



STATE OF THE MEDIA IN ZAMBIA

Unveiling The Veil:

The Quest for Transparency - Access to Information
and Media Freedom in Zambia



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"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through media and regardless of frontiers." - Article 19 of the Universal Declaration of Human Rights

"This legislation springs from one of our most essential principles; a democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull the curtains of secrecy around decisions which can be revealed without injury to the public interest." - President Lyndon Johnson of the USA when he signed the Freedom of Information Act in 1966.

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The State of the Media Report in Zambia is an in-depth assessment of the operating environment of the media in the country and is published bi-annually. Each report focuses on an identified theme.

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ACRONYMS

ATI	Access to Information Law
ACA	Alliance for Community Action
CSOs	Civil Society Organisations
CDF	Constituency Development Fund
FOI	Freedom of Information
JCTR	Jesuit Centre for Theological Reflection
MRC	Media Reform Committee
MPs	Members of Parliament
MIM	Ministry of Information and Media
MMD	Movement for Multiparty Democracy
PF	Patriotic Front
UPND	United Party for National Development
ZIMA	Zambia Independent Media Association



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EXECUTIVE SUMMARY

This report provides an in-depth assessment of the state of the media in Zambia with a particular focus on "Access to Information." The media's crucial role in any democratic society as a watchdog, agenda setter, and platform for diverse voices cannot be overstated. However, despite its significance, access to information is not yet law in Zambia, posing challenges and constraints to media freedom and transparency.

The report begins by analysing the historical context and the evolving landscape of the Zambian media, which has witnessed a surge in digital and electronic platforms in recent years. It highlights the media's efforts to serve as a voice for the citizens and hold those in power accountable despite facing legal and social hurdles.

The absence of an access to information law hampers the media's ability to obtain vital information and impedes its capacity to disseminate accurate and reliable news to the public. The report examines into the implications of this absence, both for media freedom and for the general public's right to information.

This research emphasises the importance of an effective and comprehensive access to information law. It urges policymakers, civil society, and media organisations to recognise the significance of enacting such legislation to foster an environment that values transparency, accountability, and a robust exchange of information.

Based on the study findings, this research advocates for the urgent consideration and passage of the Access to Information Bill in Zambia. By embracing access to information as a fundamental right, Zambia can strengthen its democracy, empower its citizens, and ensure that the media can play its essential role as a responsible and reliable source of information for the nation. The report serves as a call to action for all stakeholders to work collectively to enhance media freedom and access to information in Zambia.

Awareness among Journalists: An overwhelming 94% of the journalists engaged in the research, were aware that Zambia does not have Access to Information Law as of June, 2023. This highlights a critical awareness among media professionals about the absence of a legal framework to facilitate access to information.

Hindrance to Media Operations: The lack of an Access to Information Law has had significant implications for journalists in Zambia. The research findings revealed that this absence hinders their ability to gather accurate and timely information. As a result, journalists face difficulties in verifying facts and obtaining official statements, potentially compromising the quality and accuracy of their reporting.

Impact on Public Trust: Civil society organisations, such as the Alliance for Community Action (ACA), emphasised the importance of an Access to Information Law. They argued that the lack of such legislation contributes to the lack of public trust in the government. The absence of transparent and accessible information may lead to reduced citizen participation in governance and decision-making processes.

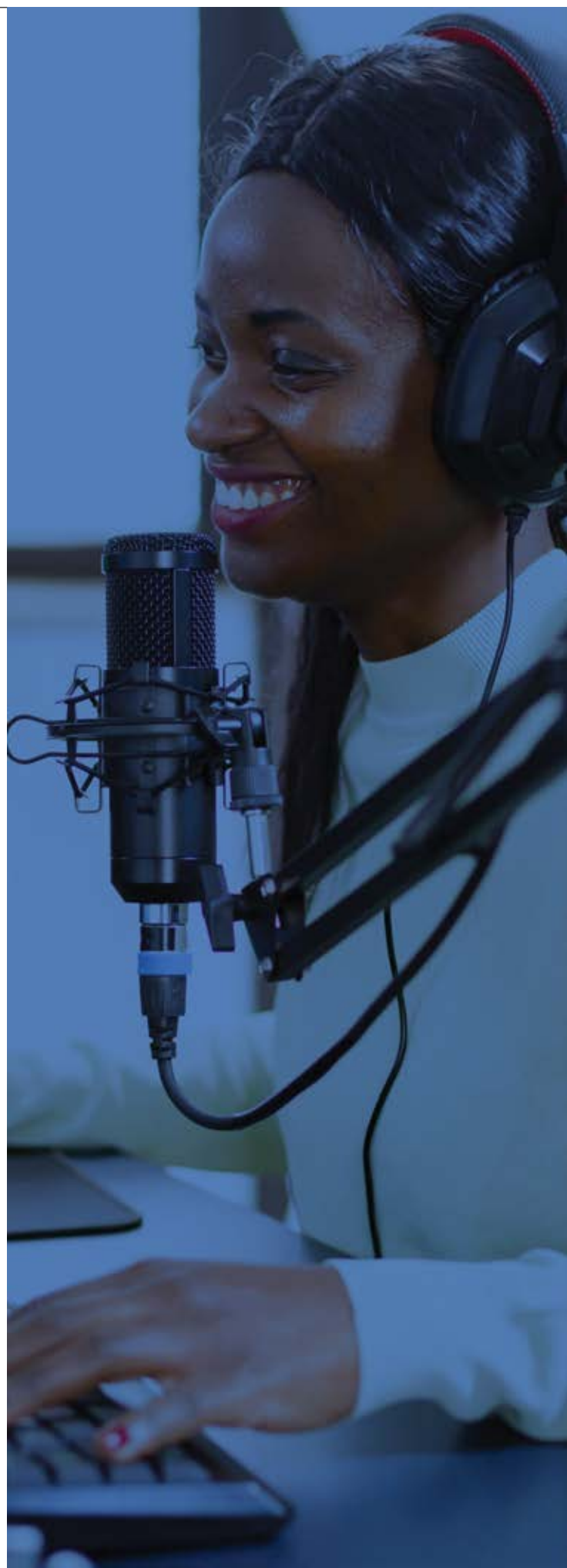
Advocacy and Education: The Jesuit Centre for Theological Reflection (JCTR) stressed the need for media houses to advocate for the enactment of an Access to Information Law. Additionally, they underscored the importance of educating duty bearers about the significance of access to information as a tool for transparency and accountability in managing public resources.

Citizens' Participation: Chapter One Foundation's findings highlighted the significant impact of the lack of an Access to Information Law on citizens' participation in public affairs and decision-making processes. The absence of this legal framework hindered citizens' ability to access critical information, limiting their participation in governance matters.

Ministry of Justice's Stance: The Ministry of Justice acknowledged the importance of enacting an Access to Information Law, recognising its potential to enhance public trust in the government. However, concerns were raised about how certain information might be used if accessed by the public.

