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Visit to Zambia

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan*, **

Summary

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, visited Zambia from 20 to 31 January 2025. In the present report, she acknowledges progress, including the adoption of the Access to Information Act and the repeal of the offence of defamation of the President. She notes ongoing challenges regarding freedom of expression and the need for legal and policy reforms. In her key recommendations, she calls for the implementation of the Access to Information Act, the decriminalization of defamation and the revision of some speech-related offences in the Penal Code and other restrictive laws to bring them into line with international standards. She also calls for strengthening the media and State institutions. She notes the rise of disinformation and the need to address it with multipronged strategies grounded in human rights. The Special Rapporteur encourages the Government to continue its efforts to expand Internet connectivity to support freedom of expression and access to information. She calls upon the Government to accelerate reforms, foster a culture of transparency and engage with civil society to strengthen the protection of human rights.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

** The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

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Annex

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, on her visit to Zambia

I. Introduction

1. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, conducted an official visit to Zambia from 20 to 31 January 2025 at the invitation of the Government of Zambia and pursuant to Human Rights Council resolution 52/9. She visited Lusaka as well as Livingstone, in Southern Province, and Kitwe and Ndola, in Copperbelt Province. The purpose of the visit was to assess the state of freedom of opinion and expression, including the right to information, in the country, and to make recommendations to the Government in the light of its international human rights obligations.

2. The Special Rapporteur appreciates the access she was given to senior officials, including at the very top. She was received by the President, Hakainde Hichilema, at the end of her visit and took the opportunity to inform him about her key findings and recommendations. During the visit, she met with the ministers and senior officials of the ministries of foreign affairs and international cooperation, technology and science, education, and home affairs and internal security and with the Attorney General, the Solicitor General and the Inspector General of the Police. She held discussions with officials from the Ministry of Media and Information and the Independent Broadcasting Agency and with the Electoral Commission of Zambia, the Law Development Commission and the Human Rights Commission. She met with the Deputy Chief Justice of the Supreme Court and senior judges of the Supreme Court and the Constitutional Court.

3. She also met with the Deputy Speaker of the National Assembly, who convened some members of the Committee on Media, Information and Communication Technologies and the Committee on Legal Affairs, Human Rights and Governance to meet with the Special Rapporteur. Later, the Special Rapporteur learned that members of some opposition parties in the parliament who had wished to meet with her had not been allowed into the room. She notes with concern that access to her was reportedly restricted in the parliament despite the Government's public assurance that all political parties had full freedom to meet with her.

4. In Livingstone, the mayor organized a large meeting for the Special Rapporteur, which included the Permanent Secretary of Southern Province, local counsellors and provincial district commissioners. She also met with the local office of the Human Rights Commission. In Ndola, the Special Rapporteur met with the Provincial Minister, the Permanent Secretary, the Provincial Police Commissioner and the local office of the Human Rights Commission.

5. The Special Rapporteur thanks the Government of Zambia for the invitation and the cooperation extended to her and for the constructive and candid discussions on the plans, progress, concerns and challenges relating to freedom of opinion and expression in the country. She would like to extend her special thanks to the Ministry of Foreign Affairs for organizing and facilitating meetings with government officials.

6. In Lusaka, Livingstone and Kitwe, the Special Rapporteur met with a wide range of civil society stakeholders, including human rights defenders, journalists, academics, trade unionists, church leaders, women's groups, media organizations, social activists and supporters and members of various political parties, representing a broad spectrum of views, professional expertise and organizational affiliation. She also visited a local independent media outlet in Copperbelt Province. In addition to holding in-person consultations and hearing oral testimonies, she received many written submissions from civil society organizations and individuals. The Special Rapporteur thanks all of the civil society interlocutors for the valuable information and insights provided.

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7. During the visit, the Special Rapporteur received several written complaints from organizations and individuals alleging human rights violations. She will convey her concerns on individual cases to the Government of Zambia using the communications procedure for allegations.

8. The Special Rapporteur extends her gratitude to the Resident Coordinator and the United Nations country team, in particular the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights (OHCHR), for their support and assistance to the mission.

II. Observations on the context

9. The 2021 elections that brought Hakainde Hichilema and the United Party for National Development to power marked a significant turning point for Zambia, ending 10 years of rule by the Patriotic Front, during which grave human rights violations and high levels of political violence had prevailed with impunity. During that period, opposition leaders, activists, human rights defenders and journalists were attacked, jailed or, in some cases, killed. At least two prominent independent media outlets were shut down and civic space was severely restricted, creating a climate of fear and repression in which freedom of expression was seriously curtailed[1] by the authorities or chilled through self-censorship. The period in the run-up to the 2021 elections was marked by widespread harassment, physical violence and online attacks targeting activists, journalists and the political opposition, including the current President and his senior advisers. Media outlets were raided and the equipment of journalists and media workers confiscated. The period saw large-scale arrests,[2] allegations of torture and ill treatment,[3] the prohibition of public meetings and a violent crackdown on opposition rallies.

10. The transition of power in 2021 was relatively smooth. Many members of the United Party for National Development with whom the Special Rapporteur met, however, still bear the emotional scars of the past political violence, while those who are now in the opposition complain of reprisals and unfair targeting by the Government. The fact that only members of the ruling party were invited to meet with the Special Rapporteur in the parliament and in local government gatherings is an indication of the prevailing political differences and the lack of trust on both sides. The political environment has had an impact on civil society, where those critical of the Government are perceived to be supporting the political opposition, although the space for dissent has expanded compared to the past. As the country moves towards elections in 2026, observers have noted the potential for rising political tensions, increased pressure on human rights, especially freedom of expression, and shrinking democratic and civic space. Diverse views on social and political differences are being manipulated to fuel disinformation and smear campaigns both online and offline, with serious negative consequences for information integrity and public trust and confidence in institutions.

