA has also made changes to the calendar for the award ceremony which has been moved from April to dates between 15th and 28th September every year.*

*He states that the changes that have come as a result of the first ever written media awards policy which MISA produced as a guide on how awards will be conducted, will ensure that journalistic entrants undertake quality work and input to avoid rushed in submissions merely driven by monetary motives.*

In the same vein, on 12<sup>th</sup> July, 2019 The News Diggers Newspaper Publication carried a headline, “MISA reduces award categories from 40 to 6.”

It was reported that:

*The Media Institute of Southern Africa (MISA) Zambia Chairperson Hellen Mwale says it has reduced the number of awards categories from 40 to 6 to stiffen the competition. And MISA Zambia says it will not take instructions from media houses and government officials to influence the decision made adding that there will now be an independent governance structure responsible for selection of winners.*

In line with media development and the media’s role to effect change in society, on 20<sup>th</sup> of August 2019, the Times of Zambia Newspaper publication carried a headline “don’t abandon your agenda- setting role.” The sentiments were attributed to Information and Broadcasting Minister, Hon. Dora Siliya who stated that: “The mainstream media should not abandon its agenda-setting role by over-depending on social media platforms as sources of news”

The newspaper reported that:

*Ms Siliya says nowadays, her phone is abuzz with calls from journalists to comment on issues on social media. “I am always receiving phone calls from journalists to comment on issues they have seen on social media instead of issues that they themselves have investigated.*

*This is unfortunate as journalists are regarded as the most intelligent people who are supposed to be conveyors of authentic information to the public,” Ms Siliya said fake news and cybercrimes are a serious global problem affecting both developing and developed countries.*

*“The problem is also a serious threat to the survival of the traditional media such as the newspapers, radio and television,” she said.*

On the statutory-self regulation of the media, the Minister hailed journalists for the strides that they are taking in ensuring that efforts towards regulating the profession are put in place.

The Minister states that: “One of the priorities for government has been to galvanise support from the media on self- statutory regulations and now the media understands that this is the right way to go to save the profession.”

On Media professionalism, on 15<sup>th</sup> August 2019, The Mast Newspaper carried a Headline “avoid one source stories, the US embassy urges Zambian Journalists”

The paper reported that:

*The US embassy has urged Zambian journalists to have their audience in mind when writing stories. The embassy says journalists should avoid one source stories. Closing a two-day news editors training in newsroom management in Chipata on Monday, US embassy public affairs officer Sean McIntosh said journalists should ensure their audience understood what they were writing about.*

*McIntosh said Journalists should keep in mind whether an average person understood what they write or talk about. He urged journalists to ensure they practice what they had learnt at the training.*

*He urged journalists to contact him whenever they wanted to get stories regarding US activities in Zambia.*

*McIntosh also reminded journalists to avoid single sourced stories.*

*“One big issue that was discussed was the issue of doing one source stories. One source stories only have one source in the body of the story instead of multiple sources. So let’s put that in mind when we are doing stories. Let’s think about the other side so that you can complete [your article],” said McIntosh.*

*A participant, Onicious Maamba, said the training would impact positively on the lives of the journalists who attended it.*

*The Feel Free FM news editor said the knowledge that the journalists gained would help them further their skills in their work.*

*He praised Linda Hervieux, who was the main trainer. The training was organised by Alliance for Community Action in conjunction with the US Embassy.*

## 7.0. Conclusion

There is an urgent need to get the Access to Information Bill tabled in parliament and its enactment accelerated. The current status quo is not healthy as there is no law compelling public office bearers to release information to the media and the public at large. It is argued that the increase in the usage of self-publishing platforms like social media has culminated into an increase in publishing of information that is usually laden with rumours and hearsay and by the time public office bearers come to clear the air, information released via social media and other self-publishing platforms is inconsistent with the information already in public the domain. The solution to sorting the inconsistency in information access and dissemination is to enact the Access to Information Bill to grant the media and the public access to credible information.

