



# AFRICAN MEDIA BAROMETER

The first home grown analysis of the  
media landscape in Africa



AFRICAN  
MEDIA  
BAROMETER

## ZAMBIA 2009

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# The African Media Barometer (AMB)

The Friedrich-Ebert-Stiftung's African Media Project (fesmedia Africa) took the initiative together with the Media Institute of Southern Africa (MISA) to start the African Media Barometer (AMB) in April 2005, a self assessment exercise done by Africans themselves according to homegrown criteria. The project is the first in-depth and comprehensive description and measurement system for national media environments on the African continent.

The benchmarks are to a large extent taken from the African Commission for Human and Peoples' Rights (ACHPR)<sup>1</sup> "Declaration of Principles on Freedom of Expression in Africa", adopted in 2002. This declaration was largely inspired by the groundbreaking "Windhoek Declaration on Promoting an Independent and Pluralistic African Press" (1991) and the "African Charter on Broadcasting" (2001).

By the end of 2008, 23 sub-Saharan countries have been covered by the AMB. In 2007 those countries which started the exercise in 2005, were revisited providing for the first time comparable data to measure developments in a country over a two-year period.

For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added.<sup>2</sup>

**Methodology:** A panel of experts is formed in each country, including representatives of media and civil society at large in equal numbers. They are serving as panel members in their personal capacities, not as representatives of their respective organisations. The panel consists of not more than ten members. They will meet bi-annually for two days retreats to go in a self-assessment process through the indicators in a qualitative discussion and determine (quantitative) scores for each indicator. The meetings will be chaired by an independent consultant to ensure comparable results. The resulting reports are made public.

**Scoring system:** Panel members are asked to allocate their individual scores to the respective indicators after the qualitative discussion in an anonymous vote according to the following scale:

- 
- 1 The ACHPR is the authoritative organ of the African Union (AU) mandated to interpret the African Charter on Human and Peoples' Rights
  - 2 Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

- |          |                                                                                  |                     |
|----------|----------------------------------------------------------------------------------|---------------------|
| <b>1</b> | Country does not meet indicator                                                  | ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ |
| <b>2</b> | Country minimally meets aspects of the indicator.                                | ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ |
| <b>3</b> | Country meets many aspects of indicator but progress may be too recent to judge. | ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ |
| <b>4</b> | Country meets most aspects of indicator.                                         | ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ |
| <b>5</b> | Country meets all aspects of the indicator and has been doing so over time.      | ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ |

Scores for each sector are determined as follows: Members of the panel will, after a qualitative group discussion, attach their individual point-score (1 – 5) to each sub-indicator of a sector. The sum of all individual scores will be divided by the number of panel members. The result will then be considered the final score for the sub-indicator.

This qualitative report, including the scores, serves the purpose of measuring over time (based on bi-annual repetitions of the panel meetings) the progress or otherwise developments in the media landscape.

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## EXECUTIVE SUMMARY

Article 20 (1) of the current Constitution of Zambia provides for freedom of expression and Article 20 (2) provides for press freedom but this is followed by Article 20 (3), which restricts these freedoms in the interests of defence, public safety, public order, public morality or public health, among other broad stipulations.

The Constitutional guarantees are further negated by other pieces of legislation that override these specific provisions. Sections of the Penal Code which includes the State Security Act number 36 of 1969 are noted as the most notorious statutes that impact negatively on the media and undermine the freeflow of information.

Under Section 53 of the Penal Code, the president is empowered to ban “in his absolute discretion” publications deemed contrary to public interest. Section 4 of the State Security Act of 1969 makes it an offence (punishable by up to 25 years imprisonment) to retain or communicate to other persons any information obtained as a result of one’s present or former employment with government.

Some of these clauses, considered to be archaic and retrogressive by the media have never been utilized but they remain a constant threat hanging ominously over the media fraternity and the public. This is characteristic of the Zambian political landscape, where there is an undercurrent of fear because there is always the likelihood that ruling officials may abuse their position of power and behave unreasonably. This apprehension is aggravated by cases of extreme reactions on the part of the State, which exacerbates the rather fragile relationship between the media and the government.

Just a month before the 2009 Zambia African Media Barometer was carried out the news editor of *The Post*, Chansa Kabwela was arrested and charged with circulating obscene material.

When *The Post* received photographs of a woman giving birth in the streets their first call of action was to determine their authenticity. As soon as *The Post* realised the photographs were genuine, a few members of the top management, took the decision not to circulate the photographs in their own newsroom and not to publish them because they were considered far too shocking for public consumption. Instead the photographs were sent to The President, the Vice President, the Minister of Health and a few critical organizations in the women’s

movement. The photographs were accompanied by a letter imploring the relevant authorities to end the medical strike as it had a negative impact on the citizens. The organizations were solicited to put pressure on government authorities to end the strike.

The arrest of Chansa Kabwela and the subsequent charges caused a furore in Zambia and sensationalized the story to the extent that there was tremendous curiosity about the photographs, which eventually found their way onto the internet. Scant attention was paid by the rest of the media to the woman, who had given birth, the state of her health, the condition of the baby and most importantly the impact of the medical strike impasse on the public at large.

This kind of radical action on the part of the state makes the media cautious about the constitutional review process. The process started almost two decades ago but the pace only picked up momentum in the last few years and eventually culminated in the Mung'omba Draft Constitution at the end of last year.

The National Constitution Conference Act No. 19 of 2007 established the executive committee of the National Constitution Conference – the NCC, which is mandated to add, remove or confirm provisions of the Draft Constitution of 2005.

At the time of the AMB 2009 the momentum around the constitutional process looked set to slowing down once more, which the media attributed to the forthcoming presidential and parliamentary elections in 2011. There is the fear that the Mung'omba Draft Constitution will be put on the back burner as parties start focusing on campaigning other issues, which they consider critical.

While the Mung'omba Draft Constitution has retained specific clauses protecting media freedoms that were pushed through by media organizations, there was a time when the Executive Committee of the NCC proposed that the media be banned from the proceedings of the NCC.

Members of the EC argued that the media had on several occasions misrepresented facts on the proceedings which were beamed live on the Zambia National Broadcasting. But it was the Minister of Information General Ronnie Shikapwasha who insisted that the media was indispensable to the constitutional review process and could not be banned from covering such events.

These reactions make Zambians wary and the media are not very confident that the clauses guarding media freedom, freedom of expression, access to information and the independence of the public media will be retained.

If the clauses remain it will be one of the strongest constitutions on the continent in terms of media freedom. However, media practitioners do not believe the

Constitution may pass in its present comprehensive form especially now that the M'ungomba Draft will be taken to plenary for further debate and the provisions will either be adopted before the draft goes to a referendum or to be adopted in Parliament.

There are numerous incidents of politicians and government officials asserting their power over citizens and in particular on the media through threats and intimidation. Somehow this does not deter the Zambian public from speaking freely. They protect themselves by using mediums, which allow them to remain nameless when imparting their point of view.

The most popular outlet for people to express their views tends to be radio - especially live phone -in programmes. When listeners call in they choose to remain anonymous so that they can speak openly and frankly. These candid points of view are not popular with those in authority, who retaliate by threatening the radio stations with closure. In July 2009, government spokesperson General Shikapwasha asked Radio Sky FM to control the content of its programmes, saying that callers to the private, commercial radio station were using it to insult the president and other government leaders. Some radio stations have suspended their live phone -in programmes.

Sections in the Penal Code on sedition and related practices prohibit public debate on issues and publication of information deemed likely to arouse popular disaffection against the state.

Aside from legal restrictions the major obstacles faced by community radio stations is a shortage of skilled technical personnel, sustainability and the constant threat of closure when stations cover topics that officials in power would prefer to keep the lid on.

The issue of sustainability extends to the print media which is finding it difficult to survive in an environment where newsprint and printing costs are high. While a wide range of sources of information is available in print, there are a number of factors that prevent the Zambian public from accessing these sources of news.

- All the newspapers are in English and so this excludes a large proportion of the population as 20 percent of the population do not read or write English.
- Newspapers are expensive for the majority of Zambians at K3,000 (60 US cents) in a country where a loaf of bread costs K4,000 (80 US cents). Officially 64 per cent of the population is reported to be living under US\$1 a day.
- A poor rural road network means there are numerous parts of Zambia, which do not receive newspapers or magazines.



- It is prohibitively expensive for newspapers to widen their distribution to include remote areas. *The Post* has the highest circulation with a print run of 60 000. This is insignificant when you consider the population of Zambia is 12 million.
- The high cost of newsprint, ink and printing has resulted in most publications cutting down on their print run and newspaper size.

There are a number of television stations including the state owned Zambia National Broadcasting Corporation (ZNBC); the private Copperbelt Television (CBTV), which broadcasts only within the Copperbelt area and around Ndola. Other private TV stations are Central Broadcasting Company (CBC), which broadcasts only in Lusaka; the free-to-air Mobi TV, which is test-broadcasting in Lusaka; and the free broadcaster Muvi TV, whose transmission range is mostly limited to Lusaka.

However, the reception of state and private broadcast signals around the country is very poor, and in some border areas, citizens pick up better radio and TV signals from neighbouring countries.