11. The Special Rapporteur was encouraged to hear some local government representatives and civil society stakeholders speak of the need to heal the pain created by the traumatic experiences of the past and to overcome the political and social divisions in society through community-based processes for truth, justice, dialogue and mutual understanding. Interlocutors proudly pointed out that Zambia was ethnically, culturally and linguistically diverse, with over 70 ethnic groups and more than 70 languages, and that

[1] Amnesty International, “Ruling by ‘Fear and Repression’: the Restriction of Freedom of Expression, Association and Assembly in Zambia” (London, 2020), p. 6; and Freedom House, “Zambia: preelection assessment – general elections set for August 2021”, Election Watch for the Digital Age Project, available at https://freedomhouse.org/sites/default/files/2021-06/FINAL_EW_Zambia_preelection_assessment.pdf.

[2] Amnesty International, “Zambia: rising impunity and lack of accountability”, submission to the twenty-eighth session of the Working Group on the Universal Periodic Review, November 2017, p. 7, available at https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR6366132017ENGLISH.pdf.

[3] Ibid., p. 5.

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Zambian society was known for tolerance and peaceful co-existence – rare in a region of Africa torn by conflict and political instability. The Special Rapporteur calls upon all stakeholders to build on that heritage to enhance respect for diverse views and inclusive, peaceful debate.

12. The current Government came to power on a platform of change, promising to uphold human rights, reform laws and institutions and ensure economic development and open, effective governance. Those promises generated high expectations among the people of Zambia, sparking a collective hope for an end to the repressive practices of the past.

13. At the national level, the Government has introduced some legal reforms, including the adoption of a new law on access to information and the abolition of the offence of defamation of the President. At the international level, the Government has displayed a willingness to engage with the international human rights system, including indicating its intention to stand for election for Human Rights Council membership for the term 2027–2029. It is worth noting that the Special Rapporteur is the first special procedure mandate holder to be invited to visit Zambia in eight years and the first ever with a civil and political rights mandate to do so. Other mandate holders will be visiting the country soon.

14. While those are important steps in the right direction, much more is needed under the circumstances. Freedom of expression has come under renewed pressure as the country prepares for the general elections in 2026. There is growing concern that oppressive laws and tactics are being revived to suppress criticism of the Government and that key legal and policy reforms have stalled or slowed down. There have been allegations of interference with judicial independence, which is vital for the protection of human rights, including freedom of expression.

15. Freedom of expression was a casualty of political tensions in the past. The Government must ensure that that does not happen again. It is crucial that the Government continue to take action to address the concerns, accelerate the pace of change and strengthen freedom of expression and access to information, fostering a governance system rooted in accountability, transparency and respect for human rights and restoring public trust in State institutions and information integrity.

III. International legal framework

16. Zambia is a party to the International Covenant on Civil and Political Rights[4] and the African Charter on Human and Peoples' Rights.[5] Article 19 of the Covenant guarantees the right to freedom of opinion and expression. While the right to freedom of expression is not absolute, any restriction of that right must be compatible with the criteria set out in article 19 (3), which require that it be provided by law, be precisely formulated, and be necessary and proportionate to achieve the legitimate objectives specified in the Covenant.[6]

17. Article 20 of the Covenant provides that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence contains important guidance on countering incitement to hatred and suggests a high threshold for defining restrictions on freedom of expression, incitement to hatred, and for the application of article 20 of the Covenant. It outlines a six-part threshold test, taking into account: (a) the social and political context; (b) the status of the speaker; (c) the intent to incite the audience against a target group; (d) the content and form of the speech; (e) the extent of its dissemination; and (f) the likelihood of harm, including imminence.

[4] Ratified on 10 April 1984.

[5] Ratified on 10 January 1984.

[6] Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, paras. 34–36.

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18. The right to freedom of expression and access to information is also codified in article 9 of the African Charter on Human and Peoples' Rights.

19. In the following sections, the Special Rapporteur assesses the laws, policies and practices of the Zambian authorities in the light of those international obligations.

IV. Key findings

A. Suppression of dissent and critical voices

20. As several interlocutors pointed out to the Special Rapporteur, the harsh and violent attacks on civil society, political activists and journalists prevalent in the past have significantly declined. The suppression of dissent and criticism, however, continues through other means.

21. The Special Rapporteur received reports of harassment and intimidation by the police and political party affiliates of members and activists of the political opposition, including at least one complaint of the arbitrary detention of a woman political candidate, and of journalists, bloggers and civil society actors critical of the Government. Furthermore, the Special Rapporteur received oral testimony and written submissions that representatives of the Catholic Church had been attacked by ruling party supporters for making critical statements and that a prominent religious leader had been blocked from access to his office. Such incidents appear to reflect a growing trend to attack and silence dissenting voices and, if not tackled firmly, fairly and promptly by the authorities, could escalate in the lead-up to the 2026 elections.