Constitutional Provision: Part XIII of the Constitution of Zambia (Amendment), 2016-Act No. 2, under guiding values and principles of the public service (Article 173), emphasises the proactive provision of timely, accessible, and accurate information to the public. However, this provision lacks the comprehensive legal framework that an Access to Information Law would provide.

In summary, the research highlights the pressing need for an Access to Information Law in Zambia. The absence of such legislation has had significant implications for journalists, civil society, citizens' participation, and public trust in the government. Stakeholders, including media houses, civil society organisations, and policymakers, should prioritise enacting this law to promote transparency, accountability, and effective governance in the country.



2 INTRODUCTION

In any democratic society, the media plays a crucial role as a watchdog, a platform for diverse voices, and an agenda setter, facilitating transparency, accountability, and public participation. In Zambia, the media's significance in shaping public discourse and holding those in power accountable cannot be overstated. However, as of June 2023, access to information remains a challenge, as Zambia has yet to enact an Access to Information Law. This report delves into the state of the media in Zambia, with a particular focus on the theme of "Access to Information," exploring how the absence of such legislation impacts media freedom and transparency in the country.

2.1 Understanding the Media Landscape

Over the years, Zambia has experienced a surge in digital and electronic media platforms, allowing for greater dissemination of information. Despite facing legal and social hurdles, the media has endeavoured to serve as a voice for citizens, demanding accountability from those in positions of authority.

2.2 Access to Information - A Missing Piece

At the heart of this report lies the core theme of "Access to Information." The report assesses the current status of the Access to Information Bill in Zambia and its implications for media freedom and the right to information. Without a comprehensive access to information law, journalists encounter difficulties in gathering accurate and timely information, compromising their ability to verify facts and obtain official statements.

2.3 Voices of Advocacy

Civil society organisations, including the ACA, Chapter One Foundation and JCTR, emphasise the significance of an Access to Information Law (ATI). They stress the importance of media houses advocating for its enactment and educating duty bearers about the vital role access to information plays in ensuring transparency and accountability for public resources.

3 METHODOLOGY

3.1 Research and Design Approach

This research utilised both exploratory and descriptive research designs, focusing on the theme of "Access to Information" and its impact on the flow of information in Zambia. The descriptive research aimed to systematically obtain information on various phenomena related to the lack of access to information and its consequences on information dissemination. Both qualitative and quantitative approaches were employed to collect data, providing comprehensive insights into the subject matter.

On the other hand, the exploratory research aspect of the report delved into establishing the factors that contributed to the limitations in access to information. By examining the underlying reasons behind these incidents, the research sought to shed light on why such barriers existed and how they hindered the free flow of information.

In summary, this research focused on the challenges posed by the lack of an Access to Information Law in Zambia. By employing both exploratory and descriptive research approaches, the report uncovers key incidents and factors that have impacted the flow of information in the absence of comprehensive access to information legislation. Understanding these dynamics is crucial in advocating for the urgent enactment of an Access to Information Law, which would foster transparency, accountability, and effective governance while empowering citizens with vital information for an informed and engaged society.

3.2 Sampling Techniques

For the research focused on "Access to Information," the study employed purposive sampling due to its sector-specific and topic-specific nature and simple random sampling technique was aimed to investigate key phenomena that impacted information gathering by journalists and ordinary citizens during the first half of 2023. Therefore, specific individuals and institutions affected by the lack of access to information were targeted for inclusion in the study.

The research primarily focused on the media, civil society organisations, and relevant ministries such as the Ministry of Information and Media and the Ministry of Justice. Respondents included affected journalists, representatives from media houses, and advocacy bodies, all of whom are key stakeholders in the access to information domain. Additionally, policy-makers who were relevant to the topic of the study were also part of the sample, as their perspectives and decisions play a crucial role in shaping access to information policies and practices. Through purposive sampling, the research aimed to gain insights from individuals and institutions directly impacted by the challenges related to access to information, providing valuable data for analysis and recommendations.

3.3 Data Collection Tools/Research Instruments

To collect quantitative data from both private and public media institutions, Open Ended Questionnaires were used. Interview Guide was used to collect qualitative data from The Ministry of Information, Civil Society Organisations, The Ministry of Justice, Media Organisations both public and private.

3.4 Primary and Secondary Sources

Information was collected from Ministry of Information and Media, Ministry of Justice Media Houses.

3.5 Data Analysis

Data was analysed qualitatively using thematic analysis were major themes drawn and coded. Quantitative data was analysed using excel spread sheet to generate pie charts and frequency tables and statistical information.

4 RESEARCH RESULTS/FINDINGS

Like the Movement for Multiparty Democracy (MMD) and the Patriotic Front (PF) assured the Zambian people of enacting the ATI Bill, the United Party for National Development (UPND) government promised reintroducing the bill to parliament but two years down the line that remains to be seen.

In September, 2022, the Zambian government provided a road map to stakeholders which indicated that by 16 May, 2023, the Information and Media Minister was to introduce an approved ATI bill in parliament. And on 4 February, 2023, Information and Media Minister Chushi Kasanda reiterated in a statement that the Zambian cabinet had agreed to the roadmap leading to the enactment of the ATI bill by June, 2023.

However, in June, 2023, her Permanent Secretary Kennedy Kalunga was quoted in the media as having said that he could not determine how soon the ATI bill would be enacted into law. In his inaugural address to the National Assembly on 10 September, 2021, President Hakainde Hichilema said that his government would enhance media freedom and access to information by enactment of the legislation.

This narrative is what has obtained in the past. Zambian citizens have been given hope of having an ATI law year after year and stories concerning ATI have been written. In the period under review a consortium of 25 Civil Society Organisations (CSOs) known as the ATI Coalition issued a statement calling for the urgent need for government to table the ATI Bill in Parliament.

4.1 Findings on the Lack of Access to Information Law in Zambia

To gain more insight into how the lack of ATI law affected their worker, the researcher engaged journalists and media houses to share the experiences when gathering news that requires investigating, a journalist from a private television station said "lack of access to information hinders the free flow of information and this promotes rumour mongering. Politicians always promise to enact the law when they are in opposition and when given an opportunity to rule the country, they put aside their promise and this impacts access to information on others to know if elected leaders are working for their benefit."

Another journalist from state owned media cited "Reduced awareness of government activities and limited ability to hold public officials accountable are some of the effects of the absence of Access to Information Law. When asked What measures should be taken to address the lack of an Access to Information Law in Zambia one journalist said there's need for continued advocacy by media organisations, public pressure on government to prioritise the Law's enactment.

The major findings of the research revealed critical insights into the challenges posed by the absence of an access to information legislation. The research engaged journalists, civil society organisations, and government ministries to understand the impact of the lack of an Access to Information Law on media freedom, citizen participation, and transparency in the country. Thorough analysing these findings provides valuable implications for the urgent enactment of an Access to Information Law in Zambia.

The data from the research highlights several challenges that journalists encounter due to the absence of an access to information law in Zambia. Let's analyse the data and incorporate direct quotes from four journalists, two male and two female, who participated in the survey:

Limited Access to Government Information (28%): Journalists face difficulties in obtaining essential government-held information, hindering their ability to provide comprehensive and accurate news to the public. This limitation impacts their role as watchdogs and can result in incomplete reporting on critical issues.