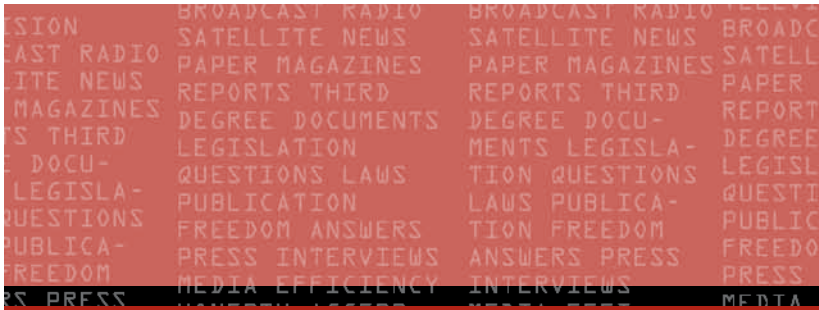
This leaves radio as the most popular and far reaching medium in Zambia with community radio stations dotted all over the country catering to the needs of their specific communities in language and content. There has been a considerable increase in the number of radio stations operating - from 30 in 2007 to 37 in 2009. The country's radio stations include the three state-owned stations, ZNBC 1, 2 and 4; 11 commercial stations; 13 community stations; seven religious stations; and three educational stations.

The community radio stations threatened with closure should be protected by the Independent Broadcasting Authority (IBA) Act of 2002, which is supposed to open up the broadcast airwaves and the Zambia National Broadcasting Corporation (ZNBC) Amendment Act of 2002, relating to the promotion of the independence of state media, were passed 7 years ago but these two pieces of legislation are irrelevant..

The Minister of Information and Broadcasting Services has not utilised either of these laws and instead continues to act authoritatively and independently of this legislation. Thus, the Minister continues to issue licences, in contravention of the IBA Act, which makes this the sole competency of the IBA

The IBA Act provides for an independent licensing body for radio and TV stations, while the ZNBC Amendment Act provides for an independently appointed board and aims to restructure the state-run company into a public service broadcaster.





# SECTOR 1:

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



# Freedom of expression, including freedom of the media, are 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.

### Analysis:

The Zambian Constitution, under Article 20, guarantees freedom of expression (which includes freedom to hold opinions, freedom to receive ideas and information, freedom to impart and communicate ideas and information, and freedom from interference with correspondence) and freedom of the press.

Provisions are made under Article 20(3) for these freedoms to be restricted in the interests of defence, public safety, public order, public morality or public health, among other broad stipulations. Article 25 of the Constitution also makes provision for the suspension of fundamental rights, including that of freedom of expression, during wartime or a state of emergency.<sup>3</sup>

No other legislation currently exists to protect freedom of expression and the media. On the contrary, a number of existing laws contained in the Penal Code, such as the Official Secrets Act, are in fact in direct conflict with the provisions contained in the Constitution.

*“The draft constitution is a great improvement over what we have currently and we hope it will be adopted.”*

There is as yet no Freedom of Information Act, although a Freedom of Information (FOI) Bill was tabled in Parliament in 2002 and then withdrawn without reason by government.

Progressive laws relating to the promotion of the independence of state media, the Independent Broadcasting Authority (IBA) Act of 2002 and the Zambia National Broadcasting Corporation (ZNBC) Amendment Act of 2002, were passed by Parliament in 2002, but as yet have not been implemented. However, it seems as if the Minister has not utilised either of these laws and instead continues to act authoritatively and independently of this legislation. The IBA Act provides

3 SADC Media Law: A Handbook for Media Practitioners, Volume 2: A comparative overview of media laws and practice in Botswana, Swaziland and Zambia, Konrad Adenauer Foundation, Johannesburg, 2004.

for an independent licensing body for radio and TV stations, while the ZNBC Amendment Act provides for an independently appointed board and aims to restructure the state-run company into a public service broadcaster. The IBA Act of 2002 opened up the broadcast airwaves by abolishing an old law called the ZNBC Act which gave a monopoly to the state broadcaster Zambia National Broadcasting Corporation (ZNBC) to control the TV and radio airwaves.

*“... There is also the possibility that if there is a change of government, the whole constitutional review process will come to a stop or will start again.”*

Former President Levy Mwanawasa promised these acts would be operationalised and that the FOI Bill would be enacted in 2008. Mwanawasa's unexpected death from a stroke in mid-2008, and the subsequent appointment as his successor, Rupiah Banda, following a national election, appear to have upset these plans.

A constitutional review process in Zambia, underway since 1990, has still not been completed. The National Constitutional Conference (NCC) is involved in reviewing the Mung'omba Draft Constitution of 2005, initially through a sitting of various committees and, by July 2009, it had reached the plenary stage.

The draft constitution contains very specific legislation related to the media, and media bodies such as the Media Institute of Southern Africa (MISA) Zambia chapter, the Press Association of Zambia (PAZA), the Zambia Union of Journalists (ZUJ) and the Zambia Media Women Association (ZAMWA), all of which contributed to the draft, are in agreement with the new additions.

Said a panellist: “The draft constitution is a great improvement over what we have currently and we hope it will be adopted.”

Concern was raised, however, that this process of adoption may be further protracted by presidential and parliamentary elections in 2011. Before a new constitution is adopted, there will first have to be a census and then a referendum.

“There is the fear that this constitution won't see the light of day. There is also the possibility that if there is a change of government, the whole constitutional review process will come to a stop or will start again.”

The draft constitution includes progressive clauses on freedom of expression (Article 55), access to information (Article 56), freedom of the media (Article 57), freedom not to disclose sources (Article 58) and the independence of public media (Article 59).

Article 55 states that every person has the right to freedom of expression, as long as such expression does not extend to propaganda for war, incitement to violence or advocacy of hatred.

The clause on access to information (Article 56) states that: “Every citizen has the right of access to information held by the State; and any information that is held by another person which is required for the exercise or protection of any right or freedom.”

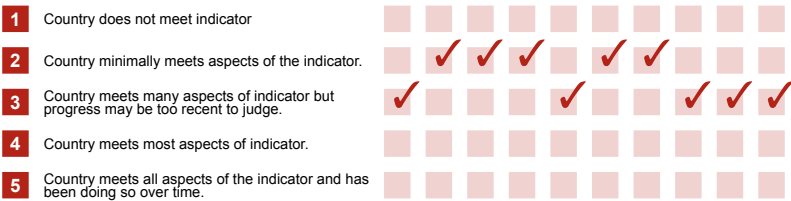
Article 57 states that there shall be freedom of the press and other media. It also states that broadcasting and other electronic media must be licensed fairly by an independent body, without interference from government, political or economic interests.

Article 58 protects journalists’ sources of information, stating that journalists can only be compelled to reveal their sources by a court of law.

Article 59 states that: “All public media shall be independent and impartial; and afford fair opportunities and facilities to all persons for the presentation of divergent views and dissenting opinions”.

## Scores:

### Individual scores:



Average score:

2.5 (2005 = 2.0; 2007 = 2.3)

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

### Analysis:

In some respects, Zambians do feel free to speak their minds without legal considerations. However, the avenues of public expression, especially in print and television, are relatively narrow and in most cases people only interact with the mainstream media if they are newsmakers. Ordinary people's views are generally not considered 'news' in Zambia and people become accustomed to news being what the president says.

"People want to express themselves, but many do not want to be identified, especially when it comes to sensitive matters for fear of victimisation."

*"People want to express themselves, but many do not want to be identified ...for fear of victimisation."*

This is especially true of the country's radio stations, which have phone-in programmes: although government has voiced its objection to these programmes, even threatening to close down certain radio stations, people continue to make use of them, although usually without identifying themselves. In July 2009, government spokesperson Ronnie Shikapwasha asked Radio Sky FM to control the content of its programmes, saying that callers to the private, commercial radio station were using it to insult the president and other government leaders.<sup>4</sup> Some radio stations, especially those based in Lusaka, have moved away from phone-in programmes as a result of government intimidation.

An incident on which individuals and organisations have shown preference to comment anonymously was the 'Kabwela case', in which Chansa Kabwela, news editor of The Post, an independent daily newspaper, faces charges under the Penal Code for circulating obscene material.

Kabwela was arrested, and later released on bail, in mid-July for having distributed photographs of a woman giving birth without proper medical assistance.<sup>5</sup> The pictures graphically showed the woman giving birth to her breech baby. The baby subsequently died. The images had been sent by a distressed relative to the newspaper, which chose not to publish them as they were considered too shocking

4 "Shikapwasha says Radio Sky FM can cause genocide", Zambia Watchdog, 13 July 2009, accessed online from <http://watchdogzambia.com/?p=361>

5 "State to call 10 pornography witnesses against Kabwela", The Post, 15 July 2009 (SAMSON TO CONFIRM), accessed online from <http://www.postzambia.com/content/view/11143/>

for the general public. Instead Kabwela sent the photographs to senior government officials, including the country’s vice president, and to lobbying organisations to alert them to the grave situation faced by citizens during a health workers’ strike. The photographs were accompanied by a letter from The Post editor imploring the senior government officials to intervene and stop the strike.

This case was in the spotlight for weeks and sensationalised both in and out of the media arena to the point that it was difficult to determine fact from fiction. A senior Post official pointed out that at no time did the media ever contact them to find out what happened to the mother or the baby. The baby had subsequently died a few hours after the mother had given birth.

Journalists working in the private media are more able to express themselves freely than those employed by state media institutions, who are suppressed by the nature of the ownership of the institutions.

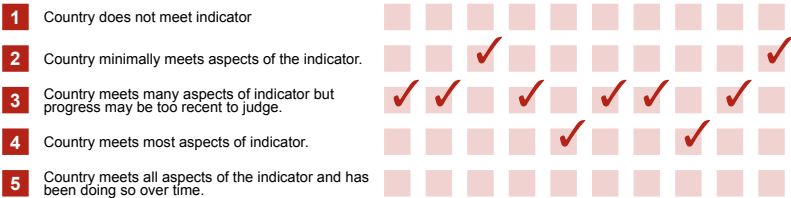
Generally, however, the media is skewed in terms of its content with pro-government views represented in the state-owned media, while opposition views are expressed through the private media.

“There are, however, outdated laws (see indicator 1.3) in existence and as a journalist you express yourself at the peril of some of these laws.”