22. There is also increasing concern that the criminal justice system is being weaponized to silence legitimate expression and that the same legal tools, tactics and loopholes in the law used by the previous regime are being revived. Reports from international and local human rights organizations and individual complaints submitted to the Special Rapporteur indicate that the authorities have opened investigations into and instigated the prosecution of activists, journalists, bloggers and opposition figures, using provisions in the Penal Code relating to false news, seditious practices, criminal libel and cybercrimes. Several journalists reporting on activities of the political opposition or reporting critically about government policies have been arrested. For example, in November 2022, the police in Lusaka arrested two journalists covering the arrest of a political opposition member. In April 2024, two journalists were arrested while covering a political rally. The Special Rapporteur also received information about an investigative journalist and blogger who was facing multiple court cases on charges of seditious practice and criminal libel for his critical reporting.

23. The Special Rapporteur further observes that several members of the political opposition, including parliamentarians, are facing criminal charges, several of which are perceived to be politically motivated. She has received reports that public gatherings by the political opposition or civil society have been prohibited or disrupted by the authorities using the Public Order Act, while those of the ruling party have been allowed to go ahead.

24. Using the legal system in a selective manner to target political opponents or other critics of the Government is dangerous. The politicization of prosecution creates a perception of political persecution and regional and ethnic bias, undermining public trust in the rule of law and State institutions. Reform of the relevant laws is imperative to end manipulation of the legal system. So too is the need for clear policies to ensure that the police and prosecutorial authorities apply all laws in a fair and non-discriminatory manner. Transparency and accountability mechanisms should be strengthened within law enforcement and judicial institutions to ensure that investigations, charges and prosecutions are carried out impartially. Furthermore, training programmes should be carried out to equip the police and judicial authorities with the knowledge and tools necessary to uphold human rights standards in their work.

25. Using the law to suppress legitimate expression has a broader chilling effect, inducing civil society and the media to self-censor. A number of the participants with whom the Special Rapporteur met, including human rights defenders, journalists and church leaders,

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complained about being harassed and threatened by the authorities for criticizing the Government. Some of them expressed fears about electronic and physical surveillance by the authorities. While the Special Rapporteur could not judge the veracity of such allegations, she has reason to believe that at least one interlocutor with whom she spoke was subsequently visited by law enforcement officials inquiring about what had been discussed.

B. Need for legal reforms

26. Article 20 of the Constitution of Zambia guarantees the right to freedom of expression and press freedom. Some provisions of the Penal Code, however, and the recently adopted Cyber Security Act, 2025, and Cybercrimes Act, 2025, are not fully aligned with international standards for freedom of expression.

27. The Special Rapporteur commends the Government for repealing the provision in the Penal Code on the prohibition of defamation of the President, which had been used in the past to suppress political criticism. The practical effect of the repeal has been blunted, however, by the continued existence and use of other provisions in the Penal Code, namely, on criminal libel (sect. 191), the use of insulting language (sect. 179), false news (sect. 67) and seditious practices (sect. 57).

28. The State Security Act also provides for restrictions of freedom of expression on the grounds of national security. It criminalizes the unauthorized disclosure of various types of information deemed sensitive to national security and includes harsh punishments for violations of the law. It lacks a public interest exception clause in line with international good practice to protect journalists and whistleblowers from prosecution for disclosure.

29. The main criticism of the speech-related offences under Zambian law is that they are framed in vague and overly broad terms that leave excessive discretion in the hands of law enforcement and prosecutorial authorities and are therefore open to abuse. Furthermore, the threat of harsh and disproportionate penalties creates a chilling effect on freedom of expression. The Government has noted that, following a judicial decision that section 67 of the Penal Code was in violation of the Constitution, it will be expunged by the Commissioner of Law Revision. The Special Rapporteur welcomes the clarification and looks forward to timely action on the issue. She urges the Government to repeal or revise the remaining three sections of the Penal Code mentioned above to bring them fully into line with the international human rights obligations of Zambia.

30. In paragraph 47 of its general comment No. 34 (2011), the Human Rights Committee underscored that defamation laws must not serve, in practice, to stifle freedom of expression, and encouraged States to decriminalize defamation. It stressed the importance of crafting defamation laws with care in order to ensure full compliance with the requirements for legitimate restrictions of freedom of expression under article 19 (3) of the Covenant. That included avoiding excessively punitive measures and including valid defences, such as the public interest in the subject matter and the defence of truth. The Committee also stressed that the application of the criminal law should only be countenanced in the most serious of cases and that imprisonment was never an appropriate penalty. In accordance with the Committee's recommendations, the Special Rapporteur urges the Government to decriminalize defamation. At the very least, the Government should avoid imposing prison sentences for criminal defamation.

31. The Cyber Security and Cyber Crimes Act, 2021, was still in force at the time of the Special Rapporteur's visit. It contained provisions that had a negative and excessive impact on the right to freedom of expression online. The provisions relating to the disclosure of intercepted communications, data retention, false information and insulting language were overly broad. The broad and vague definition of hate speech in the Act was open to abuse and risked encouraging self-censorship. Furthermore, the Act allowed for the arbitrary surveillance of citizens and journalists and the confiscation of information and communications devices based solely on law enforcement officials' suspicion that an

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individual may have committed or was currently committing a crime,[7] infringing privacy rights.

32. During the visit, the Special Rapporteur was informed by the Government that two separate draft bills, the Cyber Security Bill and the Cyber Crimes Bill, were being prepared to replace the Cyber Security and Cyber Crimes Act. Civil society organizations expressed serious concerns that the draft bills did not meet international standards and could open the door to abuse of power by the authorities and unduly restrict freedom of expression online.[8] The Special Rapporteur encouraged the Government to hold further consultations with civil society. In April 2025, both bills were enacted. While the Special Rapporteur commends the repeal of the broad provision on hate speech in the previous legislation, she is concerned that vague definitions of "critical information" and sweeping interception powers create a risk of surveillance and censorship under the guise of national security. The absence of safeguards for journalists, combined with the severe penalties under the Cyber Crimes Act, 2025, for disseminating or even possessing undefined critical information, risks chilling investigative journalism and public-interest reporting. The Special Rapporteur urges the Government to carry out further consultations with key stakeholders, including civil society organizations, and seek further advice from the Law Development Commission, with a view to addressing the concerns about the new cybersecurity and cybercrime laws and ensuring their full alignment with international human rights law.

