

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

ZAMBIA 2017





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Friedrich-Ebert-Stiftung (FES)
fesmedia Africa
Windhoek, Namibia
Tel: +264 61 417500
Email: info@fesmedia.org
www.fesmedia-africa.org

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The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by fesmedia Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Saharan Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and – in SADC countries the Media Institute of Southern Africa (MISA) – only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.¹

By the end of 2016 the African Media Barometer had been held in 31 African countries, in some of them already for the fifth time.

Zoe Titus
Regional Director
Media Institute of Southern
Africa (MISA)
Windhoek, Namibia

Sara-Nathalie Brombart
Director
***fesmedia* Africa**
Friedrich-Ebert-Stiftung
Windhoek, Namibia

¹ Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 31 AMB Countries (2005-2016)

African Media Barometer Zambia 2017

Summary

The year 2016 was momentous for Zambia as it was the first general election in which Zambians voted in five separate ballots: For the election of the President, the 156-member National Assembly, for over 1,600 Local Government Councils, and for the first time, directly elected Mayors and Council Chairs. A referendum was held alongside the general elections on the 11th August 2016 for Zambian citizens to determine whether the Constitution should be amended to enhance the Bill of Rights as stipulated in Part III of the Constitution.

The Amendment was not passed due to the failure to meet the first threshold; for the referendum result to be valid, 50 percent of eligible voters had to participate. Only 44.44 percent (3,345,471) of registered voters cast their ballots in the referendum. Amongst those citizens who participated, 24.6 percent voted in favour of the amendment.¹

The period in the run-up to the elections was characterised by the use of laws that dated back to the colonial era. There was bias by the state media in favour of the ruling party and the political and media landscape was marked by uncharacteristically high levels of threats, intimidation and violence.

Journalism students of the *Lusaka Star* radio magazine of the University of Zambia were arrested by the police, shortly after airing a programme with a guest who spoke critically about the government. They were held for ten days for allegedly airing seditious material.

The Post, a privately-owned newspaper which has been part of the Zambian media landscape for the last three decades, was closed down two months before the elections. Alleged tax non-compliance was cited as the reason for its closure. However, cynical analysts considered this action a ploy to force the closure of a critical and independent voice; a media outlet that was willing to take on the ruling party.

The day after *The Post* was shut down, a new paper titled *The Mast* went out on the streets. A few panellists pointed out that it could be the rebirth of *The Post* under a new title, based on the fact that the masthead has a similar design, the writing style is familiar, as well as it being apparently owned by the wife of the owner of *The Post*.

Immediately after the elections, two radio stations and a television station; *Komboni Radio*, *Itezhi Tezhi Radio* and *Muvi TV*, had their broadcasting licences suspended and their equipment seized by the Independent Broadcasting

¹ The Electoral Institute for Sustainable Democracy (EISA) 2016 Referendum Results

Authority (IBA). The IBA chairman, Brigadier General Justin Mutale, accused the three independent media houses of conducting themselves in an unprofessional manner and cited them as being in contravention of the provisions of the IBA Act. Critics questioned the timing of the suspension order, asking why they were closed down after the election and not before if they allegedly posed a risk to national peace and security due to professional misconduct before the 2016 Elections.

Pressure from civil society and media lobby groups pushed for an earlier hearing and the radio stations were subsequently reopened and their equipment returned.

Of the wave of violence targeted at media practitioners, the worst case cited was one where two reporters were severely assaulted by ruling party Patriotic Front (PF) youths. Journalists Peter Sukwa from *The Post* and his counterpart Kelvin Phiri from *Feel Free FM Radio* in Chipata were physically assaulted by PF youth party members, who then attempted to burn them alive.

These actions tend to infer to the curbing of dissenting voices, but this was a point of contention amongst panellists who held differing views. Some of the panellists were of the view that citizens are able to express themselves freely; as evidenced by audiences calling into radio stations and speaking out on a variety of issues, and the critical and diverse voices freely expressing themselves on various social media platforms. Other panellists believe that the space for free expression is being restricted and speaking out has consequences.

However, they all agreed that the degree to which freedom of expression is exercised by citizens and journalists is dependent on a variety of factors, which include; the topic under discussion, the level of prominence of the person exercising his or her right to express themselves and the platform used to voice one's opinion.

"When individuals are critical of the state, that is where this freedom is affected, but when it comes to general issues of public interest, people will speak freely. This, however, "depends on who they are."

The enactment of the Independent Broadcasting Act is seen as a progressive move as it allows for a conducive broadcasting environment that paves the way for a three-tier broadcasting structure and an independent board. However, the manner in which the three broadcasting media outlets were shut down and their equipment seized is reflective of the flawed manner in which the IBA Act is implemented.

Citizens access to diversity has however been expanded by the prolific growth in the media industry, with 105 radio stations and 34 television (TV) stations operating in the country. Based on Zambia's advertising expenditure which is estimated at 8.5 million kwachas per month (US\$856 000), it is difficult to explain

the expansion of the broadcasting sector, since the advertising market cannot be considered large enough to sustain these various media outlets.

Unfortunately, media content does not reflect the same diversity and instead highlights a largely polarised sector which is evidenced by the way in which media will report the same incident in completely contrasting ways. The only way for audiences to get a sense of actual events is by going through all the different versions and finding the middle ground. The reporting is done primarily along 'party lines.' Media houses may refuse to cover a person, an organisation or an event because of assumed party affiliation.

"You'd rather be politically right than being objective and independent."

The economy has had a huge impact on print media as outlets have dramatically cut down on their print runs. One national newspaper reduced its print run from 50 000 copies in 2000 to 9 000 copies in recent years. With the minimum wage pegged at K520 (US\$ 52) the cost of a newspaper at K10 (US\$1) per newspaper is unaffordable for many people who are more likely to opt for a loaf of bread which also sells at K10. Citizens have started sharing the paper or 'borrowing' it at a lower cost.

In regards to journalists and media houses in Zambia, integrity and corruption are at times perceived as "an issue of people trying to survive." Poor working conditions and low salaries on average are taken into consideration when organisations want media practitioners to cover their events and issues. Therefore, when an organisation or institution sends out an invitation to the media house to cover an event, either some or all expenses will be covered: These expenses usually include transport, accommodation and an allowance for the journalists to be able to cover the story.

In spite of this, the public continues having confidence in the media.

SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.

Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the Constitution and supported by other pieces of legislation.

Article 20 of the Zambian Constitution provides explicitly for freedom of expression. However, panellists expressed concern that when it comes to freedom of the media, media practitioners have to also rely on Article 20 (1) of the Constitution which states:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of persons, and freedom from interference with his correspondence.²

It was concluded that while there is an existing legal framework for the protection of freedom of expression, the “biggest problem comes in terms of application, or enforcement.”

Furthermore, one also needs to be aware “that there are still laws which subtract from it”, despite Article 20 (2) which further stated that:

“subject to the provisions of this Constitution no law shall make any provision that derogates from freedom of the press.”

These provisions, however, are regarded as insufficient as they do not specifically guarantee media freedom and “there can never truly be freedom of expression without freedom of the media, as these two go side by side”. Additionally, the lack of an explicit provision for access to information also negatively influences media freedom.

For this reason, civil society and media professionals are advocating for both; an explicit provision of media freedom as well as access to information.

² Constitution of Zambia, 1991.

An amended Constitution, called the Constitution of Zambia (Amendment) Act of 2016, was adopted on the 5th January 2016. However, the Bill of Rights, i.e. the declaration of individual rights and freedoms, was not included because an enhancement of the Bill of Rights was to be decided upon in a referendum in August 2016, before becoming part of the Constitution. The current Bill of Rights can therefore be found in the 1991 Constitution.

Activists believed that the referendum held alongside the general elections on the 11th August 2016 would be a step in the right direction. Zambian citizens were asked: Do you agree to the amendment to the Constitution to enhance the Bill of Rights contained in Part III of the Constitution of Zambia, and to repeal and replace Article 79 of the Constitution of Zambia?

The referendum specifically revolved around:

- The expansion of the Bill of Rights (Part III) in the Constitution, involving additional articles on civil and political rights and new articles on Economic, Social, Cultural, Environmental and special rights; and
- The repeal of Article 79 of the Constitution, governing the amendment of the Constitution, and its replacement with a new Part, 19A.

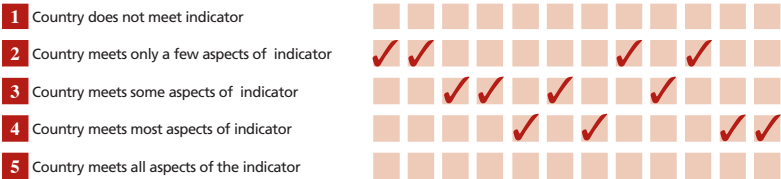
The referendum was negated by the failure to meet the first threshold for any amendment. For the referendum result to be considered valid, Article 79 (3) of the Constitution requires that any amendments to Part III of the Constitution, or to Article 79 itself, must have the endorsement of 50 percent of eligible voters.