Moreover, culture plays a role in inhibiting freedom of expression in Zambia. For example, according to customary marriages, marital rape does not exist. Cultural taboos also impact on freedom of expression, with men not being allowed to be present at childbirth, for instance. This may partly explain government’s strong reaction in the Kabwela case (see above), while it is also an opportunity for government to intimidate the private newspaper, which has been a vocal critic of the government since the newspaper’s inception in 1991.

## Scores:

### Individual scores:



Average score:

3.0 (2005 = 2.3; 2007 = 2.9)



### 1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of the media.

#### Analysis:

Certain provisions in the Penal Code, which codifies Zambia's criminal law and is established under the Penal Code Act of 1931, impact on the media and can potentially restrict freedom of expression. The Penal Code includes provisions from numerous laws, including the Official Secrets Act and the Prohibition of Publications Act.

Under Section 53 of the Penal Code, the president is empowered to ban "in his absolute discretion" publications deemed contrary to public interest. Section 67 criminalises the publication of "false news with intent to cause fear and alarm to the public".

Sections on sedition and related practices proscribe public debate on issues and publication of information deemed likely to arouse popular disaffection against the state. Sections 57(1) and 60(1) prohibit sedition (jail term of seven years) and defines "seditious intention" very widely as, among others, the "intention ... to excite disaffection against the government" or "to raise discontent or disaffection among the people of Zambia". Editors, assistant editors and publishers can be held criminally liable for the publication of seditious material in terms of Section 61.

Section 69 deals with defamation of the president and provides that "any person who, with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter ... is guilty of an offence and is liable on conviction to imprisonment for up to three years", without the option of a fine. The legislation even makes it an offence for anyone to insult the Zambian national anthem.

Section 177 (1) criminalises the publication of obscenity (imprisonment of up to five years), without defining what is deemed to constitute obscene matter. This is relevant in the Kabwela case (see indicator 1.2) in which Kabwela is being charged with distributing obscene material, without "obscene" being clearly defined.

*"While many members of the judiciary in Zambia try to retain the independence of the media ... their good efforts are drowned by these [media unfriendly] laws."*

Section 191 of the Penal Code makes it a criminal offence to publish defamatory material.

Section 4 of the State Security Act of 1969 makes it an offence (punishable by up to 25 years imprisonment) to retain or communicate to other persons any information obtained as a result of one's present or former employment with government.

Parliament enjoys special 'protection' under Section 19 of the National Assembly Act. To "show disrespect in speech or manner towards the Speaker" or to "commit any other act of intentional disrespect with reference to the proceedings of the Assembly" is an offence liable to a fine or imprisonment with or without hard labour for a period not exceeding three months.

The Criminal Procedure Code Act of 1933 has a number of provisions that impact the media directly. Section 143, for example, compels witnesses to give evidence in a criminal court if they are able to give material evidence or have in their possession documents relevant to the case. If such a witness fails to attend court without a lawful excuse, Section 145 empowers a court to issue a warrant for the arrest of any such person. Under these provisions, journalists could also be forced to disclose confidential sources of information.<sup>6</sup>

"While many members of the judiciary in Zambia try to retain the independence of the media through their own interpretation of legislation, many of their good efforts are drowned by these [media unfriendly] laws."

Although government agreed to a media law reform process in 1992, progress has been very slow.

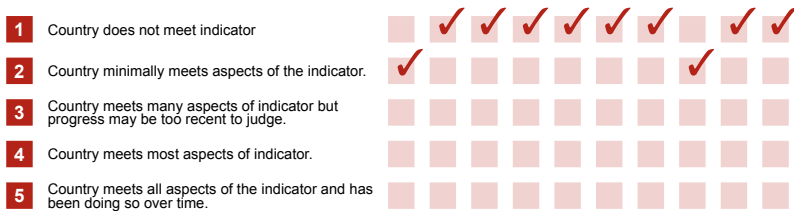
The government is seeking to reintroduce the highly restrictive NGO Bill, which will regulate non-governmental organisations (NGOs) in terms of their registration and operations, among others. If passed, such an act could severely affect media organisations such as MISA and PAZA as government would be empowered to deregister such organisations at any time. Thus, it could impact severely on media freedom.

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<sup>6</sup> SADC Media Law: A Handbook for Media Practitioners, Volume 2.

## Scores:

### Individual scores:



Average score:

1.2 (2005 = 1.3; 2007 = 1.1)

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

### Analysis:

The government makes “no effort at all” to honour regional and international accords relating to freedom of expression and the media to which Zambia is a signatory. According to one panelist, only five per cent of the content of such instruments has reportedly been domesticated.

*“Government signs everything but it does not take concrete steps to follow-up ...”*

International accords include Article 9 of the African Charter on Human and Peoples’ Rights (1981), the Declaration of Principles on Freedom of Expression in Africa (2002), the African Charter on Democracy, Elections and Governance (2007), the SADC Protocol on Culture, Information and Sport (2000) and the SADC Declaration on Information and Communication Technology. These deal with, among others, access to information, freedom of the press and freedom of expression.

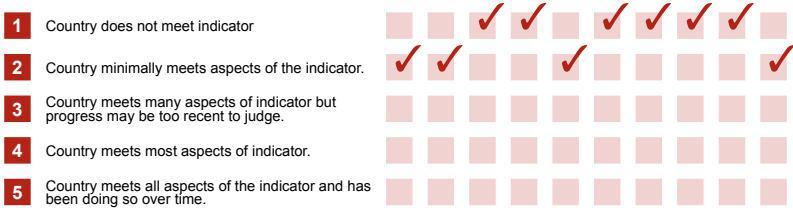
“Government signs everything but it does not take concrete steps to follow-up and domesticate through deeds and action what it has agreed to do.”

International accords signed by the government are not automatically incorporated into domestic law in Zambia.

In many ways, the IBA Act honours the Windhoek Declaration of 1991, to which Zambia is a signatory, in terms of encouraging a pluralistic and independent media environment. However, the IBA Act has not been implemented. The Freedom of Information Bill, although tabled in Parliament in 2002, was withdrawn without reason by government.

## Scores:

### Individual scores:



Average score: 1.4 (2005 = n/a; 2007 = n/a)

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

### Analysis:

Publishers do not have to obtain permission from state authorities to print publications, other than undergoing the formality of registering with the National Archives and following the procedures governing business regulation.

Provisions in the Penal Code, however, enable the president to ban publications deemed to be contrary to public interest.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

4.2 (2005 = n/a; 2007 = n/a)

## 1.6 Entry into and practice of the journalistic profession is legally unrestricted.

### Analysis:

Legally, journalists in Zambia are not regulated by a professional or statutory body. As an administrative formality, however, journalists are encouraged to register with Zambia News and Information Services (ZANIS), a department of the Ministry of Information and Broadcasting Services. They are then issued with a press card, which they may need to produce to access certain official government functions.

“Having a press card is more about identity. There is no threat that it will be stripped off you.”

*“A statutory body could be problematic for the media and could impact on freedom of expression and restrict people from sharing their views.”*

ZANIS was formed in 2005 following the merger of the Zambia News Agency (ZANA) and the Zambia Information Services (ZIS).

Even though a statutory Media Council Bill was thrown out by the High Court of Zambia in 1997, some members of parliament (MPs) have been calling for the statutory regulation of the media, particularly following alleged biased coverage of the media in the November 2008 presidential by-election.<sup>7</sup>

All media houses, except for *The Post*, are currently members of the Media Council of Zambia (MECOZ), a self-regulatory media ethics body, which was established

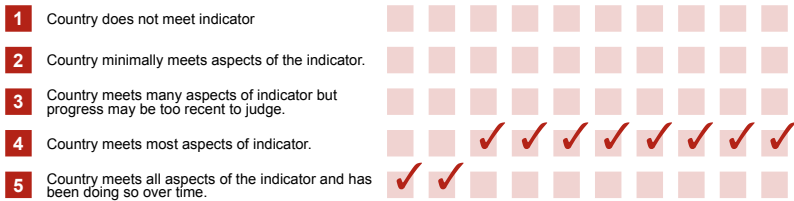
<sup>7</sup> So This is Democracy? State of media freedom on southern Africa 2008, p. 124, Media Institute of Southern Africa (MISA), Windhoek, 2009.

in 2003. In January 2009, President Banda called on all members of the country’s media to belong to one professional ethics body, such as MECOZ, or face statutory control.<sup>8</sup>

“A statutory body could be problematic for the media and could impact on freedom of expression and restrict people from sharing their views.”

## Scores:

### Individual scores:



Average score: 4.2 (2005 = 4.6; 2007 = 4.9)

## 1.7 Confidential sources of information are protected by law and/or the courts.

### Analysis:

There is no law to protect confidential sources of information and the courts, through just reasons such as national security, can compel journalists to reveal their sources under Article 58 of the Penal Code and Section 143 of the Criminal Procedure Code Act.

Although journalists have been known in the past to be locked up for not revealing their sources, there have been no recent cases. In the Kabwela case, for example, *The Post* has decided to remain silent on the source of the photographs (see indicator 1.2) and they have not yet been forced to reveal this information.

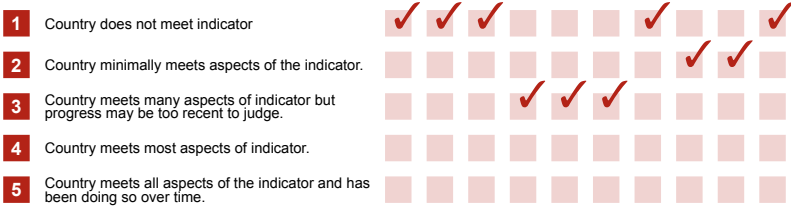
The Mung’omba Draft Constitution includes a clause on the protection of sources. Currently, as no law exists to protect confidential sources of information, journalists are in a vulnerable position, while many sources are reluctant to provide journalists with information for fear of being identified. Aside from going to the courts, government can also pressurise members of the media to divulge their sources in more subtle ways.