Male Journalist from a Private Media House: "As a journalist, I often hit a dead end when trying to access crucial government documents or data. The lack of an access to information law makes it challenging to hold officials accountable and provide our audience with the complete picture."

Difficulty in Verifying Facts and Obtaining Official Statements (20%): Without a legal framework for accessing information, journalists struggle to verify facts and obtain official statements from government sources. This challenge can lead to delayed or inaccurate reporting, undermining the credibility of the media.

Female Journalist from a Public Media House: "As a journalist, I find it frustrating when trying to verify facts or obtain official statements for my stories. Without a clear legal basis for access to information, we are left in the dark, and our reporting can be questioned by the public."

Fear of Reprisals or Legal Consequences (24%): The lack of protection for journalists who seek sensitive information creates an environment of fear and apprehension. Journalists may face intimidation, harassment, or legal consequences when pursuing stories that challenge those in power.

Another Male Journalist from a Public Media House: "The absence of an access to information law leaves us vulnerable to reprisals. I've witnessed colleagues facing threats and legal challenges for investigating certain topics. It's disheartening to see our profession under such pressure."

Reduced Credibility and Trust in Journalism (11%): The challenges arising from the absence of an access to information law can lead to a perception of reduced credibility and trust in journalism. The public may question the accuracy and impartiality of media reporting, affecting the overall credibility of the industry.

Female Journalist from a Private Media House: "As journalists, we strive to uphold the highest standards of accuracy and integrity. But without access to crucial information, we face scepticism from the public. It's disheartening when our credibility is questioned due to factors beyond our control."

Journalists' Awareness: An overwhelming 94% of journalists from private and public media houses are aware of Zambia's lack of an enacted Access to Information Law as of June 2023. This highlights the media's awareness of the existing barriers in accessing vital information and its implications for their work.

Impact on Journalists: Findings reveal that the absence of an Access to Information Law hinders journalists' ability to gather accurate and timely information, leading to challenges in verifying facts and obtaining official statements. This limitation affects the quality and accuracy of media reporting.

Civil Society's Perspective: Civil society organisations, such as the ACA, JCTR and Chapter One Foundation emphasise the importance of an Access to Information Law in fostering public trust in the government and enhancing citizen participation in governance and decision-making processes. Lack of access to information contributes to public scepticism and reduced engagement in civic matters.

ACA lamented that in its various projects, the organisation has sought to access information without much success. For example, the organisation was denied access to Lusaka City Council's annual plans and budget in 2020 despite the Local Government Minister at the time having granted authorisation. In 2023, the organisation was denied information relating to approved CDF lists for 4 local councils where the ACA was producing a documentary on beneficiaries. Later, after seeing through the trailer on its social media pages that the documentary focused on CDF success stories, the Ministry instructed the concerned local authorities to avail the lists to the ACA. The gesture was of no use as the documentary had already been produced.

Broadly, the challenges can be listed as follows:

Limited Legal Framework: The absence of clear procedures, timelines, and enforcement mechanisms for accessing even information that will eventually be made public like CDF lists impede on citizens' ability to hold public institutions accountable.

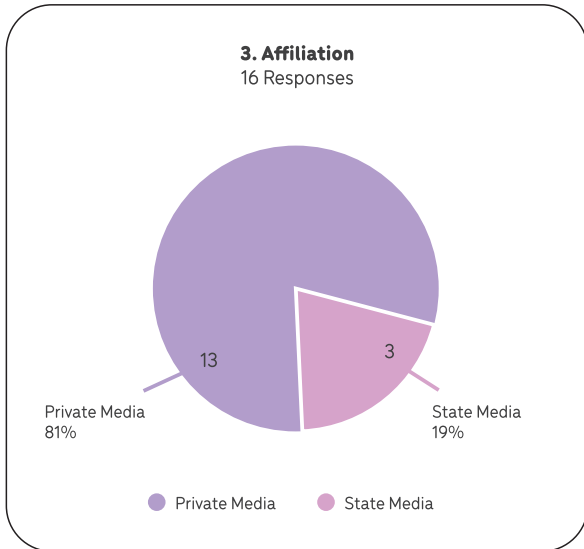
Restricted Access to Information: Public institutions deliberately withhold or delay sharing information, particularly if they think it is sensitive or could expose wrongdoing.

Ministry of Justice's Stance: The Ministry of Justice recognises the crucial role of an Access to Information Law in maintaining public trust in the government. However, the concern about how certain information might be used by the public raises issues that need careful consideration.

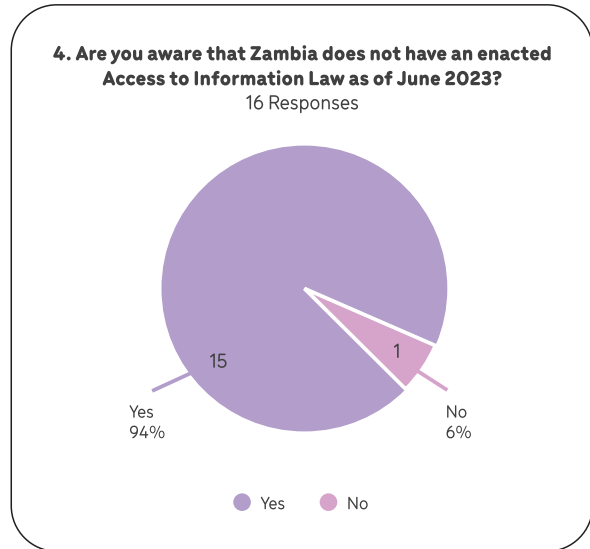
Ministry of Information's View: The Ministry of Information cites bureaucratic hurdles as a reason for the delay in presenting the Access to Information (ATI) Bill to Parliament. While acknowledging that the lack of the ATI law affects media access to official government information, it appears contradictory when stating that the delay has no impact on media freedom and freedom of expression in Zambia.

Overall, the research findings underscore the urgency of enacting an Access to Information Law in Zambia. The absence of such legislation has significant implications for media freedom, transparency, and citizen engagement. Stakeholders, including policymakers, civil society organisations, and media houses, should prioritise reducing bureaucracy and overcoming hurdles to ensure the enactment of the Access to Information Law. Such a law would foster a more transparent and accountable government, empower journalists to access information freely, and enhance citizen participation in governance and decision-making processes.