Since the number of eligible voters was estimated at 7,528,091, this meant that 3,764,046 voters had to vote ‘yes’ for the amendment to be passed. Since only 44.44 percent of the eligible voters voted, the attempt to amend the Constitution failed. According to the Electoral Institute for Sustainable Democracy (EISA), 1,852,559 (24.6 percent of eligible voters) voted ‘yes’.

Panellists agreed that while the proposed amendments were seen as an improvement on the current Bill of Rights, they remained “vague when it comes to media freedom and access to information.”

Scores:

Individual scores:



Average score:

3.0 (2013:2.8; 2011:2.1; 2009:2.5; 2007:2.3; 2005:2.0)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Panelists expressed mixed views on the level of freedom of expression in the country, but agreed that the degree to which freedom of expression is exercised by citizens and journalists is dependent on different factors, which include; the topic under discussion, the level of prominence of the person exercising their right to express themselves and the platform used to voice one's opinion.

In terms of citizens, "when individuals are critical of the state, that is where this freedom is affected;" but when it comes to general issues of public interest, people will speak freely. This, however, "depends on who they are." An ordinary citizen not in the public eye will mostly be able to speak freely without repercussions. However, high profile individuals who are known in society (politicians, businessmen and other people with a high level of influence), may speak publicly without fear, but this may result in refusal by media outlets to give him/her coverage and share the views expressed.

Following the general elections in 2016, political leaders of the opposition were free to question the legitimacy of the president without negative consequences. This freedom of criticism, however, depended on their party affiliation; criticism of members of one's own party could have serious consequences.

An example was given of a minister who did not cross over to the next term; not because he was outspoken but instead because he was, "very objective", and because of his statements he "just disappeared into oblivion."

Call-in radio programmes seem to be the preferred platform for citizens to express themselves and "put government on the spot."

"Some are brave enough to state their names," but people usually prefer to stay anonymous.

A new trend that has been impacting callers has been the belittling of audiences by politicians. It has been observed that when, during a radio talk show programme, a politician feels criticised by a citizen who calls in to voice a personal opinion, the politician, whether from the ruling party or from the opposition, will respond in a very demeaning manner.

"You have a small brain," was a comment made to one particular caller.

"Depending on what you say you can either be hit back or you can be encouraged to speak."

Influential persons fear the effect public ridicule and demeaning statements will have on them; a negative impact on their standing in their communities, or the loss of business and government contracts.

There has also been an increase of free expression particularly through social media. However, freedom of expression in the digital space can also be restricted by (what appears as) individuals trying to systematically shut down a critical public conversation online through trolling.

Several panellists expressed an alternative view saying that a high level of fear is prevalent among citizens and that “a great deal of self-censorship” has been evident during the course of the last few years. Due to fear of repercussions, people do not express themselves in the manner they would otherwise do.

In the case of journalists, there has been “a lot of intimidation,” particularly in the pre-election period, with parties showing an intolerance towards differing views. Journalists were specific targets.

A brutal, violent incident took place in December 2015, when two journalists from *The Post* and *Feel Free FM Radio*, were attacked, beaten and assaulted by the Patriotic Front (PF) cadre causing bodily harm to the journalists. They were given incentives to drop the case; with an offering of lucrative employment.³

It is not uncommon that presenters and or producers are expected to stop a critical discussion or to ensure that criticism does not get on the air. Especially around the 2016 general elections and shortly after, the atmosphere was ‘charged’, and at times even the police would interfere.

If a journalist allowed criticism of the government to be voiced on air, “the moment the programme comes to an end you can be sure either the police or somebody else is knocking at your door.”

When journalism students of the *Lusaka Star* radio magazine of the University of Zambia had a guest, who spoke critically about the government, they were arrested by the police shortly after airing the programme and held in a cell for 10 days for allegedly airing seditious material.

In another incident, broadcasters were accused of circulating classified information because a letter stating that they should avail broadcasting tapes of a certain programme to the police ended up on social media. For this, the accused had to spend an entire day at the police station.

³ In Chipata on the 10th December 2015, two journalists investigated allegations that foreigners were assisted in obtaining National Registration Cards (NRCs), and as a consequence were registered as voters. PF cadre recognised the journalists and attacked them. The case was heard by the magistrate court which presented its judgement on the 10th June 2016. The Magistrate found the PF Vubwi district Chairperson guilty of assaulting the journalist and fined him K 12,000 (US\$1,200), or if he failed to do so to serve a nine- months sentence. (<http://misa.org/featured-on-home/zambia-victory-post-correspondent-fell-free-radio/>)

offence and is liable on conviction to imprisonment for a period not exceeding three years⁴.

Section 57 criminalises offences in respect of seditious practices.

Section 67 criminalises “the publication of false news with intent to cause fear and alarm to the public” while Section 67(1) reads:

Any person who publishes, whether orally or in writing or otherwise, any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that such statement, rumour or report is false, is guilty of a misdemeanour and is liable to imprisonment for three years.

Section 67 (2) further states that:

It shall be no defence to a charge under subsection (1) that he did not know or did not have reason to believe that the statement, rumour or report was false, unless he proves that, prior to publication, he took reasonable measures to verify the accuracy of such statement, rumour or report.

The State Security Act particularly hinders access to information and the Public Order Act (can) negatively impact on Zambians’ rights to both; freedom of expression and freedom of assembly. There are also provisions making libel an offence⁵.

Some of these laws are “old colonial pieces of legislation,” that were used to, “restrict the movement and freedom of Africans” and they have unfortunately not been repealed following Zambia’s independence.

Other existing laws are not meant to restrict certain freedoms but are being misused. There are several examples of this misuse. In March 2015, an article appeared in *The Post* reporting that the president, shortly after coming into office, (supposedly during a holiday) was seen “drinking beer and playing pool”. This article included a photograph. As a result, the journalists who covered the story were charged with defamation of the president (as criminalised under the Penal Code). Court proceedings only started in 2016 and are still ongoing a year later.

In 2013, Section 67 of the Penal Code (publication of false news) was used against Richard Sakala, Proprietor of the *Daily Nation*, and McDonald Chipenzi, Executive Director of the Foundation for Democratic Process (FODEP). They went on to challenge the constitutionality of Section 67 at the High Court and the Court ruled that this section of the Penal Code is unconstitutional and in contradiction

4 Penal Code Act, Chapter 87 of the Laws of Zambia

5 Criminal libel is addressed in the Penal Code while the Zambian Defamation Act addresses several issues of civil libel.

to Article 20 of the Constitution, guaranteeing freedom of expression. In effect, based on the High Court’s ruling, the Section should be repealed but Government has not yet acted on the ruling.

There are no legal requirements that restrict the entry into the journalistic profession. Anybody can be a journalist, “you just pick up a pen.”

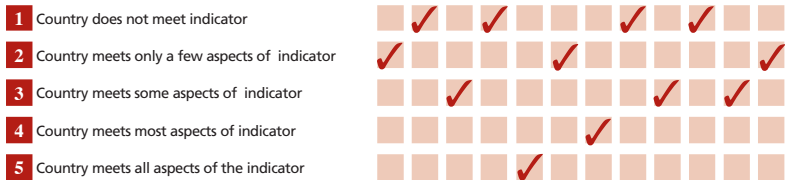
Statutory media regulation, including licensing and accreditation for journalists, was an issue pushed for by the Movement for MultiParty Democracy (MMD) during their time in power⁶.

This matter was not taken up by the PF after they came into power.

The Independent Broadcasting Authority (IBA) could potentially interfere with the functioning of the media, even though the body was established to provide guidance.

Scores:

Individual scores:



Average score:

2.3 (2013:2.6; 2011:n/a; 2009:n/a; 2007:n/a; 2005:n/a)

1.4 The government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

Zambia has signed up to basically “any and all regional and international instruments” concerning media and other issues. However, when it comes to the domestication and implementation of these instruments, Zambia “falls short.”

Given the legal system in Zambia, international and regional treaty obligations are not automatically applicable and only become domestic law once they have been enacted by the legislature.

⁶ The MMD was the ruling party in Zambia between 1991 and 2011.

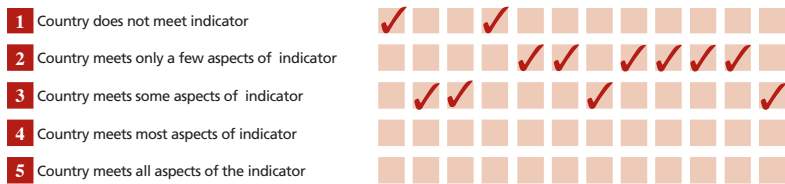
One of the few domesticated instruments is the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD).

Zambia is also in the process of domesticating the Southern African Development Community (SADC) Protocol on Gender and Development. The country's Anti-Gender-Based Violence Act and the Gender Equity and Equality Act already referred back to the SADC Protocol; it was therefore decided to domesticate the regional instrument.