8 “Zambian President Urges Zambian Media to Join MECOZ”, MISA alert, 16 January, 2009.

The Prohibition and Prevention of Money Laundering Act of 2001 imposes an obligation on anyone, who might reasonably be expected to know of someone being involved in money laundering to report that person to the authorities. This obligation extends to journalists, who might acquire such knowledge in the pursuit of a story and, in effect, undermines the principle of source confidentiality. In reality, however, this legal requirement has not been invoked and put to the test yet.

## Scores:

### Individual scores:



Average score:

1.8 (2005 = 1.2; 2007 = 1.1)

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

### Analysis:

There is still no freedom of Information legislation in Zambia. A Freedom of Information Bill tabled in Parliament in 2002 was withdrawn without reason by the government, which said only that more consultations were needed. The bill has not been re-tabled despite pressure from media associations and some sectors of civil society, and it is still not clear whom the government might be consulting.

Without legislation, accessing information from public authorities is very difficult, as it is at the discretion of the holding authority to release it. If a managing director of a parastatal or a minister is unwilling to release such information, citizens, including journalists, have no other recourse than to attempt to use underhand and possibly dangerous methods.

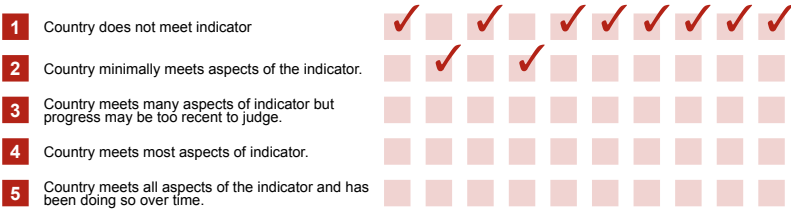
Civil servants are fearful of divulging government-held information, as this is prohibited by the State Security Act of 1969. Civil servants providing information about government operations, for example, could be found guilty of an offence

punishable with up to 25 years' imprisonment.<sup>9</sup> Section 3 of the Act provides that any person, who, for any purpose prejudicial to the safety or interests of the Republic of Zambia, obtains, gathers, records, publishes or communicates to any person any government-held information which might be or is intended to directly or indirectly useful to a foreign power or disaffected person, shall be guilty of the offence of espionage. This offence is punishable by no less than 20 years' imprisonment.<sup>10</sup>

Only lately have the Auditor General's reports been made available online, but then only for those citizens with internet access.

## Scores:

### Individual scores:



Average score: 1.2 (2005 = 1.0; 2007 = 1.2)

## 1.9 Websites and blogs are not required to register with, or obtain permission from, state authorities.

### Analysis:

Legally, websites and blogs are not required to register with state authorities. Many Zambian websites are not registered with Zambian service providers, and thus it would be difficult for the government to impose any kind of control over them. A new bill that is yet to be passed, called the Electronic, Communications and Transactions Bill 2009, mandates the Communications Authority to license and regulate only the .zm domain name space.

Another new bill, the ICT Bill 2009, seeks to change the name of the Communications Authority to the Zambia Information and Communication Technology Authority. The Bill covers the regulation in the provision of electronic

9 A.W.Chanda and M. Liswaniso, Handbook of Media Laws in Zambia, p. 75, Zambia Independent Media Association (SIMA), 1999.

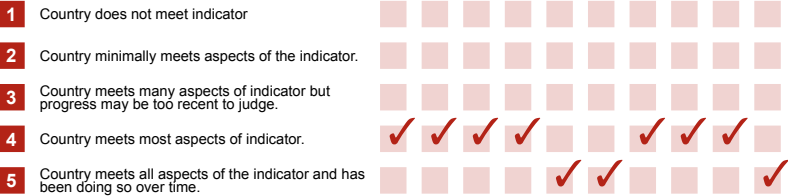
10 A.W.Chanda and M. Liswaniso, Handbook of Media Laws in Zambia, p.74



communication services and products and will compel service providers to obtain licences. However, the bill does not refer directly to the internet nor the need for registration.

**Scores:**

**Individual scores:**



Average score: 4.3 (2005 = n/a; 2007 = n/a)

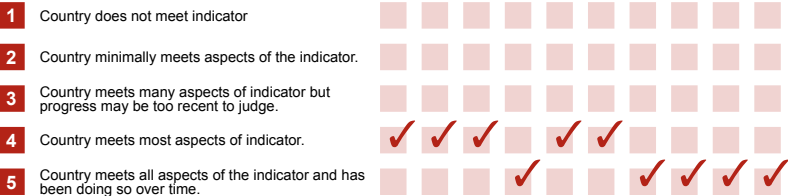
**1.10 The state does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.**

**Analysis:**

The state does not block or filter internet content.

**Scores:**

**Individual scores:**



Average score: 4.5 (2005 = n/a; 2007 = n/a)

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

### Analysis:

*“Civil society groups seem to be quite apathetic towards the media...”*

Media lobby groups, including the Zambian chapter of the Media Institute of Southern Africa (MISA), the Press Association of Zambia (PAZA), the Zambia Media Women’s Association (ZAMWA), the Zambia Union of Journalists (ZUJ), the Press Freedom Committee within *The Post* media house and, on and off, a national editors’ forum, have in the past joined forces to lobby government on certain issues, such as the Freedom of Information Bill.

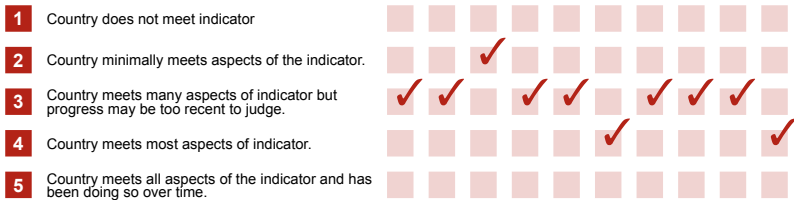
These have collaborated well on media freedom issues and they all oppose, for example, statutory regulation of the media and lobby for self-regulation, although for different models.

Generally, civil society groups have not become involved in advocacy efforts related to media issues and did not provide input in this regard to the Constitution Review Commission (CRC), despite being requested to do so by the media lobby groups.

“Civil society groups seem to be quite apathetic towards the media. There have been attempts to involve them and parliamentarians, for example, in discussions and lobbying on media issues, but a lot more can be done to popularise media issues.”

### Scores:

#### Individual scores:



Average score: 3.1 (2005 = 3.9; 2007 = 4.3)

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

### Analysis:

A considerable amount of media legislation is passed without government having consulted media and other civil society groups. With the recent ICT Bill, for example, government said it had consulted, but it has never made known with whom.

The Freedom of Information Bill, withdrawn by government in November 2002 for “further consultation”, has yet to see the light of day and it is not clear whom the government is consulting in this regard, seven years later.

While government does consult stakeholders on some legislation, such as the IBA Act, where an *ad hoc* committee of media stakeholders was asked to provide input, it is felt that this is simply ‘window dressing’ as these concerns were not taken on board.

“The Minister of Information and Broadcasting Services appeared not to be in favour with suggestions made by the *ad hoc* committee, and so implementation of this act was put on hold indefinitely.”

A process begun in 1993 to look into media law reform initially involved the media, but government appears now to be ignoring this document. Meanwhile, a national media policy, under review since the late 1990s, has still not materialised and the media has been informed by government that consultations in this regard are continuing, although, once more, who is being consulted is unclear.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

**Average score:** 1.3 (2005 = n/a; 2007 = n/a)

**Overall score for sector 1:** 2.7 (2005 = 2.3; 2007 = 2.5)\*

\* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

# 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) is accessible and affordable to citizens.

#### Analysis:

In Zambia, there are two daily state-run newspapers, the *Times of Zambia* (which includes the *Sunday Times of Zambia*) and the *Zambia Daily Mail*, and *The Post*, which is privately run and which appears seven days a week. The three daily newspapers are delivered to all the nine provinces in the country. The *Monitor & Digest* and *Guardian Weekly* are two privately owned weekly newspapers, distributed in Lusaka, Southern and Copperbelt provinces and the capital, respectively. Monthly newspapers include *The New Vision* and *Rainbow Newspaper*, both distributed within Lusaka. There has been a growth in the magazine market and there are now at least four monthly, privately owned magazines in Zambia, including *The Big Issue*, a social magazine; the business publications, *Zambian Analysis* and *Mobile Market*; and the Catholic Church magazine, *Icengelo*, most of which are distributed in Lusaka and the Copperbelt and Southern provinces.

*“Internet at home is still a luxury.”*

There has been considerable growth in broadcasting in the past two years. In 2007, there were 30 radio stations, whereas there are now 37. The country’s radio stations include the three state-owned stations, ZNBC 1, 2 and 4; 11 commercial stations; 13 community stations; seven religious stations, most of which are Catholic owned or sponsored; and three educational stations, including UNZA Radio from the University of Zambia, Parliament Radio and Hone FM from the Evelyn Hone College.

The number of television stations has grown in the past two years from four to seven. The current television stations are the state-owned Zambia National Broadcasting Corporation (ZNBC); the private Copperbelt Television (CB TV), which broadcasts only within the Copperbelt area, around Ndola; other private TV stations are Central Broadcasting Company (CBC), which broadcasts only in Lusaka; the free-to-air Mobi TV, which is test-broadcasting in Lusaka and has subscription intentions; and the free broadcaster Muvi TV, the transmission

range of which is mostly limited to Lusaka. Trinity Broadcast Network (TBN), a Christian station headquartered in the USA, also broadcasts in Zambia, as does Multichoice Zambia, which offers the South African satellite subscription service, DSTV.