33. The Special Rapporteur is concerned that the Public Order Act, which dates to colonial times, has been used by successive Governments to prohibit public gatherings, in contravention of the right to peaceful assembly. She received numerous complaints from civil society organizations and political parties that the law was used by the police to restrict and disrupt public gatherings by opposition groups on the vague grounds of threats to public order. Section 5.4 of the Act requires prior notification to be given to the police of any public assembly or protest. Although there is no requirement of prior approval, the police authorities have interpreted the prior notification clause as requiring permission from the authorities before any public assembly can proceed.

34. The Law Development Commission informed the Special Rapporteur that, after extensive consultations with civil society organizations, it had proposed a new bill that was oriented clearly towards upholding the right to peaceful assembly. The change from "public order" to "public gatherings" in the title of the bill seems to affirm such a shift.

35. In meetings with the Special Rapporteur, senior government officials acknowledged that the Public Order Act, which had been used against their own political party when it was in the opposition, was deeply flawed and informed her that the current law would be replaced by a public gatherings bill, which would provide a more enabling legal framework. The Government assured the Special Rapporteur that the public gatherings bill would be submitted to Parliament for adoption in the next session.

36. As political parties begin to mobilize for the 2026 elections, it is imperative that legal reforms to strengthen freedom of expression and the right to public assembly are adopted by the parliament without delay. The Special Rapporteur emphasizes that the revision of the laws should be conducted through an inclusive process that engages all relevant stakeholders, including civil society organizations, and incorporates the expertise and advice of relevant institutions, such as the Law Development Commission and the Human Rights Commission.

C. Proliferation of disinformation

37. Like many other countries, Zambia is experiencing a sharp rise in disinformation and hate speech, especially on social media. The spike is closely linked to the political climate in the country, with much of the information manipulation originating from unscrupulous politicians and their supporters, journalists and social media influencers, including some who

[7] The Human Rights Committee has also expressed concerns on the matter; see CCPR/C/ZMB/CO/4, paras. 31 and 32.

[8] See, for example, Collaboration on International ICT Policy for East and Southern Africa, "Analysis of the Zambia Cyber Crimes Bill, 2024, and Cyber Security Bill, 2024", December 2024.

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are operating from abroad. Even the Special Rapporteur's visit became a target of disinformation on social media. The content is marked by a high degree of polarizing and toxic speech and a low regard for factual accuracy. The aim is to mislead the public and sow social discord. The effect is often a loss of public trust in politics and politicians.

38. The Special Rapporteur condemns the distortion of facts and the manipulation of information. Politicians, journalists and social media influencers play a crucial role in shaping public discourse and should behave responsibly to foster a respectful, tolerant and safe information environment. In the interest of creating a healthy democracy, politicians must refrain from spreading disinformation or inciting intolerance, discrimination and hatred. The Special Rapporteur encourages all political parties to adopt and adhere to codes of conduct that promote responsible behaviour among their leaders, members and cadres, including on information integrity. Such forums as the Zambia Centre for Interparty Dialogue should explore how they can play a greater role in promoting respect for information integrity and ethical standards in communications by politicians and engage in initiatives to build trust within and across communities and political groups.

39. In her 2021 thematic report to the Human Rights Council,[9] the Special Rapporteur highlighted the dangers of disinformation and the challenges of combating it successfully. The lack of consensus on what constitutes disinformation makes it difficult to find appropriate responses. While in some cases facts can be clearly established, in many situations what one side may consider disinformation, the other side may view as fair criticism. Experience has shown that laws aimed at censoring speech or restricting the free flow of information with a view to combating disinformation are ineffective. Instead, they foster distrust and suspicion and have a negative impact on human rights, particularly freedom of expression and media freedom.[10]

40. In United Nations resolutions, States are called upon to tackle disinformation while fully respecting human rights, including the right to freedom of expression. In that context, the Special Rapporteur once again calls upon the Government to review the new cyberlaws to bring them fully into line with international human rights law. Furthermore, experience has shown that legislative measures have a limited effect in the absence of other measures. The Special Rapporteur advises the Government to adopt a multi-pronged strategy to address disinformation, including timely, factual information from the Government, fact-checking by reliable and trustworthy sources, the promotion of an independent, diverse and pluralistic media, social media regulation that encourages companies to carry out human rights due diligence and content moderation based on human rights and the fostering of information and digital literacy for users.

41. As noted in reports of the Special Rapporteur and others, gendered disinformation is being used increasingly to deter women from participating in public life in many countries. During her visit, the Special Rapporteur received testimonies about women in prominent public positions being subjected to gender-based disinformation, smear campaigns and online harassment. Such practices are doubly dangerous. They are aimed not only at harming the targeted individuals but also at intimidating other women, including younger women, to prevent them from seeking a role in public life.

42. The Special Rapporteur urges the Government of Zambia to take appropriate measures to address gendered disinformation, including online gender-based violence, while respecting human rights and to eliminate gender stereotypes, negative social norms and discriminatory gender attitudes through legislative measures, social policies and educational programmes.