Zambia is signatory to the 2005 Guidelines and Principles for Broadcasting Coverage of Elections in the SADC Region and the 2012 SADC Guidelines on Media Coverage of Elections. However, the coverage of the 2016 elections saw the refusal by the national broadcaster to air some paid for advertisements from some opposition parties, and panellists observed that the national broadcaster displayed partiality and bias in its coverage of the 2016 general elections.

Scores:

Individual scores:



Average score:

**2.2 (2013:2.1; 2011:1.8; 2009:1.4;
2007:n/a; 2005:n/a)**

1.5 Print publications are not required to obtain permission to publish from state authorities.

Prior to publishing a print publication, one has to do a name search with the Patents and Companies Registration Agency (PACRA) to verify that the name chosen for the publication is available for use. Afterwards, the name can be registered with PACRA.

The Printed Publications Act makes provision for the registration of newspapers. Article 5 (1) of the Act states that:

No person shall print or publish, or cause to be printed or published, any newspaper until there has been registered at the office of the Director at Lusaka the full and correct title thereof and the full and correct names and places of abode of every person who is or is intended to be the proprietor,

editor, printer or publisher of such newspaper, and the description of the premises where the same is to be published. Every alteration in such particulars shall forthwith be registered in like manner.⁷

Section 4 (1) of the Printed Publications Act requires a copy of each book, including newspapers, to be delivered to the director of the National Archives.

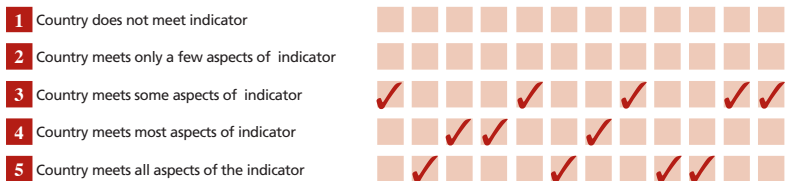
Publications not intended for public sale or dissemination are not required to follow these requirements.

Despite these key requirements as outlined in the Printed Publications Act, in practice, these requirements appear to be less stringent.

While it is easy to register, or start a newspaper or magazine in Zambia, and many newspapers have come and gone, when such papers are critical of the government or established by individuals perceived to be enemies or critics of the State, obstacles are put in their way. These obstacles range from lack of ease of registration to instructions made to stop government ministries and departments from advertising in these newspapers. Under the MMD, the government issued instructions to its departments to not advertise in *The Post* newspaper. In 2012, the late President Michael Sata issued instructions that government departments should not advertise in the *Daily Nation*, as it was perceived hostile to the PF and the government.

Scores:

Individual scores:



Average score:

3.8 (2013:4.8; 2011:4.8; 2009:4.2; 2007:n/a; 2005:n/a)

⁷ Printed Publications Act, Chapter 161 of the Laws of Zambia

1.7 Public information is easily accessible, guaranteed by law, to all citizens.

Zambia does not have a law guaranteeing access to information, therefore accessing public information within Zambia is difficult. It has been observed that it is “sometimes easier to access information outside the country,” including Zambian publications.

It was remarked that in Zambia, “access to information is a very sad story.”

“Nobody knows where it [the Access to Information Bill] is, nobody knows its content, and nobody knows the way forward.”

Over the last few years, the government has promised to enact an Access to Information Bill but has failed to do so. At one point, the government stated that the Bill could not be enacted “because of certain media houses.” At another stage, it was argued that the Bill had to be reconciled with existing national laws. A consultant was appointed to look into the alignment of legislation but since then “it has been quiet.”

When it comes to access to government-held documents, “there is a certain level of lethargy in these institutions.” Public and government websites are often “non-functional,” restricting easy access to public information held by government and public institutions. The management of documents often makes it cumbersome to make information accessible. Government institutions often use old archiving systems, i.e. folders and files.

There generally seems to be an issue with sufficient and effective financial, human and technical resources, as well as with digitalising information and making documents widely accessible. “There is a willingness,” on the part of the government and public institutions to improve their record-keeping system and the accessibility of information because “80 percent of criticism they face” is due to the unavailability of information from websites or from other means. The Electoral Commission of Zambia (ECZ) was mentioned as a positive example when it comes to making public information easily accessible.

“There is a dire need to have a mindset transformation.”

“As long as people are fearful of providing certain information” and there is no law that protects them, the situation is unlikely to improve.

There also appears to be an issue about who asks for the information. It is not necessarily about the content but about “who you are and what you may use the information for.” It can occur that government and public institutions refuse to provide information or that they complicate the receipt of requested information by making several requirements to the requester, e.g. drafting request letters,

There have, in practice, been restrictions to websites and blogs “whether they are under the national .zm domain or not.” For instance, through the denial of services by local service providers, i.e. “government’s friends,” platforms on the .zm domain can easily be shut down and surveyed. Therefore, “outside domains become more popular.”

Scores:

Individual scores:



Average score:

4.2 (2013:2.8; 2011:4.4; 2009:4.3;
2007:n/a; 2005:n/a)

1.9 The state does not seek to block or filter Internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts.

The last few years have seen the blocking of news websites and the shutdown of the *Zambian Watchdog*, an investigative media website, in 2016.

Comments were made from the government side indicating that the “government had the desire to close down some websites,” especially the news sites *Zambian Watchdog*, the *Zambian Eye*, and *Zambia Reports*. These sites, however, were not specifically named, but because of the nature of the content published on these sites, it is assumed that these are the ones targeted. The mainstream media occasionally uses news websites as sources for information; the sites, therefore, have a certain degree of influence outside the online space.

Though websites have been blocked, “there is no real evidence that they [government] specifically have blocked” sites. There has, however, been an incidence in which the vice-president, when asked about the blocking of the *Zambian Watchdog*, stated in Parliament that “friends of the government may have done so.”

While there have been no previous attempts at regulating the internet through policy formulation, once the election results were out, the late President Sata made a statement; that he would begin a process to draft a law that would ensure that online communications are regulated.

In 2016, ZICTA started discussing the regulation of online content, especially regarding the establishment of a mechanism to monitor content related to cybercrimes, cyberbullying and pornography. No legislation on content regulation has yet been passed.

Under Article 94 of the Electronic Communications and Transactions Act, so-called cyber inspectors may “monitor and inspect any website or activity on an information system in the public domain and report any unlawful activity to the appropriate authority.”⁸

Scores:

Individual scores:



Average score:

**3.5 (2013:1.3; 2011:n/a; 2009:n/a;
2007:n/a; 2005:n/a)**

1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

Even civil society and other organisations that do not directly work in the media field may have a vested interest in improving the state of freedom of expression in Zambia. There have been “instances where [a federation] wanted to issue a statement and government officials wanted to look at it before it [was] actually issued.” These organisations, therefore, support advocacy related to the advancement of freedom of the media and expression.

Civil society organisations (CSOs) and media lobby groups “are doing a commendable job at pushing for media freedom.” However, advocacy is not always effective, especially because of a lack of coordination.

⁸ Electronic Communications and Transactions Act, Act No. 21 of 2009

Recent events, e.g. the suspension of licences of one television and two radio stations in August 2016 by the Independent Broadcasting Authority (IBA)⁹, reveals that there is no effective media freedom in the country. It was felt by some that “civil society didn’t make a lot of noise” about those incidences.

When Thomas Zyambo was searched, and arrested for allegedly being linked to the *Zambian Watchdog*, (as allegedly being one of its contributors) “we didn’t see people on the street,” there was, “little response from CSOs.”

However, it was pointed out that individual organisations “never stand down” when there are attacks on media freedom and that organisations issued statements, visited affected media houses and have “done a lot in terms of showing solidarity”.

Others noted that civil society faces several restrictions when trying to publicly condemn media crackdowns. “Even if we try to do a peaceful demonstration you are stopped, victimised, or arrested.” Some organisations remain inactive due to the “levels of crucifixion because of their activism;” and, “you can’t really blame them.”

Sometimes there are specific issues which, even though they might concern a media house or media practitioners, are related to issues outside the realm of media freedom, e.g. labour issues. Therefore, civil society will restrain themselves from getting involved. At other times, there can be ethical reasons for civil society not speaking out about a specific matter.

An example was given in relation to the closure of *The Post* newspaper in June 2016. During that time, claims surfaced that *The Post* did not pay their staff and therefore some organisations felt the closure of the newspaper was not a clear-cut media freedom issue to begin with. Others felt that the reason given by the Zambia Revenue Authority (ZRA) for the closure of the newspaper, namely being behind with its tax payments, was only used as an excuse and the real reason was that *The Post* was “the only independent newspaper that was publishing critical information” around the elections.

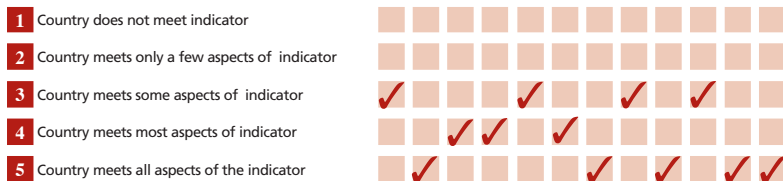
In such contested circumstances, CSOs may first evaluate what, if any, interventions to take. Some panellists felt that a lot was done by CSOs to emphasise that the closure of *The Post* “was more than a tax issue.” Others, however, felt that a discourse highlighting that the closure may have been “an attempt to silence an alternative voice” did not take place in the public domain.