Improvements have been made in recent years in internet connectivity and broadband services are available. However, it remains prohibitively expensive for the majority. It is particularly difficult to access the internet from rural areas, and there is also limited capacity in terms of skills to operate computers in remote areas. The 3G service has been introduced for mobile phones but its range is largely limited to urban areas. Internet cafes charge about K5,000 (about US\$1 at August 2009 conversion rates) for 30 minutes. Most urban Zambians with access to the internet do so through their work.

“Internet at home is still a luxury.”

The three daily newspapers, the *Zambia Daily Mail*, the *Times of Zambia* and *The Post*, are all available online, while the online publications, the *Watchdog* and *Lusaka Online*, are other popular news sources.

Government is in the process of providing access to ZNBC TV and radio to 63 out of 73 districts. ZNBC TV is also available on the DSTV bouquet for those who can afford the satellite dish, decoder and monthly subscription fees. It costs K300,000 (US\$60) for the full DSTV bouquet, and K50,000 (US\$10) for a smaller bouquet of channels, both of which include ZNBC.

In general, the analogue reception of state and private broadcast signals around the country is very poor, with radio reception being marginally better than TV. In some border areas, citizens pick up better radio and TV signals from neighbouring countries.

There is a relatively wide range of sources of information in Zambia, originating from state, private and community media houses. People living in the capital, Lusaka, parts of the southern province (‘railway line corridor’) and the central Copperbelt region have access to the widest range and variety of information sources, including more than a dozen radio signals, all three daily newspapers, weekly newspapers, a range of educational, religious and community radio stations and five local television stations, as well as the satellite subscription service from South Africa, DSTV.

In a country of 752,614 square kilometres, however, distribution, particularly of print media, is problematic and costly for publishers in terms of reaching remote parts of the country. In some areas, such as Nakonde in the far north-east, readers receive newspapers a day late. The highest circulating newspaper is *The Post*, which sells on average of 60,000 copies a day. This is relatively small for a population

estimated to be close to 12 million people (11.7 million<sup>11</sup> in 2006). Newspapers are also too expensive for the majority of Zambians at K3,000 (60 US cents) in a country where a loaf of bread costs K4,000 (80 US cents). Officially 64 per cent of the population are reported to be living under US\$1 a day.<sup>12</sup>

Accurate circulation figures for the state-owned newspapers are not available.

All the newspapers are in the official national language, English, making them inaccessible to the many, rural people who do not speak English. Some 20 per cent of the population is unable to read or write in English.<sup>13</sup> Nyanja, Bemba, Lunda, Tonga, Nkoya, Lozi, Luvale and Kaonde are the main recognised regional languages, largely representative of provinces, while there are about 65 other indigenous languages, excluding a number of dialects.<sup>14</sup>

Due to the country's geography, poor rural road network and the fact that a majority of the population lives in poverty (63.8 per cent living below the poverty line of US\$1 a day<sup>15</sup>), radio plays a very important role and is by far the most widespread medium in the country. Most people in Zambia receive only ZNBC and a community radio station. Each of the nine provinces has two or three community radio stations, which have a limited range, usually broadcasting only within a district.

The growth in community radio stations, in particular, has been phenomenal in recent years. Community radio stations, mostly located in rural districts, broadcast mainly in English as well as one of the main local languages, affording rural audiences access to information in their mother tongues. As TV and print media are otherwise mostly in English, the role of community radio stations is vital as one-third of all Zambians over the age of 15 are not literate in English (32 per cent<sup>16</sup>).

11 World Development Indicators, World Bank 2006 estimate, accessed on <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/ZAMBIAEXTN/0,,menuPK:375700~pagePK:141132~piPK:141109~theSitePK:375589,00.html>

12 Zambian economy, accessed on <http://www.nationmaster.com/country/za-zambia/eco-economy>

13 [http://en.wikipedia.org/wiki/Demographics\\_of\\_Zambia](http://en.wikipedia.org/wiki/Demographics_of_Zambia)

14 <http://en.wikipedia.org/wiki/Zambia>

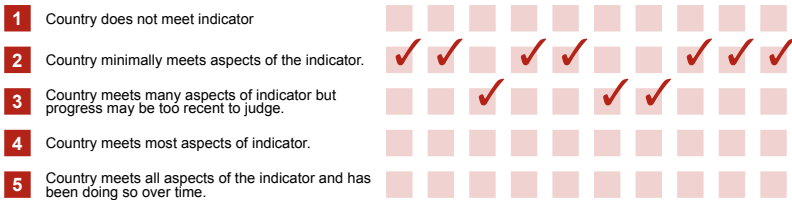
15 UN Data, accessed on <http://data.un.org/Data.aspx?d=WHO&f=inID%3ASDEC15>

16 Human Development Index, 2008 Statistical Update, United Nations Development Programme (UNDP), accessed on [http://hdrstats.undp.org/2008/countries/country\\_fact\\_sheets/cty\\_fs\\_ZMB.html](http://hdrstats.undp.org/2008/countries/country_fact_sheets/cty_fs_ZMB.html)



## Scores:

### Individual scores:



Average score:

2.3 (2005 = 2.6; 2007 = 3.0)

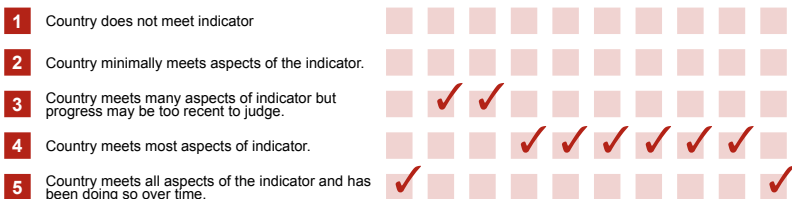
## 2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

### Analysis:

The government does not restrict access to domestic and international media sources, although it does not allow the direct relaying of foreign media feed by community radio stations, such as BBC news, in its entirety. This is related to community radio broadcasting licences stipulating that stations broadcast at least 60 per cent local content, so as not to dilute the essence of community radio.

## Scores:

### Individual scores:



Average score:

4.0 (2005 = 3.6; 2007 = 4.2)

## 2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

### Analysis:

*“...People in outlying areas are more used to listening to the radio.”*

Newspapers in Zambia are a predominantly urban medium. However, government demands that the state-owned newspapers, the *Times of Zambia* and the *Zambia Daily Mail*, are sent to some of the country's rural areas so as not to deprive citizens there of accessing information, but it is not economic.

“Even if 100 newspapers are sent to a remote area, less than half may be sold, due to the newspapers being too costly or because a reading culture is not established in rural areas. People in outlying areas are more used to listening to the radio.”

The poor state of the rural road network also makes some areas of the country inaccessible to newspaper distribution vehicles. *The Post* has actually reduced its circulation to remote areas as a result of the bad roads, as well as the prohibitively expensive costs of paper, film and ink. The independent daily has, however, begun to give free newspapers to 10 schools in each province as a means of encouraging a newspaper reading culture and keeping scholars and teachers informed about the country.

“Newspapers in rural areas are scarce: in some areas one newspaper can be read by up to 300 people.”

There are as yet no distribution partnerships between private and state media houses, which could help to reduce the costs of delivering newspapers to remote areas.

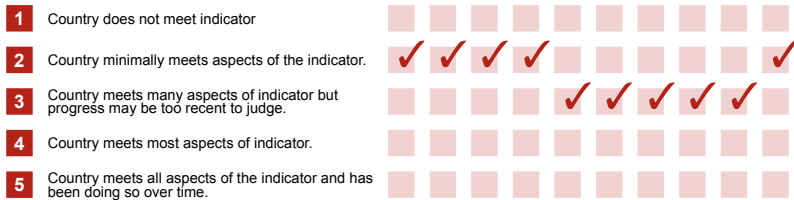
The soaring production costs for print media houses have been exacerbated by the plummeting exchange rate. In January 2009, one US\$ was worth K3,300. By July 2009, this rate had plunged to K5,400 for US\$1. As a result, some newspapers have had to reduce the size of their publications, such as *The Post's* Sunday lifestyle edition, which was 24 pages but by July 2009 had been cut to 16.

*“Newspapers in rural areas are scarce: in some areas one newspaper can be read by up to 300 people.”*

While the three dailies are reportedly surviving and adapting to the changed economic environment, the other print media houses are said to be limping.

## Scores:

### Individual scores:



Average score:

2.5 (2005 = 2.8; 2007 = 3.7)

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

### Analysis:

The editorial independence of the state-owned *Times of Zambia* and the *Zambia Daily Mail* is not legally protected from political interference, and such interference exists. The boards of both newspapers are appointed by and are answerable to the Minister of Information and Broadcasting Services, with the Chief Executive Officers (CEOs) appointed by the president. The board selection process is not transparent and it is not made known publicly how the members are chosen. The Permanent Secretary of the Ministry of Information and Broadcasting Services sits on the boards of all public media.

“The board, appointed by the party in power, has a great say when it comes to the content of these newspapers. The public media is routinely used by the ruling party to react to criticism from political opponents.”

If articles that could be construed as anti-government appear in the state-owned newspapers, senior editorial staff are subjected to pressure, threats and directives from ministry officials. Such directives may include being forced to publish pro-government articles, which have not been properly sourced and may be libellous.

“If the boards of public media were independently and transparently appointed, public media would have more editorial independence.”