D. Connectivity and digital literacy

43. Ensuring robust connectivity and strong information and communications technology infrastructure is essential for the full exercise of the right to freedom of expression, including access to information in the digital age. It is also critical for social and economic

[9] A/HRC/47/25.
[10] Ibid., para. 3.

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development. The Special Rapporteur was pleased to learn from the Government that investing in connectivity and information and communications technology infrastructure was a top priority for the administration. She welcomes, in particular, the adoption of the National Digital Transformation Strategy 2023–2027, which is aimed at transforming Zambia into a digital economy by 2027, with a focus on enhancing digital infrastructure, services, literacy and innovation.[11] The Special Rapporteur also notes the strong commitment of Zambia to promoting international cooperation in the field, which it demonstrated as a co-facilitator of the process to develop the Global Digital Compact, which was adopted in September 2024 at the Summit of the Future in New York.[12]

44. According to the latest World Bank data, 31 per cent of the population in Zambia enjoyed Internet access in 2022.[13] During her visit, the Special Rapporteur was informed of notable progress, including on expanding Internet access to promote educational opportunities in rural areas. While overall Internet access has doubled in the past eight years, disparities exist between men and women and between urban and rural areas in access to and the ability to use the Internet. More needs to be done to ensure equitable access to the Internet. The Special Rapporteur encourages Zambia to continue its trajectory by further investing in connectivity to ensure that all citizens can benefit from the opportunities that digital technologies offer to express themselves and to have access to information.

45. In her conversations with State representatives, the Special Rapporteur noted the strong concerns of the Government regarding the potential negative impacts of new technologies, including disinformation and online hatred. As noted above, she encourages the Government to counter such negative impacts, in line with international human rights standards, and to avoid draconian measures, such as an overly restrictive legal framework to restrict the online space. In that regard, the Special Rapporteur stresses, in particular, the importance of promoting digital literacy (as distinct from digital skills) as part of its national education curriculum to equip Internet users with the skills necessary to navigate the Internet safely and responsibly, giving full effect to their freedom of expression and access to information online.

46. Recalling alarming reports about Internet shutdowns around the period of the previous elections, in 2021,[14] the Special Rapporteur would like to reiterate that Internet shutdowns constitute unacceptable limitations of freedom of expression, as they are arbitrary and disproportionate and thus do not comply with the requirements for legitimate restrictions of freedom of expression in line with article 19 (3) of the International Covenant on Civil and Political Rights. The Human Rights Council has also condemned Internet shutdowns and called on States to refrain from their use.[15] The Special Rapporteur was reassured by the Government that it did not consider Internet shutdowns to be part of the toolset to control the information environment and that such measures would not be applied in the run-up to the next elections.

47. The Special Rapporteur notes that the legal framework governing the information and communications technology sector grants broad powers to the Zambia Information and Communications Technology Authority to interfere with the online space, including the possibility of restricting access. The legal framework does not include sufficient guarantees against undue restrictions on Internet access and is silent on transparency and accountability in the application of the Authority's competences. She recommends that the Government rectify those legal lacunae and ensure that the powers invested in the Authority are fully in line with the threshold required under article 19 (3) of the Covenant and to include guarantees for transparency and accountability.

[11] See https://www.mots.gov.zm/wp-content/uploads/2023/10/National-Digital-Transformation-Strategy.pdf

[12] See https://www.un.org/digital-emerging-technologies/global-digital-compact/intergovernmental-process.

[13] See https://data.worldbank.org/indicator/IT.NET.USER.ZS?end=2022&locations=ZM&start=2018.

[14] See "Zambia to shut down the Internet on voting day as Facebook urges Government to keep Internet open," Lusaka Times, 5 August 2021.

[15] See, for example, Human Rights Council resolution 44/12 on freedom of opinion and expression.

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E. Access to information

48. Access to information is an integral part of the right to freedom of opinion and expression. According to the Human Rights Committee, States are obliged to take all necessary steps to proactively guarantee the easy, prompt, effective and practical access of the public to information. Target 16.10 of the Sustainable Development Goals also sets a target for States to ensure access to information. In her thematic reports, the Special Rapporteur has stressed the importance of the right to information for sustainable development, as it enables public participation and informed decision-making.[16] Access to information is fundamental for the empowerment of citizens and for ensuring transparency, accountability and good governance. Access to accurate and reliable information is also an important antidote to disinformation.

49. The Special Rapporteur commends the Government for adopting the Access to Information Act in 2023. The Act, which came into effect on 25 June 2024, provides an effective legal framework for ensuring the public's right to information in Zambia. The enactment of the law is not sufficient in itself, however, to empower citizens. To be effective, it must be followed by implementation and oversight mechanisms that ensure compliance by the Government with the law and must promote, through specific measures, a culture of transparency and accountability in all government entities and State institutions. It is disappointing that timely and effective operational processes to realize the implementation of the Act have yet to be adopted, even though more than a year has passed since its enactment by Parliament. The Government could not provide the Special Rapporteur with a clear timeline for the adoption of statutory instruments on implementation and the rules, regulations and guidelines for access-to-information requests and procedures.

50. The Human Rights Commission has been mandated as the agency that will oversee the implementation of the Act and handle access-to-information complaints from the public. A technical committee has been established, with representation from the relevant ministries, the judiciary, the Human Rights Commission and civil society organizations. Given the time elapsed since the adoption of the enabling legislation, the Special Rapporteur encourages the Government to accelerate progress on operationalization of that important Act.