Further, there is need for increased advocacy by stakeholders on the need to compel government to make public the contents of the ATI bill. This is important as it will allow for public scrutiny and debate.

The MISA Zambia campaign to get ZNBC regulated by IBA must be supported by stakeholders in order to promote the independence of the public broadcaster.

Further, increased law suits and attacks on journalists by political party cadres and the Police is worrying. This hostile environment is a recipe for making the operating environment for journalists difficult.

## 8.0. Recommendations

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

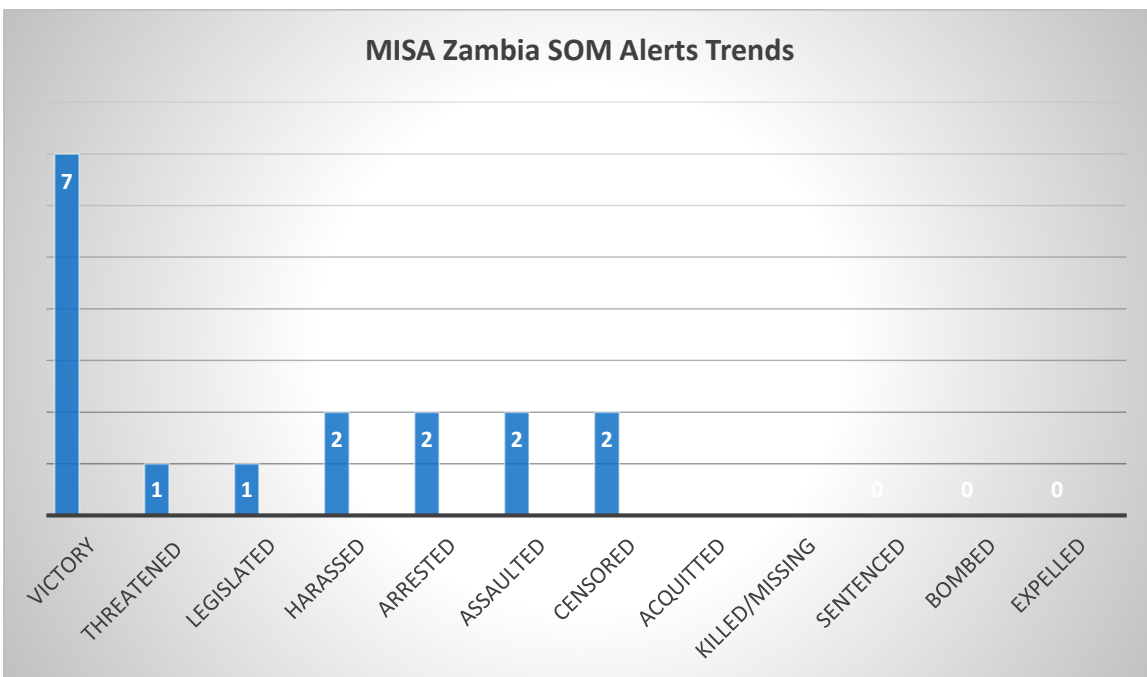
- There is need to increase news coverage relating to ATI to increase advocacy for its enactment.
- There is need for government agencies to adopt a culture of dialogue before resorting to harsh decisions like the arrest of Rise FM Station Journalist that was arrested for allowing a discussion programme on the use of the church as a court house.



- There is need for the media to ensure they uphold high standards of professionalism.
- There is need for more campaigns to pursued President Lungu to release journalist and blogger Derrick Sinjela. However, it must be noted that Mr. Sinjela is due for release in December, 2019.

## 9.0 Appendix

### MISA Zambia alerts Trends



copyright 2019

Published by MISA Zambia

Plot No; 3814 Martin Mwamb Rd Olympia Park

Great East Road

P.o Box 32295,

Lusaka,Zambia.

Tel : +260-211-294285/6