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.4 (2005 = 1.0; 2007 = 1.2)

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

### Analysis:

There is no specific legislation to deal with media diversity. The Fair Practices Act, which is enforced by the Zambia Competition Commission, theoretically provides for adequate competition and generally proscribes monopolies. However, it is applied selectively. *The Post* media house, for instance, was stopped by the Minister of Information and Broadcasting Services from starting a television and radio station because it already owned a newspaper. The state, however, continues to be allowed to have its own concentration of print and broadcasting media enterprises.

In an attempt to circumvent the legislation, *The Post* is awaiting the outcome of an application lodged with the Minister for the media house to broadcast (podcast) over the internet.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.5 (2005 = 2.1; 2007 = 2.0)

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

### Analysis:

Government does not appear to be intentionally promoting a diverse media landscape with economically sustainable and independent media outlets; but neither does it impede private investment in the media industry. The state's apparent reluctance to implement the IBA and ZNBC Amendment Acts is seen as further proof of the lack of political will to help create a diverse media landscape.

The government-initiated Citizens Economic Empowerment Commission (CEEC) was established under the CEE Act of 2006 to promote the economic empowerment of targeted citizens. Media houses or prospective media operators may apply for loans from the CEEC if they are run as enterprises and have a business plan and the necessary collateral. According to panellists, only one media organisation to date, the Professor Kasona Foundation, has benefited from the CEEC so far.

*“... Only very occasionally, usually around election time, is there an injection of cash from the state.”*

The Media Development Fund, which was envisaged in the Fifth National Development Plan (2006-2010) but was never implemented, has been transferred to the CEEC. Members of the media are, however, largely unaware of this shift and have also not yet been informed about the loan application process.

Community radio stations are not supported by government, financially, and they are mostly funded by foreign donors or churches.

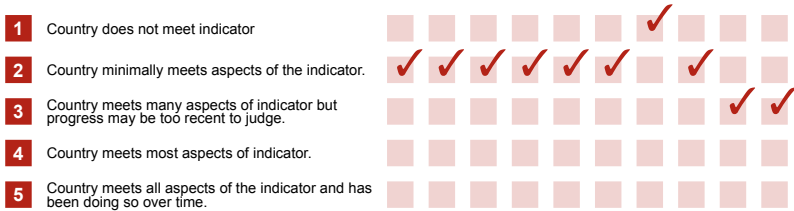
Interestingly, neither do the public print media receive government funds to sustain the various businesses. Although the public print media are state-owned it is not state-funded and receives no government subsidy: government demands that the public media operates commercially. The only public media bodies that are directly funded by the state are the ZNBC radio and television stations and the Zambia News and Information Services (ZANIS).

“Government sometimes arranges vehicles for the public print media to use, but there is no regular injection of cash to help sustain operations. Only very occasionally, usually around election time, is there an injection of cash from the state.”

The print media is suffering as a result of the high cost of imported materials, from newsprint to ink. The high import duties and taxes, as well as the current exchange rate, impact negatively on media diversity (see indicator 2.3) as only the three mainstream dailies continue to be successful, while some smaller print publications have been forced to close. In 2008, however, government did reduce the tax on paper by a small percentage, although ink and film charges remain very high, as do those for broadcasting equipment. Government has also reduced the import duties on computers.

## Scores:

### Individual scores:



Average score:

2.1 (2005 = n/a; 2007 = n/a)

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

### Analysis:

The mainstream media predominantly reflect the voices of those in politics, rather than those of ordinary people. Human-interest stories are few and far between, and there is an imbalance in the voices of men and women, with fewer women being represented in the media. When women are presented in the media it is normally in a negative way, where they are often portrayed as vulnerable and victims. Rural women fare especially poorly in this regard and the media do not appear to promote their situation.

*“The women are intimidated by their husbands or by the culture generally, while some lack an understanding of the issues.”*

Community radio stations try to include both men and women in their programming, but women are mostly too shy to come forward.

“The women are intimidated by their husbands or by the culture generally, while some lack an understanding of the issues.”

The participation of women in the media and the way women are portrayed in the media are indicative of the structure of Zambian society. Men tend to be more dominant and confident and their behaviour is more easily tolerated, whereas women are subjected to more judgement and generally play a subservient role to men. There is also a higher degree of illiteracy among women, especially those in rural areas, and women are not able to access information as readily as their husbands. Estimates from 2003 indicate that the English literacy rate among men is about 87 per cent of men, while among women it is 75 per cent.<sup>17</sup>

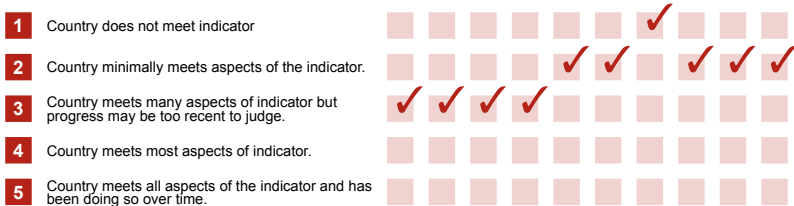
Some media houses approach gender issues in a segmented way: the *Zambia Daily Mail* and the *Times of Zambia* have regular and separate pages committed to gender and ‘women’s’ issues. This could be seen to indicate prejudices in male-dominated newsrooms, where articles related to women are seen as separate and not part of the newspaper’s mainstream news. Interestingly, the gender column at the *Times of Zambia* is written by a man.

*The Post* has been known to give prominent and positive headlines to stories about women. *The Post* also has an editorial policy that addresses gender mainstreaming in terms of the newspaper’s content, “but this is not necessarily internalised”.

<sup>17</sup> [http://en.wikipedia.org/wiki/Demographics\\_of\\_Zambia#Languages](http://en.wikipedia.org/wiki/Demographics_of_Zambia#Languages)

## Scores:

### Individual scores:



Average score:

2.3 (2005 = n/a; 2007 = n/a)

## 2.8 All media fairly reflect the voices in society in its ethnic, linguistic, religious, political and social diversity.

### Analysis:

Including English, the official language, there are 74 languages in Zambia, excluding numerous dialects. However, all the newspapers are published in English, making them inaccessible to the 20 per cent or so of the population that is illiterate in English.<sup>18</sup> Currently there are no regular print publications published in vernacular languages, although ZANIS has printed free, vernacular newspapers in the past and may do so again in the future. Government reportedly has plans to buy printing presses to cater especially for the printing, regionally, of such publications. Thus, the mainstream print media currently do not reflect the country's linguistic diversity.

The ZNBC has three radio stations. ZNBC's Radio 1 broadcasts in the seven main vernacular languages spoken in the country's nine provinces, while Radio 2 is in English. Radio 4 is the state broadcaster's commercial and entertainment English service and it broadcasts predominantly local and foreign music. Community and religious radio stations tend to broadcast in the main regional language of the area as well as in English, while most commercial and educational stations broadcast in English.

The mainstream media do not reflect the country's religious diversity, and religious leaders tend not to be invited by the print or broadcast media to participate in national discussions, which normally centre on politics and never on religious

<sup>18</sup> [http://en.wikipedia.org/wiki/Demographics\\_of\\_Zambia](http://en.wikipedia.org/wiki/Demographics_of_Zambia)



issues. Apart from publications produced by churches themselves, such as the Catholic Church's newsletter, no other publications reflect any religious content.

In terms of politics, issues in the media centre on party politics only and not on other issues, such as the scarcity of maize, for example, which could be seen as a political issue.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.9 (2005 = n/a; 2007 = n/a)

## 2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

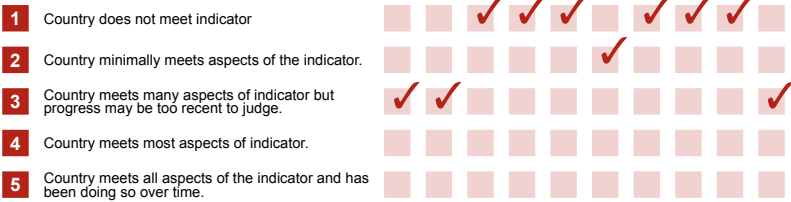
### Analysis:

Zambia does not appear to have implemented a national ICT policy, launched by the Ministry of Communications and Transport in 2007 and which aims to extend citizens' accessibility to information communication technologies. The vision of this ministry is "a Zambia transformed into an information and knowledge-based society and economy supported by consistent development of and pervasive access to ICTs by all citizens by 2030".<sup>19</sup> However, what the government has actually done in this regard in the past two years has not been made clear. An ICT Bill, introduced in 2009, was drafted without stakeholder consultation.

<sup>19</sup> <http://www.mct.gov.zm>

## Scores:

### Individual scores:



Average score:

1.7 (2005 = n/a; 2007 = n/a)

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

### Analysis:

Government, as the biggest advertiser in the country, does use its power over the placement of advertising to favour state print media publications over those that are privately owned. This was particularly heightened in April 2009 when the Minister of Communication and Transport, Dora Siliya, was brought before a tribunal to investigate her conduct with regard to the awarding of a tender. Due to what the government officials considered negative reporting on the situation from *The Post*, state departments were directed not to advertise with the independent daily newspaper.

“It is an unwritten rule: if there is a ‘hot’ issue and government does not like what it sees published in the private media, it will punish that publication or broadcaster by withholding advertising.”

*“...if there is a ‘hot’ issue and government does not like what it sees published in the private media, it will punish ...by withholding advertising.”*

Government has also been known to put pressure on other advertisers, implying that if they want to be awarded government tenders, they must not advertise in *The Post*, for example.

The Zambia Public Procurement Authority, which replaced the Zambia National Tender Board in 2008, has procurement regulations

that require all government tenders to be advertised in both the private and the state media.

A lot of advertisements in *The Post* are perceived to be from the government, but are in fact paid for by donors.