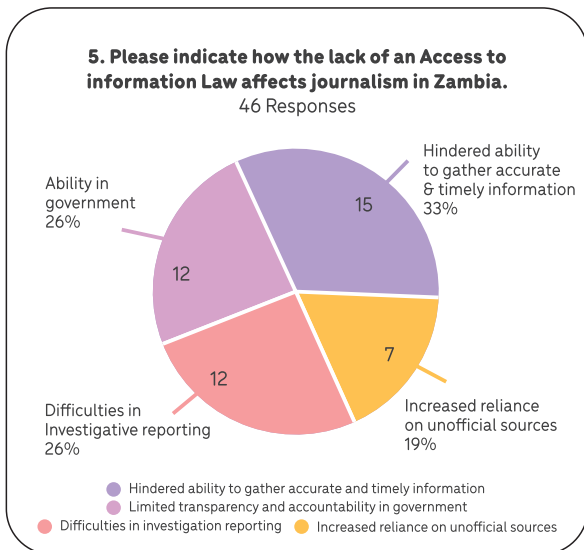
4.2 Responses From Journalists



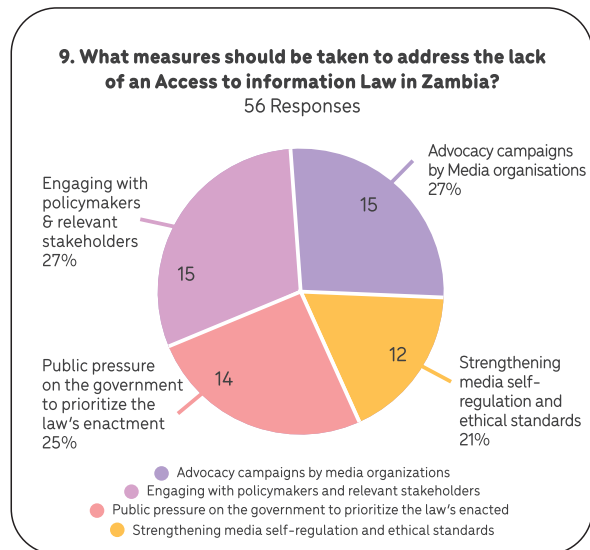
Based on the media affiliation 81% are private owned while 3% are state owned. It can be deduced that there are more private owned media houses than state owned.



It can be seen from here that quite a good number of journalists are knowledgeable about the absence of an ATI law in Zambia. However, it is important to have more sensitisations so that every journalist should know about it borders on their work.



Based on the study findings on lack of access to information law 33% were hindered, while 26% had the ability in government, 15% increased reliance on information, 26% had difficulties in investigative reporting.



Based on the pie chart above, findings revealed that 27% had the advocacy campaigns, 21% strengthening media self-regulations and ethical standards, 25% enactment of the law, 27% advocacy.

5

THE ROLE OF THE MINISTRY OF INFORMATION AND MEDIA

According to the Ministry's website, the Ministry of Information and Media (MIM) is responsible for the formulation and administration of the guidelines, regulations, and laws relating to broadcasting and television services, cinematography policy, information services, media, and theatre policies with a vision of "Country-wide media coverage for a well-Informed Society".

Mission: "To promote and facilitate the growth of a sustainable media industry, capable of enhancing the free flow of information, freedom of expression and national development".

The lack of the ATI law, significantly impacts the effectiveness of MIM's mission and role in promoting a well-informed society and facilitating the free flow of information. Without a specific legal framework to ensure access to information, the Ministry's efforts face significant limitations and challenges.

5.1 Lack of Legal Framework

The absence of an access to information law means that there is no legally mandated mechanism for citizens to request and obtain public information from government institutions. This lack of transparency hinders the public's ability to access critical information related to government activities, policies, and decision-making processes.

5.2 Limited Media Freedom

In the absence of a legal framework protecting access to information, media freedom may be at risk. Journalists and media outlets may face challenges in obtaining and disseminating information without fear of reprisal. This limitation can lead to self-censorship and a reduction in the diversity of information available to the public.

5.3 Implications for Democracy

Access to information is essential for an informed citizenry and a thriving democracy. Without a legal framework supporting the right to access information, citizens may be deprived of the information necessary to make informed decisions and hold government officials accountable.

5.4 Impact on National Development

As access to information is closely linked to national development, the lack of a legal framework may hinder progress. Access to accurate and timely information is vital for various sectors, including education, health, and economic development.

5.5 ATI advocacy

Despite the absence of a specific law, the Ministry can still play a role in promoting transparency and access to information. The ministry can advocate for the enactment of an access to information law, develop guidelines for government agencies to proactively disclose information, and work towards improving media freedom and diversity.

5.6 Initiatives and Programs

Apart from issuing statements, the ministry should undertake initiatives or programs to promote access to information within the existing legal framework. This could include efforts to encourage proactive disclosure of information by government institutions, capacity-building for journalists and media practitioners, and public awareness campaigns about the importance of access to information.

5.7 Stakeholder Engagement

Collaborative efforts with the media, the public and civil society organisations can help create momentum for legal reforms and other initiatives related to transparency and media freedom.

6 HISTORICAL PERSPECTIVE OF ACCESS TO INFORMATION BILL

The historical perspective on the Access to Information Bill in Zambia dates back to the early 90's. The need for such legislation was recognised as a crucial step in promoting transparency, accountability, and citizen participation in governance.

6.1 Early Drafting and Introduction

The struggle for access to information in Zambia started as far back as 1992 when the country saw the hosting of a consultative national seminar on democracy and media, dubbed the way forward in October, 1992. Out of this seminar, the Media Reform Committee (MRC) was created.

The committee did not only make recommendations for the enactment of Freedom of Information (FOI) law, now called the Access to Information law, but also campaigned vigorously to attract Government attention as well as other stakeholders.

In 1999, in its "Capacity Building Programme for Good Governance", the government promised donors it would enact a FOI Act. In its report to the government in 2000, a second government Task Force on Media Law Reform also called for the enactment of an FOI Act.

The Zambian government published the draft of a proposed FOI Bill and invited comments from the public about its contents in the "Zambia Daily Mail" on 23 February, 2001 and in the "Times of Zambia" on 28 February, 2001. In addition, it was circulated to media associations.

According to a memorandum accompanying the bill signed by then Attorney General Bonaventure Mutale, the object of the bill was to:

- Provide for the right of access to information.
- Set out the scope of public information under the control of public authorities, which is to be made available to the public in order to facilitate more effective participation in good governance.
- Promote transparency and accountability of public officers.

Section 4 (1) of the bill provided for the opening up of all records held by public officers covered under the proposed act, even if such records were restricted before the commencement of the act.

Section 4 (2) provided that any laws enacted after the commencement of the FOI Act, with provisions restricting rights and obligations provided under the act, would have no effect unless the restrictions were provided for under the proposed FOI Act.

At a workshop held by the Zambia Independent Media Association (ZIMA) the forerunner to now MISA Zambia on 9 March, 2001, participants expressed reservations about several provisions of the draft bill. Among them were parts of Section 8, which allowed public officials to claim exemption on the grounds that information sought was "reasonably expected to cause substantial harm to the legitimate interests of Zambia in areas of foreign policy, defence, security, public safety and monetary policy". Participants felt this could allow blanket denials of requests for information.

Participants also strongly objected to Section 21, which gave the President powers to single-handedly appoint a "Commissioner for Public Information", whose job would be to administer the proposed Act. The "Commissioner for Public Information" would receive applications for disclosure of information and hear appeals for denial of information by public authorities. The participants instead proposed a five-member commission, to be appointed by parliament.

Another contentious provision of the bill was the thirty-day waiting period after filing a request for information. The participants proposed that this should be reduced to fourteen days.