51. As noted by the Human Rights Committee in its concluding observations on the fourth periodic report of Zambia,[17] the Human Rights Commission faces considerable financial and operational constraints that limit its independence and effectiveness. While the Special Rapporteur was impressed by the commitment of the Commission staff, especially in the regional office in Livingstone, their capacity is overstretched and the resources and facilities that they currently have are barely adequate for them to meet their current human rights mandate. The Special Rapporteur believes that the Commission will not be able to take on new responsibilities under the Access to Information Act without a significant strengthening of its leadership and management capacity, staff and financial and other resources, especially in the regional offices. The Commission will also need to acquire technical facilities, expertise in information management and digital technology and guidance and training on the relevant procedures. Such strengthening should be implemented without further delay.

52. The Special Rapporteur encourages the Ministry of Information and Media to prioritize its role of building awareness and coordinating and guiding the implementation of the Access to Information Act in all relevant government entities and State institutions. It has an important role to play in sensitizing and training all government entities and State institutions about their responsibilities in implementing the Act, including by putting in place an effective access-to-information infrastructure. That includes effective policies and processes for the storage and retrieval of information, an organizational culture of proactive disclosure of information and clear, user-friendly procedures for citizens to request and receive information. Where relevant, public information should be made available in regional languages in addition to English to ensure equal access to information for all citizens, including communities not fully proficient in the English language and those living in remote

[16] See, for example, A/HRC/53/25.
[17] CCPR/C/ZMB/CO/4.

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areas. Training programmes for citizens and members of the media should also be carried out to ensure that society benefits fully from the right of access to information.

53. The State's obligation to respect the right to information requires that the Government not restrict content, except in line with the criteria set out in article 19 (3) of the International Covenant on Civil and Political Rights and with due respect for equality and non-discrimination principles in international law. In that context, the Special Rapporteur would like to express concerns about the increasingly restrictive environment for discussions relating to sexual and reproductive health and rights and the rights of lesbian, gay, bisexual, transgender and intersex persons. Such limitations hinder efforts to improve public policies in those areas and advance gender equality and universal access to healthcare. The Special Rapporteur received troubling reports indicating that the Ministry of Health had instructed that the term "sexual and reproductive health and rights" be removed from official policy documents.[18] She urges the Government to ensure full access to information in the field of sexual and reproductive health and rights, including by allowing open space for discussions around the theme without discrimination.[19]

F. Media freedom

54. The media landscape in Zambia is diverse, with over 50 television stations and more than 100 radio stations operating across the nation, including State, independent and local community media. The Special Rapporteur was pleased to learn from the Ministry of Information that the number of platforms had increased over the past decades and that the Government was committed to further expanding the number of broadcasting frequencies.

55. As regards the safety of journalists, violent attacks against journalists and media outlets of the kind evident during the previous administration have declined but the legal harassment and criminal prosecution of some journalists and bloggers continue, as discussed above.

56. The independence of the media is a matter of serious concern. The Special Rapporteur noted the close alignment of the State-owned media channels with the ruling party's narratives and the tendency of commercial stations to amplify the views of the opposition. State-owned media should not be a mere mouthpiece of the Government but should provide diverse and pluralistic media coverage, representing different viewpoints. Enhancing the independence and pluralism of State media will improve access to information across the political spectrum and contribute to building public trust in the media, State institutions and society. The Government should review and revise the Zambia National Broadcasting Corporation Act, 1987, and bring about the necessary regulatory and institutional reforms to ensure editorial independence in public broadcasting and a diversity of voices and perspectives. That will require ending the oversight of the Ministry of Information and Media over the State-owned television and radio channels and setting up independent public bodies to carry out that function.

57. The lack of independence of the Independent Broadcasting Authority is also problematic. According to the Independent Broadcasting Authority Act, the members of the Authority report directly to the Minister of Information and Media, while appeals regarding decisions on granting broadcasting licences are also directed to the Minister. That raises questions about the independent functioning of the Authority. A more transparent and impartial process for appointing commissioners and handling appeals is required to enhance the Authority's credibility and independence.

58. The Special Rapporteur stresses the importance of strengthening the professionalism of the media, including by promoting ethical standards for journalism. That is especially important in a context in which disinformation and the manipulation of information prevails. The professional development of the media and ethical journalism enhance public trust in the media, strengthen its independence and contribute to a well-informed society. The Special

[18] See Amy Fallon, "Zambia deletes 'sexual' from SRHR in blow to LGBTQ+ and rights groups", Devex, 26 October 2023.

[19] See A/76/258.

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Rapporteur notes various initiatives undertaken to promote ethical standards, such as the Ethical Guidelines of the Independent Broadcasting Authority and the Electoral Code of Conduct Regulations 2006 developed by the Electoral Commission of Zambia.

59. During her visit, the Special Rapporteur was encouraged by initiatives of the media sector itself at the local level, including the Livingstone Press Club, the Ndola Press Association and the Kitwe Press Club, to associate and organize to protect the media's interests and invest in media development. She notes the different processes aimed at self-regulatory efforts at the national level undertaken in the past, including the creation of the Media Council of Zambia, which was later replaced by the Zambia Media Council, and the more recent launch of the Media Association for Pure Self-Regulation, in April 2023. The Special Rapporteur encourages the sector to further operationalize an effective self-regulatory framework for the media at the national level to help to strengthen professionalism in journalism while preserving independence and empowering media organizations to better organize and advocate for the protection of media freedom.