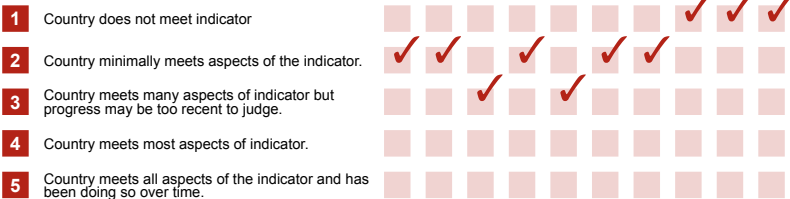
An exception is the community radio sector, where government continues to advertise the projects and programmes it is running, even if particular stations have been critical of government in their reporting.

“Government always comes back to advertise with community radio stations because of the reach of these stations in remote areas and the maximum impact that they have.”

*“Government always comes back to advertise with community radio stations because of the reach ... and the maximum impact that they have.”*

## Scores:

### Individual scores:



Average score:

1.9 (2005 = 2.0; 2007 = 3.1)

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

### Analysis:

The advertising market appears to be shrinking, most noticeably in the print media. This may be related to the global economic situation, and its impact on Zambia. Government is still advertising, but advertisements from the corporate sector appear to be dwindling. Nevertheless, the advertising market still seems to be large enough to support the existing number of media houses.

**“... It is, of course, dangerous to allow a potential source of news to sponsor news bulletins!”**

Advertising space in some newspapers is shrinking to such a degree that there is greater advantage in selling ‘smalls’ or even classifieds than display advertisements as most businesses cannot afford the cost of a display ad.

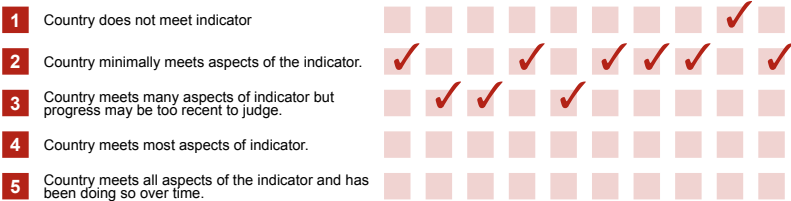
“The advertising rates at all three daily newspapers are high, although *The Post* has the highest rates as it has the widest reach.”

Editorial content sometimes suffers with an ad-content rating of 70-30 rather than 60-40. Instead of increasing the pages of a newspaper, for example, to accommodate more advertisements, content is cut in favour of advertising. This is also related to the high cost of printing materials, which make increasing pages uneconomical.

The advertising market is dependent on only a handful of players: communication companies, such as ZAIN, MTN and Cell Z, and the banks. “Fifty per cent of advertising revenue comes from these few players, which are also the main sponsors of news bulletins on the radio stations. It is, of course, dangerous to allow a potential source of news to sponsor news bulletins!”

## Scores:

### Individual scores:



**Average score:** 2.2 (2005 = 2.5; 2007 = 4.4)

**Overall score for sector 2:** 2.3 (2005 = 2.3; 2007 = 2.8)

# 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.

#### Analysis:

While the IBA Act and the ZNBC Amendment Act have both been passed, they have not yet been implemented, apart from the ZNBC charging television licence fees, a recommendation in the IBA Act.

The IBA, once up and running, is to issue licenses for public commercial, community, religious and subscription broadcasting services, while the ZNBC is intended to regulate public-service broadcasting.

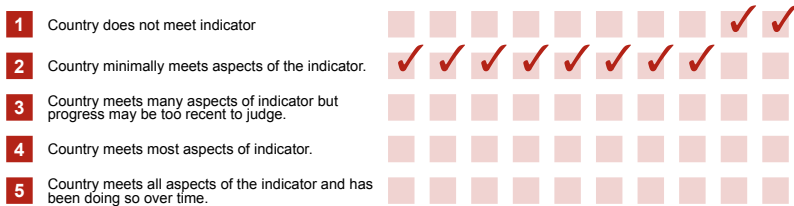
The ZNBC board dates back to 2002 and was appointed by the Minister of Information and Broadcasting Services before the ZNBC Amendment Act was passed. Thus rather than having a truly public broadcaster, the ZNBC remains a tool of the state.

As the Minister of Information and Broadcasting has not yet acted on a 2006 Supreme Court judgement related to the IBA board appointments, the minister, rather than an independent board, continues to use his discretion over who is granted a broadcasting licence.

Television licence fees are paid either through a monthly deduction of N\$3,000 (about 60 US cents) by the Zambia Electricity Supply Company (ZESCO) from all electricity users (as they are also assumed to have a television), or through Residents' Development Committees in the townships.

## Scores:

### Individual scores:



Average score:

1.8 (2005 = 1.0; 2007 = 1.3)

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

### Analysis:

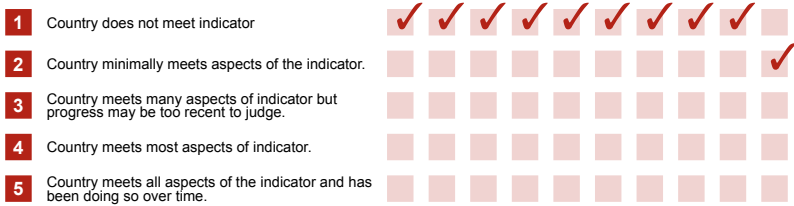
State broadcasting is controlled by the ZNBC, while private and community broadcasting is ostensibly meant to be regulated by the IBA. Neither of these two bodies has an independent board that has been appointed transparently. The ZNBC board was appointed by the Minister of Information and Broadcasting Services, with no indication of how the board members are chosen. K230 million (about US\$45,700) was allocated in the 2007 national budget for the establishment of the IBA, but it is still unclear what the money has been used for as the IBA is still not in existence.

The board of the ZNBC is considered to be illegal as it has overstayed its term of office, which expired in August 2005. The current board was appointed by the Minister of Information and Broadcasting Services, as opposed to the ZNBC Amendment Act's stipulation in Section 4 that board members must be appointed following a competitive public process in which any Zambian who qualifies can apply to an appointment's committee.<sup>20</sup>

<sup>20</sup> "MISA-Zambia calls for establishment of a new ZNBC Board", Lusaka Times, 17 April 2009, accessed on <http://www.lusakatimes.com/?p=11289>

## Scores:

### Individual scores:



Average score:

1.1 (2005 = n/a; 2007 = n/a)

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

### Analysis:

Even though the IBA Act has been passed, it has not been implemented and as such the regulatory body itself does not yet exist. Thus, the Minister of Information and Broadcasting Services continues to issue licences, in contravention of the IBA Act, which makes this the sole competency of the IBA.

The IBA Act states that prospective members of the board should be selected by an *ad hoc* committee appointed by the Minister of Information and Broadcasting Services and that the board should be broadly representative of the population, including a representative each from the Law Association, a human rights NGO, religious organisations, a media support organisation and the Ministry of Information and Broadcasting Services. However, the fact that the committee's recommendations for the board are submitted to the minister for his or her approval, make the process hardly independent from state control.

In 2003, appointment committees provided the minister with a list of names for both the IBA and the ZNBC boards, some of which the minister said were not suitable. The appointments committees refused to remove the 'unsuitable' names or add more and the minister refused to take all the recommended names to Parliament for ratification. Media organisations, including MISA (then called ZIMA, the Zambia Independent Media Association), PAZA, *The Post*, the Society of Senior Zambian Journalists (SSZJ) and ZUJ took the matter to court.



Finally, in 2006, the Supreme Court ruled that the minister did have the authority to reject or accept proposed names. However, the minister has never acted on this judgement, and the IBA board and a new ZNBC board have not been selected. Thus, it appears that although the IBA Act and ZNBC Amendment Act proposed removing regulatory authority from the state and placing it with an independent regulator, the government is in fact not ready to relinquish this control.<sup>21</sup>

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.0 (2005 = 1.0; 2007 = 1.0)

## 3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

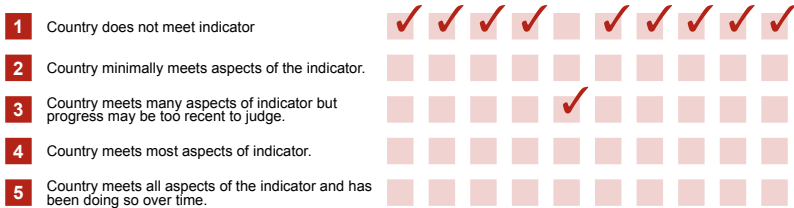
### Analysis:

The current ZNBC board was not appointed in an open and transparent manner. It is not accountable to the public: only to the Minister of Information and Broadcasting Services, who handpicked the board members without any input or even representation from civil society. As the ZNBC Amendment Act effectively nullified the board, it is illegal, since it should be appointed by the IBA as stipulated by the new law. The term of office of the present ZNBC board expired in August 2005. The minister has not been taken to court for flouting legislation.

<sup>21</sup> African Media Development Report, Zambia Country Report (no date given), accessed on [downloads.bbc.co.uk/worldservice/trust/pdf/AMDI/zambia/amdi\\_zambia3\\_media.pdf](http://downloads.bbc.co.uk/worldservice/trust/pdf/AMDI/zambia/amdi_zambia3_media.pdf)

## Scores:

### Individual scores:



Average score:

1.2 (2005 = 1.0; 2007 = 1.2)

### 3.5 Office bearers with the state and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

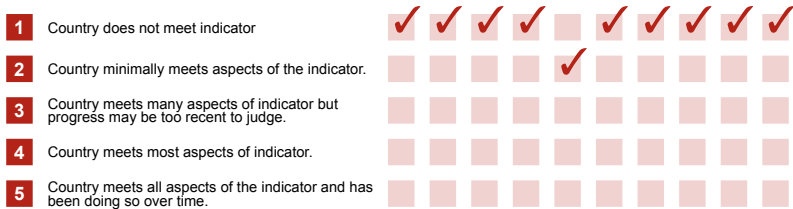
#### Analysis:

Although the ZNBC Amendment Act of 2002 states that persons with vested political interests are excluded from membership of the board, state and ruling party office bearers continue to sit on the board, as this Act has not yet been implemented. These include Permanent Secretary for the Ministry of Information and Broadcasting Services and a member of the ruling Movement for Multi-party Democracy (MMD).