Participants further proposed that Section 5 of the Act include a sub-section allowing members of the public access to meetings of public authorities, and not just documents held by them, as currently proposed.

Lawyer John Sangwa, who facilitated the workshop, commended the government for making the draft bill available for public scrutiny, but regretted that the 15 March, 2001 deadline for comment was too short for meaningful input by concerned parties. He called for an extension of the deadline as well as a workshop with participants drawn from government and other stakeholders.

6.2 Public and Civil Society Advocacy

ZIMA later galvanised itself into action, commissioned a private law firm, Messrs MNB Legal Practitioners, to draft, the FIO Bill. The draft Bill was published in the Government Gazette on 18 October, 2002. The Bill was scheduled to be presented by opposition Members of Parliament (Mps), namely Livingstone constituency's Sakwiba Sikota of the United Party for National Development and Petauke Central's Ronald Banda of the Heritage Party.

The Bill had provided for the establishment of the Public Information Commission to ensure, among other things, the purposes of the Act were carried out. The Bill further provided for the right of access to information and compelled public bodies to avail public information whenever it was requested for. Article 10 provided as follows:

(1) *Subject to this Act –*

- Every person shall have the right of access to information which is under the control of a public authority;
- Every public authority shall make available to the general public or, on request, to any person information which is under its control;
- Every public authority shall make available to the general public or, on request, to any person access to public meetings or to places where information may be obtained;
- Every private body shall make available, on request, information which it holds on the person requesting for the information, if reasonable evidence is shown regarding the purpose of the request."

The Bill did not compel any member of the public seeking information to provide reasoning for their request.

Article 10 (2) stated: "A person who requests for information in pursuance of the right in subsection (1) need not give any reason or justification for that person's interest in the information being requested for."

However, efforts to have the FOI Bill presented to Parliament by opposition MPs as a private members' bill were thwarted by the invocation of a constitutional provision which requires Bills with financial implications to receive the consent of the President or the Minister of Finance before they are presented to the National Assembly. The consent was not granted.

6.3 The FOI Bill of 2002

On 22 November, 2002 the Minister of Information and Broadcasting Services presented the government version of the FOI Bill (National Assembly Bill 22 of 2002) to the National Assembly for first reading.

The Minister, in introducing the Bill pointed out that the right to access information facilitates more effective participation in the governance of any country as it promotes transparency and accountability of public officers. The Minister went on to state that freedom of information is derived from the old concept of the right to know, promoted by the 17th century British libertarian and fiery advocate of a free press, John Milton.

Further, the Minister indicated that among the strong statements in support of the right to know was that the backbone of representative government is the direct participation by the people in the affairs of government.

The FOI Bill was tabled before Parliament, together with the Zambia National Broadcasting Corporation Amendment Bill and the Independent Broadcasting Authority Bill. While the other two Bills were passed, shockingly the FOI Bill was withdrawn on 18 December, 2002 and since then, has not seen the light of the day.



Information and Media Minister Chushi Kasanda echoed Government's commitment to enacting the ATI law during the 2022 commemoration of World Press Freedom Day on May 3.

6.4 Delays and Opposition

Despite growing public support, the ATI Bill faced delays and opposition from certain quarters. Concerns were raised about the potential misuse of information if it was made readily available to the public. Some government officials feared that sensitive data might be misinterpreted or used to create public unrest. Additionally, bureaucratic hurdles and political considerations hindered the bill's progress, leading to extended periods of inaction.

6.5 Revisions and Consultations

To address the concerns and challenges faced by the bill, several revisions and consultations were carried out to strike a balance between transparency and safeguarding sensitive information. Stakeholders were engaged in discussions to refine the bill's provisions, ensuring that it aligned with international best practices while respecting national security interests.

6.6 Continued Advocacy and Public Support

Despite the delays and challenges, advocates of the ATI Bill continued to rally for its enactment. Civil society organisations, media outlets, and concerned citizens maintained their efforts in raising awareness about the benefits of the legislation and the potential positive impact on Zambia's democracy and governance.

6.7 Some issues behind several excuses and pronouncements

6.7.1 The lack of political will

Considering the time that this process has taken, citizens are also bound to be skeptical as they have been subjected to an ending explanation with regard to the back and forth of this matter for more than two decades. There has been a lot of rhetoric surrounding the enactment of the ATI Bill and one wonders when the truth will be told.

6.7.2 Fearing of what is Unknown

There seems to be limited knowledge and understanding by some lawmakers and members of the public on the ATI law. Some think that they will lose their privacy as it will empower journalists entering their bedrooms. But the question is: why should one be so fearful when the information to be accessed is public in nature?

6.7.3 Belief that information is accessible

Some public officials believe that information is already accessible as some of it is on online platforms of different ministries and certain documents are accessible to the public. While this may be the case to some extent, there is still a huge challenge in accessing public information in Zambia without a legal framework.

6.8 Present Status

Access to Information Bill was yet to be enacted into law in Zambia by June, 2023. Its journey over the years reflects the complexities of policymaking and the ongoing struggle to strike a balance between transparency, national security, and public interest. The bill's fate remains a critical issue for media freedom, access to information, and the further democratisation of Zambia.

The historical perspective of the ATI Bill in Zambia showcases the country's ongoing efforts to promote transparency and accountability. Despite delays and challenges, the advocacy for the bill continued, underscoring the significance of media freedom and citizen participation in a healthy democratic society. As Zambia moves forward, the enactment of the ATI Bill remains an essential step towards strengthening democratic institutions and empowering citizens with the right to access information that affects their lives.

7 CONCLUSION

This report has highlighted some of the obstacles journalists in Zambia face due to the absence of an access to information law. These challenges encompass limited access to government information, difficulty in verifying facts and obtaining official statements, fear of reprisals, and reduced credibility. The testimonies of journalists from private and public media houses emphasise the urgent need for an effective access to information law to safeguard media freedom, transparency, and accountability in Zambia.

The absence of an ATI law significantly affects citizens' participation in public affairs and decision-making processes. It is important to note that while the public has the right to access information, the type of information they should have access to, is only that which is of public interest. For example, there is the Constituency Development Fund (CDF) which is almost on everybody's lips now. Ordinarily, the public should be informed regularly where the money is being used, how people can access this money, how people can contribute to developmental ideas and how projects are being implemented.

However, information such as an individual's health records cannot be demanded using the ATI law because that is a personal matter and not in public interest.

Embracing access to information as a fundamental right is essential in strengthening the country's democracy, empowering its citizens, and ensuring that the media can fulfil its vital role as a responsible and reliable source of information for the nation. Stakeholders, including media houses, civil society organisations, and policymakers, are urged to work collectively to enhance media freedom and access to information in Zambia.

Government has an obligation to make access to information possible being a duty bearer, while citizens as rights holders are entitled to demand that their right is fulfilled. When there is no legal channel to do so, the challenge of enjoying this right is greatly increased. The ATI Bill must become a reality in Zambia.

8 RECOMMENDATIONS

Government: Should state its actual position on the ATI law and communicate it to the people as opposed to making promises which don't get fulfilled. It is in the government's best interest to show commitment towards the completion of this process and endeavour to present the Bill to Parliament based on several promises.