60. During the visit, the Special Rapporteur also met with representatives of various community media outlets and visited a community radio station. Community radio plays a significant role in the Zambian media landscape. Often, community media serve as the primary source of news, especially in rural areas, thus playing a crucial role in fulfilling people's right to be informed. That is why it is a matter of concern that community radio stations face significant challenges that threaten their existence. They often rely on very limited funds, which jeopardize their operations and restrict their ability to produce high-quality news and to reach their communities. In addition, there have been reports of threats, harassment and intimidation from vested interests against journalists and community radio stations that report on matters of public interest, for example on corruption or environmental issues, which are of vital interest to local communities but are perceived as critical of the Government, local authorities or powerful business interests.

61. The Special Rapporteur urges the Government to continue to value and strengthen the protection of community radio, including by ensuring the safety of journalists and the independent functioning of media outlets, including by easing their access to financial resources and improving the broadcasting infrastructure.

G. Robust institutions and enabling space for the protection of freedom of expression

62. Giving full effect to freedom of expression, including access to information, does not only require an enabling legal environment, a strong and independent media and digital connectivity and digital literacy. It also requires robust institutions to safeguard freedom of expression.

63. The Special Rapporteur highlights, in particular, the importance of a strong independent judiciary for the protection and promotion of human rights, including freedom of opinion and expression. She welcomes the establishment of the Judicial Training Institute of Zambia in 2023, which has the potential to strengthen professionalism, independence and impartiality in the judiciary. Notwithstanding the constitutional provisions on the functional independence of the judiciary, public concern has been expressed about the independent and impartial functioning of the judiciary, especially in the light of the President's authority to appoint and remove judges and its lack of financial autonomy. Any perceived lack of independence affects public trust in the rule of law.

64. The Special Rapporteur would like to emphasize the vital role of civil society in championing human rights, amplifying the voices and enabling the participation of marginalized communities and holding the Government to account. Freedom of expression is essential for a thriving civil society.

65. During her visit, the Special Rapporteur heard concerns about the Non-Governmental Organizations Act No. 16 of 2009, which allows undue restrictions and interference in the activities of non-governmental organizations and civil society groups that operate in

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Zambia.[20] The Act contains a registration requirement for non-governmental organizations and grants the Government broad discretion to deny registration, dictate thematic and geographical areas of work and enforce reregistration every five years. The Act further allows for the rejection of applications based on such vague criteria as "public interest," which remains undefined. Furthermore, the Board can suspend or cancel an organization's registration upon the recommendation of the Council of Non-Governmental Organizations. Those conditions open the door to abuse and undue governmental control over the activities of civil society. The President himself in the past labelled the Act "draconian and repressive" and called for its repeal.[21] Following her visit, the Special Rapporteur was updated by the Government on the Non-Governmental Organizations Bill No. 6 of 2025. She hopes that it was developed in consultation with Zambian civil society and with advice on best practices from OHCHR.

66. Civil society organizations should also proactively engage in capacity-building initiatives, participate in learning and development to enhance their professionalism and foster greater cooperation and collaboration within the sector. The Special Rapporteur believes that civil society can play a critical role in promoting the understanding of freedom of opinion and expression as a right that is essential for the full enjoyment of economic, social and cultural rights, political and civil rights and sustainable development.

V. Conclusions and recommendations

67. **Respect for freedom of expression is of critical importance as Zambia continues to move forward with its democratic and development agenda and prepares for general elections in 2026. The Special Rapporteur agrees with the Government that the state of civil and political rights, including freedom of expression, in Zambia should be understood within the normal pulse of an electoral cycle. Given the relevance of freedom of expression to elections, she encourages the Government to continue to sustain and strengthen a healthy, open environment for information and expression, where the public has free access to diverse sources of information and is able to safely debate, discuss and make informed choices in free and fair elections.**

68. **The current Government came to power in 2021 on a platform of change that included a promise to strengthen human rights. While it has taken some important steps, it needs to do more to meet its commitments in a timely way. In her interaction with different stakeholders from civil society, the media and the political sphere, the Special Rapporteur sensed their disappointment with the slow pace of reform and growing concerns about possible backsliding on promises. While acknowledging the challenging context in which the Government is operating, the Special Rapporteur urges it to continue with the reforms and to address the concerns highlighted in the present report.**

69. **The Special Rapporteur notes the Government's reiteration of its commitment to continue the reform agenda and to sustain and further strengthen freedom of expression, including the right to information. Open and inclusive public debate and the free flow of information from diverse sources empower citizens to participate in public affairs, markets to operate more efficiently, private investment to be more forthcoming and public institutions to be more accountable and effective. Access to information, which is an integral part of the right to freedom of expression, enhances transparency, promotes good governance and enables independent media and civil society to hold the Government, corporations and other entities to account.**

[20] See Human Rights Watch, "Zambia: repeal law that restricts civil society", 29 March 2023.

[21] Hakainde Hichilema, "The NGO Act of 2009 is a draconian and repressive law which is meant to clip and restrict the NGO's from conducting their work freely. We are therefore standing with all those calling for the repealing of the ACT. Civil society play a vital role in the social and economic development of our country and should not be unnecessarily stifled in the operations", 4 February 2014, available at https://www.facebook.com/hakainde.hichilema/posts/the-ngo-act-of-2009-is-a-draconian-and-repressive-law-which-is-meant-to-clip-and/611334668948692/?_rdc=2&_rdr.