Regarding the advancement of access to information, there is a strong Access to Information Coalition in Zambia which makes coordinated efforts to influence the state of freedom of information in the country.

⁹ For more details see indicator 3.3

Scores:

Individual scores:



Average score:

**4.1 (2013:3.0; 2011:3.9; 2009:3.1;
2007:4.3; 2005:3.9)**

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Civil society and interest groups have been involved in the drafting process of the Access to Information (ATI) Bill. The Access to Information Coalition and other stakeholders “have been giving input in terms of what we wanted to see in an ATI bill.”

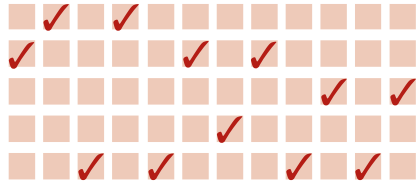
However, the political will to have meaningful consultations seems to be lacking. The ATI Bill was initially drafted by the stakeholders, including media and CSOs. When the Bill was presented to Parliament, the government realised that stakeholders “are getting serious,” and therefore, “wanted to come on board”. At first, the government wanted to work together with stakeholders but later the “government took over.” It was said that the state had to look into security issues related to access to information. From then onwards, the Bill has been “with the government and has not been shared since.”

It was concluded that even though there is a lack of political will, there is still strong advocacy by civil society to influence legislative processes.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator

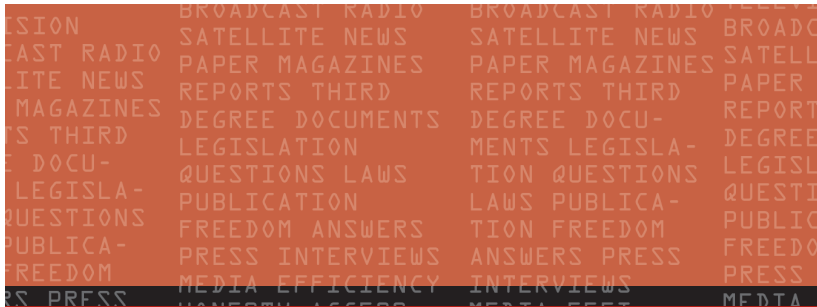


Average score:

3.2 (2013:1.5; 2011:2.1; 2009:1.3;
2007:n/a; 2005:n/a)

Average score for sector 1:

3.1



SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.



The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

Over the last few years, Zambia has witnessed a proliferation of newspapers, television and radio stations.

The main daily newspapers with a wide circulation are the *Zambia Daily Mail* (government-owned), the *Times of Zambia* (government-owned) and the *Daily Nation* (privately-owned). A new daily newspaper, *The Mast* (privately-owned), first published in November 2016, already has wide circulation. Another daily newspaper is the *New Vision* (privately-owned). *The Post* (privately-owned) was last published on the 1st November 2016 due to its closure by the ZRA in June of that year. These dailies are all in English.

The main road infrastructure connecting cities and towns has dramatically improved, but the smaller road network and the size of the country impede negatively on the cost of distribution. This poses a problem in ensuring wide national reach, and transportation of publications to rural areas is often economically ineffective. People living in rural areas sometimes receive private and public newspapers a month or two after publication. During its time in operation, *The Post* made an arrangement with local transporters to distribute the newspaper to less accessible and remote areas. *The Post* also used Post Courier to transport its paper when it was still operating. At its peak, the newspaper reached each provincial capital by the evening of the same day of publication. In contrast, the *Zambia Daily Mail* and the *Times of Zambia* did not only have limited copies, but copies arrived a day or two after publication.

The *Times of Zambia* is often “hard to get” even in Lusaka, with vendors explaining that “it had not yet come” or “yesterday it wasn’t here, I don’t know if it will come today.”

There are very few newspapers that are in vernacular and *The Moon* is one of them. There are also regional newspapers, but these are not very popular. If it is “convenient for the government,” an edition of a government-owned publication may be translated into vernacular and widely disseminated.

The cost of newspapers has increased dramatically in the last few years and now stands at K10 (US\$1) per newspaper; while the minimum wage is K520 (US\$

52) and a loaf of bread costs at least K10. Many people cannot afford to buy a newspaper. Citizens started sharing the paper or ‘borrowing’ it at a lower cost.

Generally, the print run of newspapers has decreased significantly. It was indicated that one national newspaper had a print run of 50,000 copies in the year 2000 compared to a print run of 9,000 in recent years. It is assumed that this is due to the increased cost of the papers as well as the high cost of transporting newspapers throughout the country.

Others argue that the circulation is going down “because the content [in newspapers] is unbalanced: Therefore, Zambians do not buy newspapers. Zambians are also increasingly reading news online and thus do not need to buy the paper.”

There are currently 105 radio stations in Zambia and around 34 TV stations that are currently broadcasting, some examples are *ZNBC TV1*, *TV2* and *TV3*, *Muvi TV*, *Mobi TV* and *Prime TV*. None of these stations has 100 percent coverage. The ZNBC channels are the most popular ones and have 60-70 percent national coverage. Other programmes only reach some provinces.

According to the Information and Communication Technology (ICT) Survey Report of 2015 of the Zambia Information and Communications Technology Authority (ZICTA)¹⁰, the number of households with a working television set declined slightly from 35.5 percent in 2013 to 33 percent in 2015. A mere 14.3 percent of households in rural areas owned a television set, compared to 61.2 percent of households in urban areas.

The number of households owning a radio dropped from 52.7 percent in 2013 to 44.9 percent in 2015, with 48.3 percent of households in urban areas compared to 42.4 percent of households in rural areas owning a radio.

According to the latest ZICTA statistics, Zambia has 75 percent cell phone penetration and an Internet penetration of 36 percent. The low internet penetration is assumed to be based on the lack of know-how and facilities for the use of the Internet. There are some affordable data packages on the market. Zamtel, for instance, offers 500MB of data for 1 week for K5 (US\$0.5).

Additionally, having Wi-Fi at home is expensive, and internet cafes are slowly being phased out or mainly concentrate on the provision of other services.

Internet use has been introduced in schools but sustaining it is problematic.

¹⁰ <https://www.zicta.zm/Views/Publications/2015ICTSURVEYREPORT.pdf>

2.3 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

Print media published by a public authority does not seem to have autonomy and there are cases where media professionals were fired for publishing content that was not in line with the ruling party's agenda.

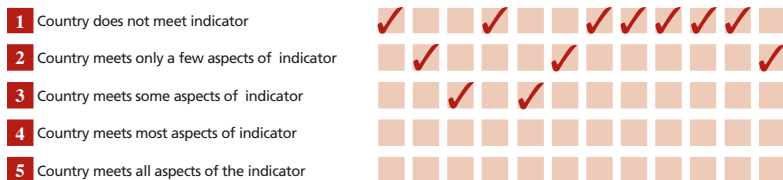
At one point, a permanent secretary who was said to have had a hand in the 'negative' reporting about a former minister, was dismissed for his alleged interference with what was published.

There is some leeway under the current government in contrast to the situation under the former ruling party. Journalists working at public media houses may, however, tend to censor themselves because of being "appointed by the government."

Speaking at a public forum, a minister told journalists they "should not be writing like *The Post*." Though this was a statement about private print media it was felt that it indirectly also served as a warning to journalists from public media houses. The same minister, when asked why there is an apparent interference with what is aired on ZNBC, said, "we can afford to tell them what to do as we own ZNBC."

Scores:

Individual scores:



Average score:

1.6 (2013:1.6; 2011:1.2; 2009:1.4; 2007:1.2; 2005:1.0)

2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

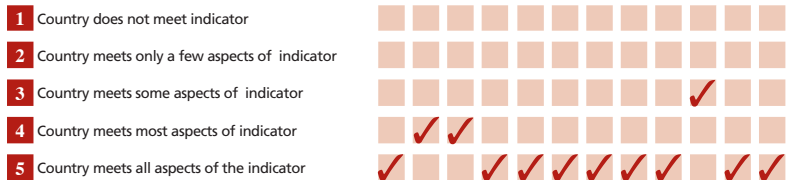
Information about the ownership of registered media houses can be obtained from the Patents and Companies Registration Agency (PACRA). One has to physically go to the PACRA office to retrieve this information, which, it was felt, makes it less transparent in practice.

A few of the panellists felt that the ease with which this information would be made available may “depend on who is asking.” However, few Zambians know who owns which media group. Some panellists suggested that media ownership has come to be viewed in partisan lines. Owners of critical media have been associated with the opposition, while those publishing favourable content, if not state-owned, have been perceived or labelled as ‘friendly media.’

Broadcasters are legally required to register with the Independent Broadcasting Authority (IBA), and print media houses are legally required to register under the Printed Publications Act. The legal framework is there “and it is enforced.”