Civil Society Organisations: The Civil Society Organisations (CSO) should put strategic thinking into this process so that the government is ultimately compelled to table the Bill before Parliament. There should be consistency in their engagement with the government.

The media: The media should also take a proactive role of writing articles and airing programmes about the importance of ATI so that citizens are enlightened. This is likely to generate interest for citizen participation in the campaign.

9 SELECTED MEDIA ALERTS

In the period under review, MISA Zambia recorded the following alerts as regards to any information, stories and statements made on Access to Information in Zambia.

News Diggers carried on 12 January, 2023 carried a story with the headline: **“We expect progress on ATI Bill once media resolves self-regulation – Haimbe.”**

Justice Minister Mulambo Haimbe says Zambians should expect more progress on the enactment of the Access to Information Bill once the media resolves the issue of self-regulation. Speaking when he featured on Hot FM’s breakfast show, Wednesday, Haimbe said the Access to Information Bill comes with responsibility intended to be managed through the media self-regulatory process.

“In the last week, stakeholders met with the Ministry of Information and Media. The Access to Information Bill, it gives a lot of freedom for not only the media but also the general public in terms of access to information. In building into that, it comes with responsibility intended to be managed through a self-regulatory process with regard to the media. I know.....

Another story was carried in News Diggers on 12 January, 2023 with the headline: **“IMF urges govt to adopt legal framework that guarantees public access to information.”**

The International Monetary Fund has advised government to adopt a legal framework that guarantees public access to information.

In its technical assistance report on governance and anti-corruption assessment on Zambia, IMF recommended that the adoption be done in the short term, arguing that it would strengthen transparency and accountability. It directed this recommendation to State House, the National Assembly of Zambia, Ministry of Justice and the Ministry of Information and.....

News Diggers carried yet another story on 13 January, 2023 with the headline: **“Politicians’ fear of the unknown preventing enactment of ATI Bill.”**

Former Ministry of Information permanent secretary Chanda Kasolo says politicians become the stumbling block to the enactment of the Access to Information Bill due to fear of the unknown. And MISA Zambia National Director Austin Kayanda says he doesn’t see any connection between media self-regulation and the Access to Information Bill, which he says is meant to benefit all citizens.

*Justice Minister Mulambo Haimbe recently said Zambians should expect more progress on the enactment of the Access to Information Bill once the media resolves the issue of self-regulation. But in an interview, Kasolo said there was no direct link between the two. He argued that politicians feared that if the bill was enacted, then journalists would start **“spilling beans”** about.....*

The Zambia Daily Mail on 14 January 2023 with the headline: **“More progress made on ATI Bill.”**

The Ministry of Information and Media yesterday concluded the consolidation of comments from stakeholders on the Access to Information (ATI) Layman's Bill which were submitted during a consultative meeting held recently.

Chief Government spokesperson Chushi Kasanda said the Ministry of Information and Media is now set to submit the draft ATI Layman's Bill to the Ministry of Justice for legislative drafting in readiness for tabling in Parliament in the forthcoming sitting.

Civil society organisations have been calling on the new dawn administration to ensure the ATI Bill is enacted into law as soon as....

On 17 January, 2023, News Diggers carried a story with the Headline: **"ATI Bill, media self-regulation are completely different issues."**

Chapter One Foundation executive director Linda Kasonde says the Access to Information Bill and the media self-regulation are separate issues and government should therefore not conflate them. Justice Minister Mulambo Haimbe recently said Zambians should expect more progress on the enactment of the Access to Information Bill once the media resolves the issue of self-regulation.

In an interview, Kasonde said the media was merely one of the stakeholders involved in accessing and disseminating such information. "Chapter One Foundation believes that the issue of enacting an Access to Information Bill, which is long overdue, and the issue of media self-regulation, are completely separate and distinct issues which need to be addressed as such. The Access to Information Bill relates to providing access to publicly held information to all citizens regarding matters that are of public interest," she said. Whilst they are an important stakeholder in bringing matters to the public's attention, the media are merely one of the stakeholders involved in accessing and disseminating such information.

Zambia National Broadcasting Corporation (ZNBC) on 8 February, 2023 carried a story with the headline: **"Access to Information law coming by June – Kasanda."**

Information and Media Minister Chushi Kasanda says Cabinet agreed to the roadmap leading to the enactment of the Access to Information Bill by June.

Ms Kasanda says Government will ensure that adequate consultations are undertaken with all stakeholders, ahead of the enactment of the Access to Information Bill.

Lusaka Times carried a story on 11 February, 2023 with the headline: **"Civil Society Organisations Urge Zambian Government to Enact Access to Information Law Before Upcoming Summit for Democracy."**

In a press statement released yesterday, several civil society organizations have issued an urgent appeal for Zambia to enact an access to information law before the upcoming Summit for Democracy. The summit, which will be co-hosted by Zambia in collaboration with the United States of America, Costa Rica, the Kingdom of the Netherlands, and the Republic of Korea, is set to take place in March 2023.

The statement was signed by the Africa Freedom of Information Centre (AFIC), the Panos Institute Southern Africa, and MISA Zambia. These organizations have been advocating for access to information for many years and have noted the recent announcement by the Minister of Information and Media, Hon. Chushi Kasanda, that the Zambian government has approved the roadmap to enact the Access to Information law by June 2023.

Another story was carried in News Diggers on 13 June, 2023 with the headline: **“I can’t determine how soon ATI Bill will be enacted into law – Information PS.”**

Ministry of Information and Media Permanent Secretary Kennedy Kalunga says government has made progress with regard to the Access to Information Bill, but says he can’t determine when it will be enacted into law.

In February this year, Chief Government Spokesperson Chushi Kasanda revealed that Cabinet had agreed to a roadmap leading to the enactment of the Access to Information Bill by June 2023. Kasanda said government wanted to ensure that adequate consultations were undertaken with all stakeholders so that the access to information law was enacted as planned. “The President of the Republic of Zambia, Mr Hakainde Hichilema, on Monday, 6th February, 2023, called for the Second Cabinet Meeting in the Year 2023, at State House to deliberate on.....

On 16 June, 2023 ZNBC carried with the headline: **“Govt Eager to Enact Access to Information Bill.”**

Information and Media Permanent Secretary, Kennedy Kalunga says the ministry is eager to enact the Access to Information Bill.

Mr. Kalunga says the bill once enacted will give Journalists first-hand information, while making it easier to report factual and balanced news.

He says government is also committed to ensuring that the media operates freely whether state or private owned.

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APPENDICES

APPENDIX 1 QUESTIONNAIRE FOR JOURNALIST

Assessment of the Impact of the Lack of Access to Information Law on the Media and Zambians

Introduction

Thank you for participating in this research study conducted by the Media Institute of Southern Africa. The purpose of this questionnaire is to assess the effects of the lack of enactment of an Access to Information Law in Zambia on the media and the general public. Your responses will contribute to understanding the challenges faced by journalists and the implications for the broader society. Please answer the following questions to the best of your knowledge and experience.