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70. **The Special Rapporteur encourages the Government of Zambia to continue to carry out legal, policy and institutional reforms to strengthen freedom of expression, in consultation with civil society, and calls upon the United Nations and other international partners to continue to provide their support to Zambia. She stands ready to advise and support the Government's endeavours.**

71. **In that spirit of collaboration, the Special Rapporteur makes the following recommendations and looks forward to continuing her constructive dialogue with the Government of Zambia.**

A. Access to information

72. **The Government should continue to move forward without delay to operationalize the Access to Information Act, including by:**

(a) **Adopting the necessary statutory regulations and guidelines;**

(b) **Supporting the Human Rights Commission in its new role as the access-to-information agency, including by strengthening its leadership and management capacity, ensuring adequate staff, financial and other resources, technical facilities and expertise in information management and digital technology, with a particular focus on regional and local offices;**

(c) **Putting in place a robust and effective access-to-information architecture in all governmental and State institutions;**

(d) **Making information available in different regional languages so as to ensure full access to information for individuals and communities that are less proficient in the English language;**

(e) **Taking specific steps to encourage a culture of transparency and proactive information-sharing in all governmental and State institutions;**

(f) **Investing in awareness-raising and training programmes among citizens and members of the media in the field of access to information;**

(g) **Following international standards on access to information on sexual and reproductive health and rights, protecting the internationally recognized rights of lesbian, gay, bisexual, transgender and intersex persons and working with development partners and the relevant United Nations agencies to develop a coherent and rights-respecting public information strategy on those issues.**

B. Legal reforms

73. **In line with growing practice in Africa and elsewhere, the Government should:**

(a) **Decriminalize defamation (criminal libel) by repealing section 191 of the Penal Code;**

(b) **Repeal the offences of seditious practices (sect. 57) and the use of insulting language (sect. 179) from the Penal Code, as they are not compliant with article 19 (3) of the International Covenant on Civil and Political Rights, and expunge the offence of false news (sect. 67) without delay in the light of the relevant Zambian judicial decision;**

(c) **Review and revise the State Security Act to recognize the exception of disclosure in the public interest, in line with international good practice;**

(d) **Review the Cyber Security Act, 2025, and the Cyber Crimes Act, 2025, and make revisions or clarifications to ensure that they are fully compliant with international human rights standards;**

(e) **Repeal the Public Order Act without delay and adopt an enabling public gatherings bill in line with its international human rights obligations, including regarding the right to peaceful assembly.**

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C. Media freedom

74. **To create an enabling environment for media freedom, the Government should:**

(a) **Review and revise the Zambia National Broadcasting Corporation Act, 1987, with a view to making legal, regulatory and institutional reforms to ensure that the oversight and management of State-owned media is free from governmental influence and carried out by independent public bodies and that media outlets enjoy full editorial independence and are capacitated to reflect diverse views;**

(b) **Review the Independent Broadcasting Authority Act to enhance the credibility and independence of the Independent Broadcasting Authority, ensure a more transparent and impartial process for appointing its commissioners and provide for effective and impartial appeal mechanisms;**

(c) **Continue to value and protect community media outlets, including by easing their access to financial resources, improving the broadcasting infrastructure and ensuring the safety of journalists and the independent functioning of community media outlets;**

(d) **Provide clear guidelines to law enforcement and prosecutorial bodies to protect journalists from vexatious criminal investigations and prosecution and other legal harassment and adopt mechanisms, such as joint protocols between law enforcement and professional media bodies, to ensure the physical and online safety of journalists and media workers. In creating such protection measures, the Government should adopt a definition of "journalist", in line with the practice of the United Nations Educational, Scientific and Cultural Organization, that includes all individuals engaged in journalistic activities online and offline, freelance or affiliated.**

75. **All actors in the media sector should work collaboratively, with support from development partners and professional bodies, to develop the capacity, quality, professionalism and ethical standards of journalists and media workers and promote appropriate self-regulatory frameworks for the profession, while preserving the independence and integrity of journalism.**

D. Disinformation

76. **The Government should develop strategies to fight disinformation grounded firmly in the human rights framework, as emphasized in United Nations resolutions, including by:**

(a) **Proactively providing timely, accurate and factual information to the public, rapidly debunking false information and supporting independent fact-checking bodies, including credible civil society organizations;**

(b) **Making digital literacy skills a part of its national education curriculum to equip Internet users with the skills necessary to navigate the Internet safely and responsibly, giving full effect to their freedom of expression and access to information online;**

(c) **Ensuring that any restriction of freedom of expression, including in relation to disinformation, is in full compliance with the standards set forth in article 19 (3) of the Covenant and other relevant international and regional standards;**

(d) **Implementing comprehensive measures to combat gendered disinformation and safeguard women and girls and gender-nonconforming persons from online gender-based violence.**

E. Increasing connectivity

77. **The Government should invest in digital infrastructure and connectivity to ensure that all citizens can benefit from the opportunities offered by digital**

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technologies, articulate a clear policy against Internet shutdowns and revise the legal framework so that the Zambia Information and Communications Technology Authority is fully accountable and transparent and cannot implement or impose undue restrictions on freedom of expression in the online space.

F. Freedom of expression in elections

78. **The Government should strengthen its collaboration with national and international partners and seek electoral support from the international community, including the Office of the Resident Coordinator, United Nations programmes and agencies in Zambia, OHCHR and international development partners, to enhance the integrity of electoral processes and safeguard freedom of expression and information integrity in the context of elections.**

G. Strengthening civil society

79. **The Government should ensure that the Non-Governmental Organizations Bill benefits from full consultation with stakeholders and is an enabling framework for the non-governmental organization community. Civil society organizations should proactively engage in capacity-building initiatives by seeking international technical assistance, creating and participating in horizontal learning and development exercises, enhancing professionalism and fostering greater cooperation within the sector, including by creating networks that reinforce positive synergies and enhance joint capacities.**

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