Scores:

Individual scores:



Average score: 4.7 (2013:4.0; 2011:n/a; 2009:n/a; 2007:n/a; 2005:n/a)

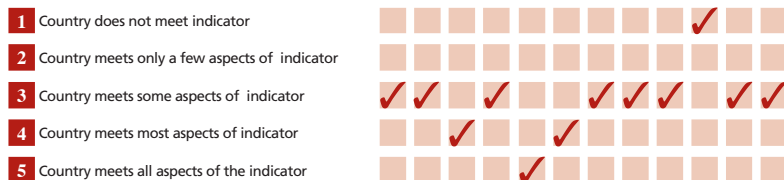
2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

Under general law, the Competition and Consumer Protection Act covers all companies and businesses. The Act has established a statutory authority, the Competition and Consumer Protection Commission (CCPC), to protect the competition process in Zambia.

The government tries to prevent the creation of monopolies. There are, however, cases of cross-ownership; with radio station *QFM* and TV station *QTV* under the same ownership. This is the same for *Hot TV* and radio stations *Hot FM*, *Prime TV* and radio station *Joy FM*.

Scores:

Individual scores:



Average score:

**3.2 (2013:3.1; 2011:3.2; 2009:2.5;
2007:2.0; 2005:2.1)**

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

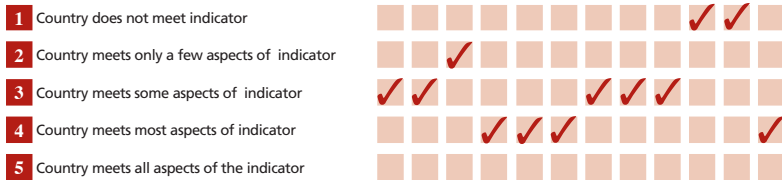
The government has “a policy that is facilitative of the creation of media houses,” but, as considered by some, those media houses should then be in line with government and, “praise the state.” It is in this context that government appears to define what diversity means; diversity means that “we have several favourite media outlets who are friendly to the state.”

Pronouncements by the government are being made in support of media houses, but often it seems that “one puts it [e.g. financial incentives] on the table, the other takes it away.”

On a positive note, the government does provide incentives for the creation of media houses through the provision of duty-free equipment for all broadcasters to set up radio or TV stations.

Scores:

Individual scores:



Average score:

**3.1 (2013:2.2; 2011:2.5; 2009:2.1;
2007:n/a; 2005:n/a)**

2.7 All media fairly represent the voices of both women and men.

Panellists had diverse opinions on whether or not the voices of both men and women are fairly represented in all media.

An example in favour of fair representation was given regarding the coverage of the occurrence of gender-based violence (GBV) against both women and men. Others felt that in the case of reporting about GBV, when there was a female perpetrator there would be increased coverage of the story, sensationalising it and making it appear that GBV committed by women was commonplace. In reality, however, it is estimated that only 10 percent of GBV related offences are committed by women, while 90 percent are committed by men. There is a gender bias when an isolated case of a woman killing a man "is made a big issue."

A media monitoring project undertaken during the 2016 campaigning period by the British Broadcasting Corporation (BBC) Media Action, the Media Institute of Southern Africa (MISA) Zambia and the Media Liaison Committee, found that 70 percent of coverage was devoted to male candidates and personalities, and only 30 percent to their female counterparts. It was also concluded that the coverage of women was predominantly negative. According to research, coverage of women outside the election period is lower than 20 percent.

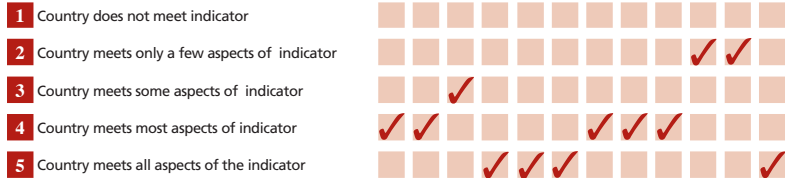
Women are often "not willing to speak" publicly or be interviewed, this is why they are not covered that much. Additionally, more men are in leadership roles, and hence, are interviewed more.

"As long as you [as a woman] are willing to engage with the media they will cover you [...] news is news."

It was concluded that there is an imbalance when it comes to women, the youth, certain tribes, albinos and religious groups; “as a whole, minorities are ignored.”

Scores:

Individual scores:



Average score:

**2.8 (2013:2.8; 2011:2.9; 2009:1.9;
2007:n/a; 2005:n/a)**

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories.

It is perceived that the Zambian media covers the full spectrum of economic, and to a certain degree, cultural perspectives.

Though the media covers a lot of political issues, which are “top on their agenda,” they do not necessarily cover it well. There is generally little political analysis and often articles usually only, “cite politicians.”

The *Zambia Daily Mail*, *The Mast* and the *Daily Nation* have sections on provinces.

Investigative stories are rare which is often linked to the lack of resources; some panellists question the validity of such claims.

Investigative journalism “is a new phenomenon to our society,” and it, “takes a certain skill set” to be able to follow an investigative story, which many journalists are currently lacking. It was therefore argued that “it is really an issue of training not of resources.”

Specialised training, e.g. intensive short courses, on investigative journalism are offered by some training institutions. Not long ago, the University of Zambia had a specific course on investigative journalism, during which students had to

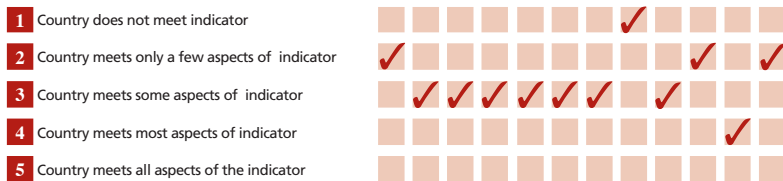
apply the learned skills and write an investigative story. Due to a change in the curriculum, this course has now been incorporated into other courses, and as a result has become less intensive.

Another reason for a decrease in investigative journalism is the fact that many newsrooms are under-resourced and understaffed. Some media houses, therefore, cannot afford to have journalists use the great amount of time and money it takes to be able to pursue an investigative story professionally and successfully.

Journalists also have to “be extremely passionate” and have a lot of patience and endurance to go into investigative journalism.

Scores:

Individual scores:



Average score:

**2.7 (2013:2.9; 2011:2.7; 2009:2.9;
2007:3.2; 2005:2.5)**

2.10 Private broadcasters deliver a minimum of quality public interest programmes.

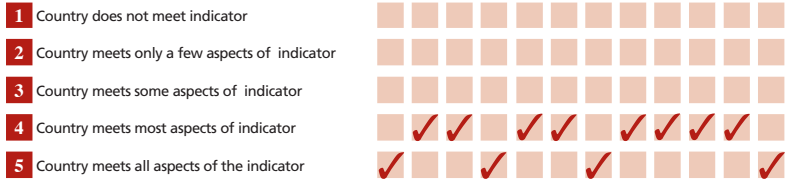
Several broadcasters are “trying their best to be relevant” to their audience. There are some interesting radio productions - *Hot FM* was named as an example where pertinent issues are discussed and people are invited to call in to the programme. People are given a much-needed platform to participate in discussions and air their views.

Komboni Radio is also seen as catering to the public’s interest with “people off the street speak[ing] the local language and lingo and talk[ing] on issues in vernacular.” Other formats came up with innovative ideas, for instance, providing listeners with the actual prices of vegetables at the market on a given day.

Interesting shows can also be found on national television, sometimes adapting international concepts and placing them in a local setting, e.g. reality shows covering the lives and adventures of rural girls.

Scores:

Individual scores:



Average score: 4.3 (2013:3.3; 2011:n/a; 2009:n/a; 2007:n/a; 2005:n/a)

2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

The National Information and Communication Technology Policy is “quite coherent,” “provides a number of guidelines” and promotes broad access to the Internet. The uptake, however, remains poor. Zambia has seen an “ICT boom in the last 5 years, it is a new thing.”

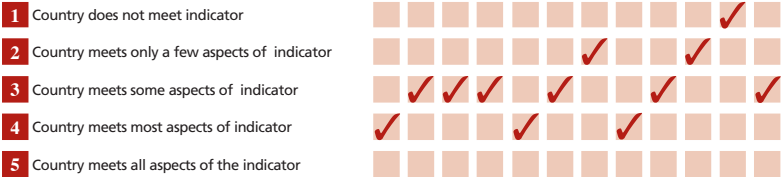
“The country has not yet reached its full maximum potential of ICT utilisation”.

The communications market is becoming more competitive; it is opening up and new investors have come on board. The ICT sector is a high tax sector which poses a challenge to the affordability of services. Access to Internet facilities remains expensive for most, hence the existence of a digital gap.

The Competition and Consumer Protection Commission has made consumers increasingly aware of their rights and procedures on how to complain if they do not receive the services they are entitled to and have paid for.