Demographic Information:

Name

First Name

Last Name

1. Gender

Male Female Prefer not to say

2. How old are you?

Under 18 18-25 25-45 45 or more

3. Affiliation

Private Media State Media

Awareness of Access to Information Law:

4. Are you aware that Zambia does not have an enacted Access to Information Law as of June 2023?

Yes No Other

Impact on Journalism:

5. Please indicate how the lack of an Access to Information Law affects journalism in Zambia.

Hindered ability to gather accurate and timely information

Limited transparency and accountability in government

Increased reliance on unofficial sources

Difficulties in investigative reporting

Difficulties in investigative reporting

Awareness of Access to Information Law:

6. What challenges do journalists encounter due to the absence of an Access to Information Law? (Select all that apply)

- Limited access to government-held information
- Difficulty in verifying facts and obtaining official statements
- Fear of reprisals or legal consequences for pursuing sensitive stories
- Reduced credibility and public trust in journalism
- Other (Please specify)

Impact on the General Public:

7. How does the lack of an Access to Information Law affect the general public in Zambia?

- Reduced awareness of government activities and decision-making processes
- Inhibited participation in public affairs and decision-making
- Limited ability to hold public officials accountable
- Hindered access to information necessary for making informed choices
- Other (Please specify)

Importance of Access to Information Law:

8. In your opinion, how crucial is the enactment of an Access to Information Law in Zambia?

- | | |
|---|---|
| <input type="checkbox"/> Extremely crucial | <input type="checkbox"/> Not very important |
| <input type="checkbox"/> Important | <input type="checkbox"/> Not at all important |
| <input type="checkbox"/> Somewhat important | |

Solutions and the Way Forward:

9. What measures should be taken to address the lack of an Access to Information Law in Zambia? (Select all that apply)

- Advocacy campaigns by media organizations
- Public pressure on the government to prioritize the law's enactment
- Engaging with policymakers and relevant stakeholders
- Strengthening media self-regulation and ethical standards
- Other (Please specify)

Additional Comments:

10. Please provide any additional comments or suggestions you may have regarding the impact of the lack of an Access to Information Law and potential solutions.

APPENDIX 2

QUESTIONNAIRE FOR CIVIL SOCIETY

Introduction

Thank you for participating in this research study conducted by the Media Institute of Southern Africa. The purpose of this questionnaire is to assess the effects of the lack of enactment of an Access to Information Law in Zambia on its citizens. Your responses will contribute to understanding the challenges faced by citizens and the implications of not having such a law. Please answer the following questions to the best of your knowledge and experience.

Demographic Information:

Name

First Name Last Name

1. Gender

Male Female Prefer not to say

2. How old are you?

18-24 25-34 45-54 55 or more

Awareness of Access to Information Law:

3. Are you aware that as of June 2023, Zambia does not have an enacted Access to Information Law?

Yes No

Impact on Access to Information:

4. Have you personally experienced difficulties in accessing information from government institutions or public bodies due to the absence of an Access to Information Law?

Yes No If yes, please describe the challenges you faced.

Awareness of Government Actions:

5. Do you feel well-informed about the actions and decisions made by the government during its two years in office?

Yes No If no, please specify the areas where you lack information.

Transparency and Accountability:

6. How do you perceive the transparency and accountability of the current government in the absence of an Access to Information Law?

Very transparent and accountable Not very transparent and accountable
 Somewhat transparent and accountable Not transparent and accountable at all
 Neutral / Not sure Other (Please specify)

Impact on Civic Participation:

7. Do you think the lack of an Access to Information Law affects citizens' participation in public affairs and decision-making processes?

- | | |
|---|---|
| <input type="checkbox"/> Yes, significantly | <input type="checkbox"/> Not sure |
| <input type="checkbox"/> Yes, to some extent | <input type="checkbox"/> Other (Please specify) |
| <input type="checkbox"/> No, it does not have an impact | |

Public Trust in Government:

8. How do you believe the absence of Access to Information Law affects public trust in the government?

- | | |
|---|---|
| <input type="checkbox"/> Increases public trust | <input type="checkbox"/> Decreases public trust |
| <input type="checkbox"/> Maintains the same level of public trust | <input type="checkbox"/> Not sure |

The Way Forward:

10. What measures should be taken to address the lack of an Access to Information Law in Zambia and ensure citizens' right to information? (Select all that apply)

- Urgent enactment of the Access to Information Law
- Advocacy and public awareness campaigns
- Engaging with policymakers and relevant stakeholders
- Strengthening civil society organizations to monitor transparency and accountability
- Other (Please specify)

Additional Comments:

12. Please provide any additional comments or suggestions you may have regarding the impact of the lack of an Access to Information Law on Zambian citizens and potential solutions.

APPENDIX 3

QUESTIONNAIRE FOR THE MINISTRY OF JUSTICE QUESTIONNAIRE

The State of the Media in Zambia and Access to Information.

Assessment of the Impact of the Lack of Access to Information Law on Zambian Citizens.

Introduction:

Thank you for participating in this research study conducted by the Media Institute of Southern Africa. The purpose of this questionnaire is to assess the effects of the lack of enactment of an Access to Information Law in Zambia on its citizens. Your responses will contribute to understanding the challenges faced by citizens and the implications of not having such a law. Assessment of the Impact of the Lack of Access to Information Law on Zambian Citizens.

Please answer the following questions to the best of your knowledge and experience.

Demographic Information:

Name

First Name

Last Name

1. Gender

Male Female Prefer not to say

2. How old are you?

18-24 25-34 45-54 55 or more

Awareness of Access to Information Law:

3. Are you aware that as of June 2023, Zambia does not have an enacted Access to Information Law?

Yes No

Impact on Access to Information:

4. Have you personally experienced difficulties in accessing information from government institutions or public bodies due to the absence of an Access to Information Law?

Yes No If yes, please describe the challenges you faced.

Awareness of Government Actions:

5. Do you feel well-informed about the actions and decisions made by the government during its two years in office?

Yes No If no, please specify the areas where you lack information.

Transparency and Accountability:

6. How do you perceive the transparency and accountability of the current government in the absence of an Access to Information Law?

- | | |
|---|---|
| <input type="checkbox"/> Very transparent and accountable | <input type="checkbox"/> Not very transparent and accountable |
| <input type="checkbox"/> Somewhat transparent and accountable | <input type="checkbox"/> Not very transparent and accountable |
| <input type="checkbox"/> Neutral / Not sure | <input type="checkbox"/> Other (Please specify) |

Impact on Civic Participation:

7. Do you think the lack of an Access to Information Law affects citizens' participation in public affairs and decision-making processes?