Scores:

Individual scores:



Average score: 2.9 (2013:3.0; 2011:4.1; 2009:1.7; 2007:n/a; 2005:n/a)

2.12 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

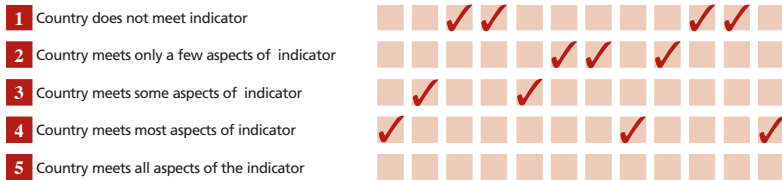
Media houses rely on advertisements as one of their sources of income. The government appears to be “very selective on where they advertise.” There is an “unwritten rule” that most government agencies prefer to advertise in state-owned media outlets, which they list as “first priority” when it comes to the placement of advertisements.

Additionally, it seems that there is an expected (non-critical) standard of content to be adhered to in order to be able to receive advertisements uninterruptedly. A former minister was said to have threatened to stop advertising in *The Post* based on their reporting.

What remains problematic is that some government agencies can be unreliable in paying their advertising bill as “they [government agencies] place adverts but don’t pay for it.”

Scores:

Individual scores:



Average score:

2.3 (2013:3.0; 2011:1.5; 2009:1.9;
2007:3.1; 2005:2.0)

2.13 The advertising market is large enough to support a diversity of media outlets.

To effectively support a diversity of media outlets the advertising market is perceived by some as not being 'large enough'. Though there is a growth of media houses in Zambia, some "strongly suspect that the growth of the media has been dependent on the support they received from the government."

Large businesses may 'pump' big amounts of money through advertisements into one or several media house(s) when they have an upcoming event or promotion that they want to advertise widely. This advertising money spent will likely influence the news coverage and editorial content of those media houses. Other multinational corporations, e.g. Mobile Telephone Network (MTN) and Air Telecommunications (Airtel), may (attempt to) influence media coverage by threatening to or actually suspending or cancelling advertisements with a media house as a reaction to negative coverage.

Corporate influence can go as far as leading to advertising agencies and printing companies refusing to take on a job because the requested advert projects a large corporation in a negative manner. Out of fear of losing future business with the targeted company, advertisements will not be run.

On the other hand, cases have occurred where businesses have been questioned by the government about their motives of, seemingly, "targeting a specific media house" when it comes to placing their advertisements.

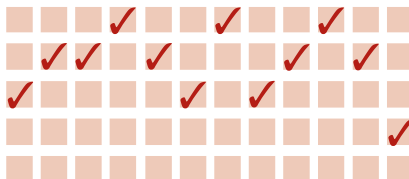
Total advertising expenditure in Zambia is estimated at K8.5 million (US\$ 856,000.00) per month.

Since the closure of *The Post*, the *Zambia Daily Mail* is receiving 60 percent of advertising spending in print media.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

2.2 (2013:1.9; 2011:3.2; 2009:2.2;
2007:4.4; 2005:2.5)

Average score for sector 2:

3.1

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

The broadcasting sector is regulated by the Zambia National Broadcasting Corporation (ZNBC) Act; Act 16 of 1987, and the Independent Broadcasting Authority (IBA) Act; Act 17 of 2002.

Amendments to the ZNBC Act were made in 2002, authorising the minister of Information and Broadcasting Services to appoint the ZNBC Board without seeking nominations from an appointment committee, as initially was the case.

In the same way, in 2010, the IBA Act was amended to remove the establishment of an appointment committee and granting the minister powers of direct appointment of the IBA Board, which is responsible for issuing licences.

The independence of both boards is, therefore, contentious and questionable.

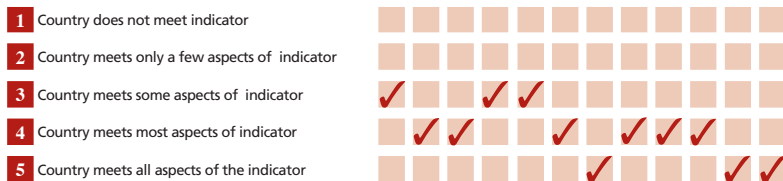
The IBA Act does provide for a three-tier system of public, commercial and community broadcasting service.

An argument was made that when looking at the sheer number of broadcasters, one has to say that there is a conducive environment for public, private and community broadcasters.

Others argued that “the number [of broadcasters] mushroomed before the amendment” to the IBA Act was made.

Scores:

Individual scores:



Average score:

4.0 (2013:2.8; 2011:2.0; 2009:1.8;
2007:2.1; 2005:2.1)

3.2 Broadcasting is regulated by an independent body that is adequately protected by law against interference and whose board is not dominated by any particular political party and is appointed – in an open way – involving civil society and not dominated by any particular political party.

The ZNBC Board is compromised: Firstly, because the appointment of the Board lies with the minister and secondly because typically it is people “who are affiliated with the ruling party” that are appointed to the Board.

While the Government has circulated names of proposed board members to civil society, it is under no legal obligation to take that advice. This move is meant to highlight transparency and inclusiveness, which, however, only “exists on paper”. In reality, appointments are made by the minister without considering the recommendations that may have been made.

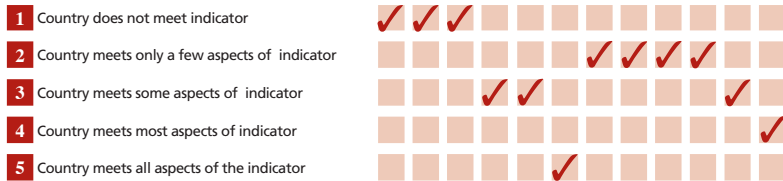
In theory, given the IBA Act, the Board should be independent and there should not be any interference from the government.

“In practice, this is different”.

“It is not uncommon for ex-military” to be appointed to the Board.

Scores:

Individual scores:



Average score:

2.4 (2013:1.9; 2011:1.2; 2009:1.1;
2007:n/a; 2005:n/a)

3.3 The body, which regulates broadcasting services and licenses, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

With the 2010 amendment to the IBA Act, the IBA Board was authorised to cancel or suspend broadcasting licenses. This, together with the amendments made towards the appointment mechanism of the boards, “has left questions” as to whether the Board is independent.

On the 22nd August 2016, the IBA suspended three broadcasting stations; *Komboni Radio*, *Itezhi Tezhi Radio* and *Muvi TV*. “There was a blanket reason given” for the suspension of the media houses – it was alleged that they posed a risk to national peace and security due to professional misconduct before the 2016 elections¹².

In a meeting with civil society, the IBA cited issuance of falsified election results as the reason for the suspension. These contradicting statements, together with the fact that the IBA waited until after the general elections to issue the suspensions, (according to most panellists) seemed suspicious. “We can assume they were given a directive,” to suspend the media houses, as all three of them were presumed, “to support the opposition.” The suspended stations had one thing in common; they all provided coverage to leading opposition figures and aired their advertisements.

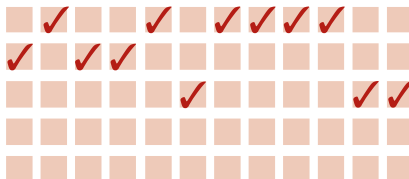
The suspensions were eventually lifted later that year and the broadcasting equipment was returned. The IBA argued that they “have listened to the [public] outcry” and that the media houses “apologised for having been wrong”. As a result, the broadcasters’ operational licenses were restored. Others have suggested

¹² The 2016 general elections were held on the 11th August 2016.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator

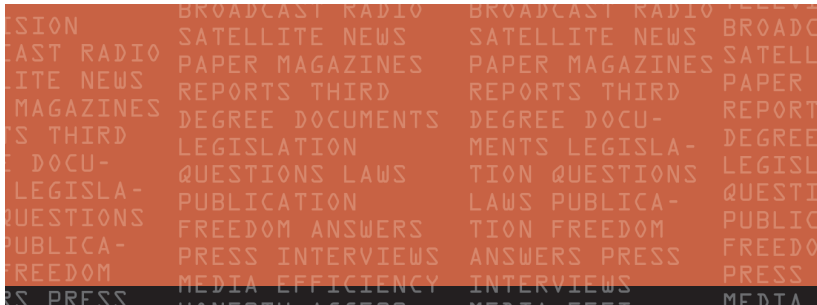


Average score:

2.1 (2013:2.3; 2011:n/a; 2009:n/a; 2007:n/a; 2005:n/a)

Average score for sector 3:

2.2



SECTOR 4:

The media practise high levels of professional standards.



The media practise high levels of professional standards.

4.1 The standard of reporting follows the basic principles of accuracy and fairness.

The standard of reporting, it is believed, hardly follows the basic principles of accuracy and fairness. In Zambia, you “find the same story in five different papers” and in each of them, the same incident is presented in completely different ways.

The reporting is done primarily along ‘party lines.’ A conference or workshop conducted about checks and balances on the government may be covered by public media, but in a biased way, “to not bite the hand that feeds them.”

“You’d rather be politically right than being objective and independent.” In general, “people don’t declare conflict of interest anymore.”

By and large, media houses may refuse to cover a person, an organisation or an event because of assumed party affiliations. Sources which could provide another side to a story will not be interviewed, as “an effort to black out the other side.”

“The other side of the story shouldn’t be heard.”

Sometimes, journalists are simply not invited or are refused entry to an event because of the media house they work for. “Quality of coverage doesn’t reflect the fairness that it should because you are not allowed to be there [at a certain event].”

“I pick information from different sources,” one panellist remarked, “to be able to put the [real] story together.”

“Media houses ... almost all the media houses have agendas.” In this, ownership plays an important role.

“He who pays the piper plays the tune.”

“Once a story comes, they have to scrutinise it,” and in the process, adjust it, “to suit their agenda.” Such a practice is very likely to cause inaccuracies.

Others thought that “there is nothing wrong with media houses having agendas,” but were, “concerned about accuracy.” During the election period, “media heads were called” by the Electoral Commission of Zambia (ECZ), “because there was this outcry that the level of reporting was ... unacceptable.”

"Media outlets have been used as pawns in encouraging violence and hate speech especially during elections."

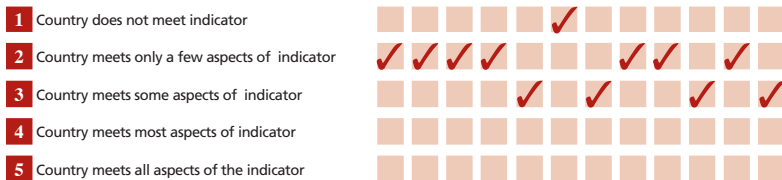
"You tend to expect a person will cover party A and B and when they are arguing in a way that promotes hate speech and or violence bring in a third voice to balance the story ... to say hate speech is wrong, (...) to bring in the peace." But the media will present this third voice as not being objective but instead being party affiliated and hence "undermine the voice of harmony."

An objective statement made by a civil society leader about the death of a Zambian girl was taken out of context and aired on a radio station as an advert to promote a specific political party. With such behaviour, the media is "compromising non-partisan people."

Given the above, there is a sector of "the public [that] has little trust in the media." While other members of "the public have faith in a particular media, the one that is more aligned to their thinking."

Scores:

Individual scores:



Average score:

**2.3 (2013:2.3; 2011:2.2; 2009:2.5;
2007:2.8; 2005:2.5)**

4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public.

The Zambia Media Council (ZAMEC) is a non-statutory self-regulating body promoting a media code of ethics. The Council has a constitution, a code of ethics and an enforcement mechanism has been developed, but in reality, it has not been properly institutionalised, so "ZAMEC isn't existing."

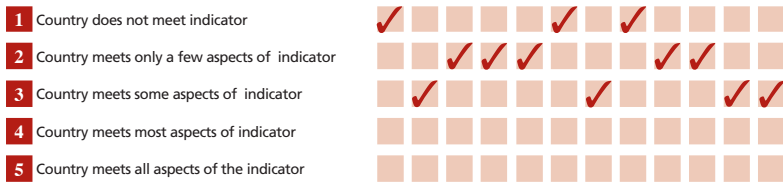
Media houses were supposed to financially contribute to ZAMEC to ensure its existence and functioning, “but it was quite expensive” and therefore did not materialise. To initiate the process of operationalising the media council, civil society organisations tried to engage the ZAMEC Executive, which was elected as part of the initial launch of the organisation in 2012. The Chairperson of ZAMEC however, is currently on sick leave, which has further stalled the process of institutionalisation.

When someone wants to file a complaint against broadcasting media houses the person can go to the IBA, and since the body is part of a statutory regulating system, it “will look into it.” Otherwise, one would have to take the complaint to the High Court.

Media houses have in-house codes of conduct which are enforced within (some) institutions. If a valid complaint is made, the responsible journalist “will be disciplined” with a warning or similar. The public, however, “may not be aware of code of conducts to do with the media.”

Scores:

Individual scores:



Average score:

2.1 (2013:2.9; 2011:2.0; 2009:2.3; 2007:3.0; 2005:3.3)

4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners are adequate.

There is a general need to improve working conditions and salaries for media professionals. Payments for journalists are inadequate, especially taking into account that many journalists have 14-15-hour work days, “a driver gets more than a man or a woman who has to inform our nation”.

Usually, only journalists working for state-owned media can negotiate their salaries, because they are part of a union and collective agreements have been concluded. ZNBC staff represented by a union, for instance, are entitled to an annual review of salaries and an increment. But with a minimum amount of staff

required to form and be part of a union, many journalists from private media houses do not have the support from an appropriate bargaining unit.

It is not uncommon that journalist's salaries are delayed; this is happening across the board in print and broadcasting media houses, whether they are private or public. Journalists often "still continue working" in these instances.

Taking from the example of a public media house, starting salaries for a reporter include benefits, and starting salaries are higher for those who have completed a relevant degree. In some public print media houses, starting salaries were the same for those with or without degrees which is considered "a bit unfair."

For some radio stations, entry level salaries start at K4,500 (US\$453) for full-time employees. This is in contrast to other stations which will pay their experienced hosts a maximum of K2,500 (US\$252).

Journalists often lack access to adequate equipment and transport to be able to do their work, but the situation is generally better in public media houses.

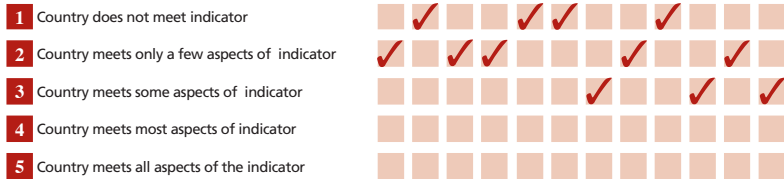
There is "little done in terms of safety measures;" and this was particularly evident during the 2016 elections. There was inadequate protection of journalists "because the police who are supposed to safeguard them take sides." Journalists have been harassed "in full view of the police" without any protection.

Journalists are often required to identify themselves, which reveals the identity of their media house and in turn what political affiliation they are perceived to have. If you are perceived as "an enemy of the government [...] you become a target." In fact, "public media journalists were attacked by the opposition, and private media houses [were] attacked by the ruling party. "Some (public) media houses increased the security measures at their premises during the election period. They also provided non-branded cars for their journalists to drive to assignments in." Aside from this, "no protection measurements for journalists are in place from the side of the media houses".

A few training institutions offer short courses on elections, but there is a minimal focus on protection and safety measures in these courses.

Scores:

Individual scores:



Average score:

1.9 (2013:2.3; 2011:2.0; 2009:2.2;
2007:n/a; 2005:n/a)

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

Under the Zambian Constitution and in Chapter 269 of the Industrial and Labour Relation Act, workers and employers are allowed to join and form unions. But in practice, especially in private media, some media owners “don’t want to allow their members to join the union” even if the staff wants to do so.

Existing unions and professional associations are: the Zambia Union of Journalists (ZUJ), the Zambia Media Owners Association (ZMOA), the Zambian Union of Broadcasters and other Information Disseminators (ZUBID), the Zambia Media Women Association (ZAMWA) which advocates for women but is currently not very active, the Zambia Bloggers Network (ZBN), the Press Association of Zambia (PAZA), which draws its membership from public and private media, and the Media Institute of Southern Africa (MISA) - the Zambia chapter.

Some of these are not very active and there is an “issue of democratic deficit in media associations.” PAZA, for instance, had its last annual general meeting (AGM) in 2001 and lack a functioning secretariat. Some attribute this to the lack of financial means, while others chalk it up to a lack of strong leadership; yet others feel that it is due to many journalists’ lack of business and governance skills. There may additionally be “a lot of external interferences within associations” trying to render them ineffective. “Elections may,” conveniently, “just be forgotten” so that others cannot take over.

“There are journalists who are open about it, [the fact that] they go where there is money.”

Even though it is understood that refunding a journalist’s transport has predominantly become a necessity, it remains questionable whether journalists who have received ‘as little as’ a transport refund remain objective.

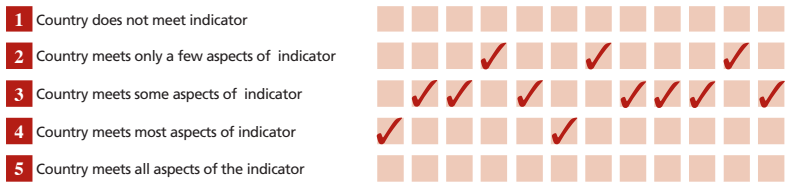
The Post used to have a policy requiring every journalist to refuse a transport refund or any other financial contribution. If they entered into a morally questionable situation, they got fired. The newspaper would, therefore, look into the conduct of their own. They once took up a matter where a Member of Parliament (MP) allegedly bribed a journalist from *The Post*. The issue was later taken up by the Anti-Corruption Commission (ACC) who took the MP to court.

Other public media houses have set up integrity committees and are working on gift and benefits policies to curtail corruption.

There are also cases of corporate corruption, with journalists being flown to certain destinations where they stay in five-star hotels and on their return, they “only show the positive” side.