- | | |
|---|---|
| <input type="checkbox"/> Yes, significantly | <input type="checkbox"/> Not sure |
| <input type="checkbox"/> Yes, to some extent | <input type="checkbox"/> Other (Please specify) |
| <input type="checkbox"/> No, it does not have an impact | |

Public Trust in Government:

8. How do you believe the absence of an Access to Information Law affects public trust in the government?

- | | |
|---|---|
| <input type="checkbox"/> Increases public trust | <input type="checkbox"/> Decreases public trust |
| <input type="checkbox"/> Maintains the same level of public trust | <input type="checkbox"/> Not sure |

Importance of Access to Information Law:

9. In your opinion, how crucial is the enactment of an Access to Information Law in Zambia?

- | | |
|---|---|
| <input type="checkbox"/> Extremely crucial | <input type="checkbox"/> Not very important |
| <input type="checkbox"/> Important | <input type="checkbox"/> Not at all important |
| <input type="checkbox"/> Somewhat important | <input type="checkbox"/> Other (Please specify) |

The Way Forward:

10. What measures should be taken to address the lack of an Access to Information Law in Zambia and ensure citizens' right to information? (Select all that apply)

- Urgent enactment of the Access to Information Law
- Advocacy and public awareness campaigns
- Engaging with policymakers and relevant stakeholders
- Strengthening civil society organizations to monitor transparency and accountability
- Other (Please specify)

Additional Comments:

12. Please provide any additional comments or suggestions you may have regarding the impact of the lack of an Access to Information Law on Zambian citizens and potential solutions.

APPENDIX 4**QUESTIONNAIRE FOR THE MINISTRY OF INFORMATION AND MEDIA**

The State of the Media in Zambia and Access to Information.

Assessment of the Impact of the Lack of Access to Information Law on Zambian Citizens.**Introduction:**

Thank you for participating in this research study conducted by the Media Institute of Southern Africa. The purpose of this questionnaire is to assess the effects of the lack of enactment of an Access to Information Law in Zambia on its citizens. Your responses will contribute to understanding the challenges faced by citizens and the implications of not having such a law. Assessment of the Impact of the Lack of Access to Information Law on Zambian Citizens.

Please answer the following questions to the best of your knowledge and experience.

Demographic Information:

Name

First Name

Last Name

1. Gender

Male Female Prefer not to say

2. How old are you?

18-24 25-34 45-54 55 or more

3. Occupation

Government Official Media Professional

Civil Society Activist Academic/ Researcher Other (Specify other)

4. How familiar are you with the concept of Access to Information (ATI)?

Very familiar Somewhat familiar Not familiar at all

Reasons for Delay in Presenting the Access to Information Bill

5. According to your knowledge or perception, why has there been a delay in presenting the Access to Information bill to parliament? (Select all that apply)

Lack of political will

Opposition from key stakeholders

Bureaucratic hurdles

Inadequate resources for drafting and implementation

Other (please specify)

6. If you selected "Other" in the previous question, please provide additional reasons for the delay (optional).

7. In your opinion, how does the lack of an Access to Information Law affect the media in Zambia? (Select all that apply)

- Limited access to official government information
- Difficulty in investigative journalism
- Reduced transparency in government activities
- Impaired ability to hold public officials accountable
- Other (please specify)

8. How does the lack of an Access to Information Law affect the general population in Zambia? (Select all that apply)

- Limited access to important public information
- Reduced awareness of government actions and policies
- Inability to hold public officials accountable
- Impaired ability to participate in decision-making processes
- Other (please specify)

9. In your opinion, how has the delay in enacting the Access to Information Law impacted media freedom and freedom of expression in Zambia?

- Some negative impact No impact Not sure

The Way Forward

10. What do you believe should be the priority action(s) to overcome the delay and ensure the enactment of the Access to Information Law in Zambia? (Select all that apply)

- Political will from the government
- Engaging in consultations with key stakeholders
- Allocating sufficient resources for drafting and implementation
- Public awareness campaigns on the importance of ATI
- Other (please specify)

11. What role do you think the Ministry of Information and Media should play in advancing the enactment of the Access to Information Law?

- Proactively championing the cause within the government
- Proactively championing the cause within the government
- Allocating resources and personnel for drafting the bill
- Other (Please specify)

12. Are there any specific challenges or concerns you would like to highlight regarding the delay in enacting the Access to Information Law? Please explain. (optional)

13. In your opinion, what strategies can be implemented to expedite the process of presenting the Access to Information bill to parliament? (Select all that apply)

- Strengthening advocacy efforts by civil society organizations
- Engaging with lawmakers and political leaders directly
- Collaborating with international organizations and donors for support
- Conducting public consultations on the proposed bill
- Other (Specify other)

14. How can the Ministry of Information and Media collaborate with relevant stakeholders to overcome the challenges and ensure the enactment of the Access to Information Law? (Select all that apply)

- Creating a task force or committee for drafting the bill
- Organizing stakeholder meetings and consultations
- Providing technical assistance and capacity building to relevant institutions
- Establishing a timeline and monitoring progress
- Other (Specify other)

Additional Comments

15. Please provide any additional comments or suggestions regarding the impact of the delay in enacting the Access to Information Law and the way forward. (optional).

Jesuit Centre for Theological Reflection (JCTR) Research Questionnaire.

The State of the Media in Zambia and Access to Information.

Demographic Information:

Name

First Name

Last Name

1. Gender

 Male Female Prefer not to say

2. How old are you?

 18-24 25-34 45-54 55 or more

3. Occupation

 Researcher/ Analyst Academic/Educator Clergy/ Religious Other (Please specify**Awareness and Understanding of Access to Information:**

4. Are you aware of the concept of Access to Information?

 Yes No If yes, please briefly describe your understanding of Access to Information.**Impact of Lack of Enactment of Access to Information Law:**

5. How would you rate the importance of enacting the Access to Information Law in Zambia?

 Very important Not very important
 Important Not at all important
 Somewhat important Other (Please specify)

6. In your opinion, how has the lack of an Access to Information Law affected the media in Zambia? (Select all that apply)

 Limited ability to investigate and report on government activities
 Increased self-censorship among journalists
 Lack of transparency in government operations
 Difficulty in accessing public records and information
 Restricted freedom of the press
 Other (please specify)

7. How has the lack of an Access to Information Law affected Zambians in general?

(Select all that apply)

- Limited access to reliable and accurate information
- Reduced citizen participation in governance and decision-making
- Impaired accountability and transparency in public institutions
- Hindered public discourse and dialogue on important issues
- Other (please specify)

Role of Media and Government:

8. In your opinion, what role should the government play in ensuring access to information for the media and the public? (Select all that apply)

- Enactment of the Access to Information Law
- Strengthening existing media laws and regulations
- Promoting a culture of transparency and accountability
- Supporting media organizations financially
- Other (please specify)

9. How would you rate the current state of media freedom in Zambia?

- Very free Somewhat free Restricted Not sure

Media's Responsibility and Challenges:

10. Do you think the media in Zambia adequately represents diverse voices and perspectives?*

- Yes No Not sure Other (Please specify)

11. In your opinion, what are the main challenges faced by the media in Zambia?

(Select all that apply)

- Political interference and pressure
- Lack of financial sustainability
- Limited access to information
- Threats to journalists' safety and security
- Lack of training and professional development opportunities
- Other (please specify)

12. How can the media in Zambia overcome the challenges they face in ensuring equitable access to information and promoting social justice? (Please provide your insights.)