Scores:

Individual scores:



Average score:

2.9 (2013:2.3; 2011:2.0; 2009:2.5; 2007:n/a; 2005:n/a)

4.6 Journalists and editors do not practise self-censorship in in the private broadcasting and print media.

In Zambia, journalists and editors often practise self-censorship in the private broadcasting and print media. One reason is the lack of job security, especially in the private sector. Journalists are very careful to ensure they do what is regarded as ‘politically correct’ because the media house may not be willing to suffer any financial losses or other consequences for the behaviour of a single journalist.

There can be an editorial rule not to cover certain personalities, events, or opinions. Some journalists also learned from experience that a specific type of story will not be approved by the editor and then “they realise they have to write in a certain way to be published.”

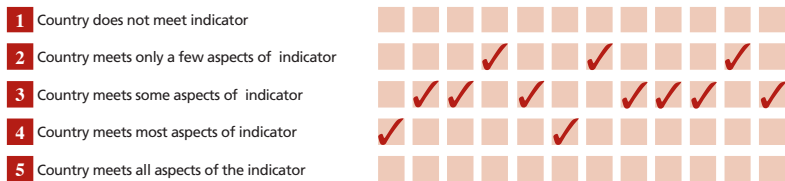
There are also journalists, from either private or public media houses, who tend to write in a certain way to “line themselves up for higher appointments.”

But there are still those journalists who prevail. In a case where “they are intimidated but backed up” by the media house, they will keep pursuing their story.

In theory, some media houses have clear editorial policies to ensure editorial independence; these are however often neglected in practice.

Scores:

Individual scores:



Average score:

**1.9 (2013:2.4; 2011:1.6; 2009:2.0;
2007:2.0; 2005:1.4)**

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

The Zambia Institute of Mass Communication (ZAMCOM), based in Lusaka, offers diplomas in journalism, journalism and public relations, agriculture journalism as well as certificates in journalism. The full-time diploma programme usually takes three years, with the journalism and public relations programme taking four years, while certificate courses usually take one year.

Specialised short courses, such as gender and media, agriculture and journalism, and a refresher course covering the safety of journalists are offered in English.

Oftentimes media owners and editors sign up for courses meant for journalists (sometimes due to the financial aspect) when the participation is sponsored by

a donor who also pays an allowance. At other times, it is because the course being offered is taking place outside the country, which is desirable to those in management positions.

The University of Zambia offers degrees in mass communication covering media and communication studies. They also offer courses in television and radio production, public relations, and advertising. Degree courses take three to four years, for both regular students and part-time students taking evening classes. Additionally, full-time evening degree classes are offered.

The Evelyn Hone College offers diplomas in journalism, public relations, video and radio production.

The Cavendish University, a private institution, offers a degree in journalism and mass communication.

A great number of journalists study before entering the workforce. Others pursue their degrees while working in the industry.

To the question of whether students come out of these courses prepared for the job, panellists mentioned internship opportunities given to students at some training facility, as well as the opportunity to make use of in-house radio stations or newspapers. Besides these examples of practical training, there may often be a lack of a supportive infrastructure that can assist in preparing students sufficiently.

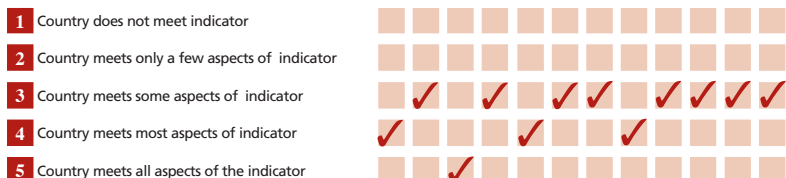
Media houses also have a role to play in shaping new staff. Given the fact that newsrooms are often understaffed and senior journalists have little time on their hands, it is challenging for many to function as mentors to newcomers. Sometimes senior journalists may even be “looking for you to fail” because they see young, eager degree-holders as competitors.

Journalists should also be given the opportunity to advance themselves while in the job through training and courses. According to the collective agreement of ZUBID members, the employer must facilitate training in the field of digital migration to ensure that employees will be able to keep up with current and future advancements in technology.

Generally, a decline in attitude can be observed throughout society, specifically regarding work attitude and skill sets. Several job applicants will barely prepare or will prepare inadequately for job interviews and therefore will not leave a good impression.

Scores:

Individual scores:



Average score:

3.4 (2013:3.7; 2011:3.9; 2009:3.5;
2007:4.3; 2005:2.6)

4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Some panellists deemed the environment in Zambian media houses as being conducive to equal opportunities for all; regardless of ethnicity, social group, gender/sex, religion and age. With regard to persons with disabilities, however, there is room for improvement to provide increased access and opportunities.

Others expressed that equal opportunities are not provided to all. When it comes to men and women, for instance, it was noticed that stories are often allocated according to gender; where women will be expected to cover issues like fashion even if their interests lie in other areas. Headline stories are usually given to experienced, i.e. older, male journalists.

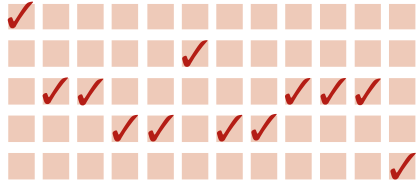
A counter argument was made stating that at the Lusaka office of the Zambia News and Information Services (ZANIS), a public relations wing of the government, all photographers are female, with a female head of photography. Additionally, there are also female sports photographers at media houses, covering a male-dominated area. Others argued that women themselves "shy away from those assignments."

"The media landscape has changed, we are going towards 50 percent of women" in media houses. In newsrooms, female journalists are usually higher in number than their male counterparts. However, in upper management the number of women decreases. An exception to this rule is *Komboni Radio*, where most top positions are held by women. Positive examples of attempts at gender mainstreaming in the media are the *Times of Zambia's* gender policy; while the *Zambia Daily Mail* is in the process of drafting a gender policy.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

3.3 (2013:3.8; 2011:2.4; 2009:3.5;
2007:n/a; 2005:n/a)

Average score for sector 4:

2.6

The way forward

1. What were the developments in the media environment in the last three/four years?

In a nutshell:

- The closure of *The Post*.
- A proliferation of media houses.
- The rise of the *Daily Nation*.
- Media related news websites were closed down.
- The increase of violence especially during the election period.
- Momentum around Access to Information has been sustained.
- There has been an increase in the victimisation and intimidation of union leaders and media activists.

2. What kinds of activities are needed over the next 3-4 years?

- In order to be able to start protecting media practitioners in all spheres, the existence of strong media institutions is necessary. That is why media associations need to be revived and strengthened through accountable processes such as:
 - the holding of annual general meetings on an annual basis to discuss and make decisions on issues of governance and
 - mobilisation of resources through membership
- ZAMEC needs to be operationalised and start functioning.
- Traditional media has to learn to quickly adjust to donor needs to be receptive of funding. A balance between donor wants and media needs have to be found.
- Media houses should consider extending their platforms e.g. print media to have a radio station, an online presence, etc.
- There is a need for improvement of professionalism which can be pushed by the unions. Professional associations should additionally

work on the improvement of the professionalism of journalists, with support from other stakeholders.

- Enforcement of broadcasting guidelines with the IBA.
- Need to advocate for the reform of the IBA – especially regarding the appointment structure, to ensure the body's independence and autonomy.
- Push for a revision of advertising rates, and review and revise advertising practices. Additionally, greater business should go to media houses in the private sector, which would subsequently provide a moral ground for advocating for higher wages.
- Being commercial entities, radio stations should seek alternative avenues to generate income.
- A media Indaba should be held in Zambia.

The panel discussion took place at Fringilla Lodge, Lusaka, Zambia on 3-5 February 2017.

Panellists:

Media:

1. Kiss Abrahams – Journalist
2. Martin Maseka – Journalist
3. Richard Mulonga – Online Journalist, Blogger
4. Emelda Musonda – Editor

Civil Society:

1. Linda Banji-Siamuzyulu – Church Representative
2. Elizabeth Mweene Chanda – Lawyer, Lecturer
3. Boniface Cheembe – Governance Expert/Human Rights
4. Juliet Chibuta – Gender & Development specialist
5. Naomi Lunat Kimbala – Youth Activist
6. Patrick Nshindano Kritikous – Economist/Civil Society
7. Dr Neo Simutanyi – Political Scientist

Rapporteur:

Jennifer Ido

Moderator:

Reyhana Masters

Friedrich-Ebert-Stiftung

Zambia Office

5583 Great East Road

P.O. Box 30554

Kalundu

Lusaka

Tel: (+260) 211 295615/6

Fax: (+260) 211 293557

Email: misama@globemw.net

<http://www.fes-zambia.org>

Friedrich-Ebert-Stiftung (FES)

fesmedia Africa

Windhoek

Namibia

Tel: +264 61 417500

Fax: +264 61 237441

E-mail: info@fesmedia.org

www.fesmedia-africa.org

MISA Regional Secretariat

Private Bag 13386

Windhoek, Namibia

Tel: +264 61 232975

Fax: +264 61 248016

www.misa.org



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