The present ZNBC board members are Barclays Bank head of government relations Augustine Seyuba (chair); Ministry of Information and Broadcasting Services Permanent Secretary Emmanuel Nyirenda; Sr Rose Nyondo from the Department of Mass Communication at the University of Zambia, Lusaka MMD constituency chairman Elias Mpondela; and businesspeople Joseph Chileshe, David Chimpinde and Bertha Lishomwa. The Director General of the ZNBC, Joseph Salasini, is also a board member although not an active one at present as he has been allegedly sent on forced leave (see indicator 3.6). Acting DG, Juliana Mwila currently replaces Salasini on the board.

## Scores:

### Individual scores:



Average score:

1.1 (2005 = 1.1; 2007 = 1.2)

## 3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised.

### Analysis:

The ZNBC Amendment Act of 2002 removed state control over the independence and thus provided a guarantee for editorial independence. However, as this act has not yet been implemented and with the Supreme Court judgement of 2006 effectively giving the Minister of Information and Broadcasting Services the right to reject nominations for board members, this guarantee has been annulled.

In terms of ZNBC content there is a clear bias and the ruling party is given preference over opposition parties when it comes to coverage.

“If a civil society organisation wants to air a programme on ZNBC TV, the programme director must first be convinced that it contains nothing critical of the government.”

If a minister is going on ZNBC radio to discuss certain issues, questions from the public must first be sent and screened before being aired.

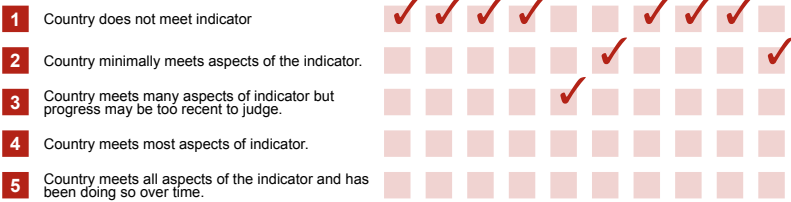
In terms of the management of the state broadcaster, there appears to be interference from the government. During the tenure of the current board, three ZNBC director generals (DGs) have been appointed and

*“If a civil society organisation wants to air a programme on ZNBC TV, the programme director must first be convinced that it contains nothing critical of the government.”*

subsequently removed by the board. The most recent DG, Joseph Salasini, was sent on alleged forced leave by the Minister of Information and Broadcasting Services in April 2009 pending investigations into allegations of financial irregularities at the ZNBC. His two predecessors were suspectedly ousted for political reasons.

## Scores:

### Individual scores:



Average score: 1.4 (2005 = 1.1; 2007 = 1.2)

## 3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

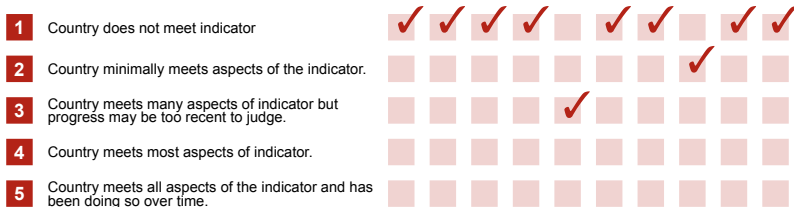
### Analysis:

Funding for the ZNBC comes from television licence fees, collected through the ZESCO billing system and the Residents' Development Committees; advertising and a government subsidy. The subsidy, which was K20 million (US\$4,000) to K30 million (US\$6,000) a month in 2007, is intended to cover core costs, such as salaries, and thus state interference is possible.

Sponsorship of the news broadcasts on radio and television by mobile phone companies and banks is problematic, as there is clear commercial pressure. The state broadcaster's editorial independence is affected by this relationship, as it never broadcasts any stories critical of these key advertisers. Thus, if the ZNBC were better funded, it may not need to be compromised in this way.

## Scores:

### Individual scores:



Average score:

1.3 (2005 = n/a; 2007 = n/a)

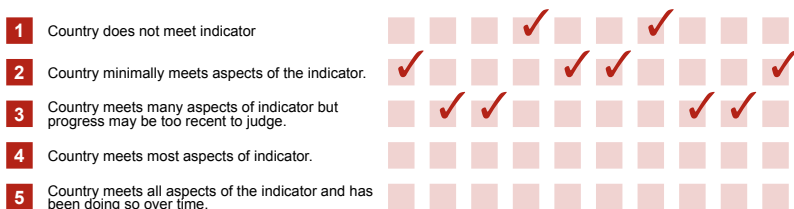
## 3.8 The state/public broadcaster is technically accessible in the entire country.

### Analysis:

ZNBC TV is accessible in 63 out of the country's 72 districts through analogue aerials, although, technically, DSTV subscribers can access the station throughout the country. The state's radio signal covers all 72 districts. However, the quality of the broadcast signal is relatively weak in some more remote parts of the country, because of a lack of proper equipment to boost the signal, resulting in snowy TV pictures and poor radio reception quality.

## Scores:

### Individual scores:



Average score:

2.2 (2005 = 3.0; 2007 = 3.9)

### 3.9 The state/public broadcaster offers diverse programming for all interests.

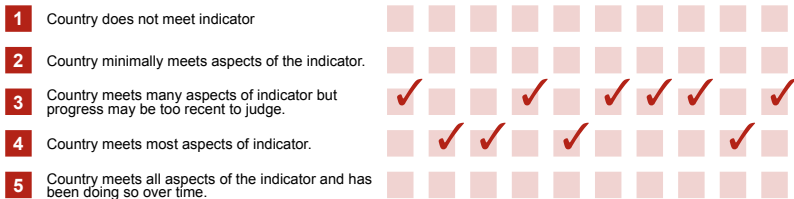
#### Analysis:

ZNBC radio and TV broadcast diverse programming covering a range of interests, including news, soap operas (foreign as well as locally made ones), and religious and political discussion programmes, children’s shows (foreign and local), sports and gender programmes. Most of the programming on ZNBC is locally produced, some in-house at the ZNBC and others by private companies, and there is good infrastructure for such productions.

Since the private and free Muvi TV was launched in 2004, ZNBC TV appears to be doing more to attract viewers, with increased competitions, local soap operas and a new discussion show format.

#### Scores:

##### Individual scores:



Average score: 3.4 (2005 = 1.3; 2007 = 1.8)

### 3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

#### Analysis:

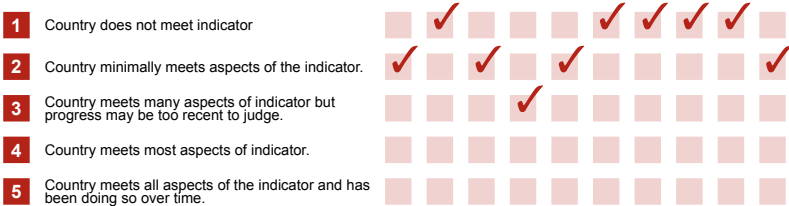
In terms of news and current affairs, the state broadcaster is not at all balanced or fair in its reporting. The content on both ZNBC TV and radio continues to be heavily biased towards the ruling party and the government. Opposition rallies may be filmed but when they are broadcast, sound bites are selectively edited or not used at all, to present the opposition in a bad light. ZNBC staff members

have been known to source comment from government officials on something an opposition member has said and then air the government response first.

While ZNBC TV has brief daily news broadcasts from 5pm in the seven main local languages and a few vernacular programmes, it is otherwise an English station, with the main 7pm news bulletin and most other programming in the official language. ZNBC Radio 1, with a diverse range of vernacular programming, caters better for non-English-speaking Zambians.

## Scores:

### Individual scores:



Average score:

1.6 (2005 = 1.0; 2007 = 1.1)

## 3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

### Analysis:

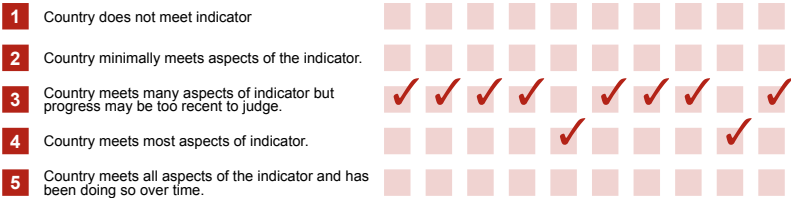
There has been an increase in diverse content in the past two years on the ZNBC and greater attempts at creativity, such as the use of stand-up comedians Difikoti and Bikiloni for humorous commentaries on political issues.

In terms of TV production on the national broadcaster, however, the overall quality of the local content, from programmes to advertising, is mediocre, and not very creative or of a high standard.

Programming on ZNBC radio is marginally more creative with programmes on politics and economics, for example, being more community oriented and approaching issues in a more traditional, “wisdom-tapping” way.

## Scores:

### Individual scores:



Average score:

3.2 (2005 = 1.3; 2007 = 1.8)

## 3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

### Analysis:

*“The monetary needs of community radio stations make them vulnerable to those with the cash.”*

Community broadcasting is allowed to operate relatively freely in Zambia. The Ministry of Information and Broadcasting Services provides frequencies to community radio stations but does not provide any funding or training to them. Government has been known to interfere in the programming if the stations become too political or invite on air too many opposition parliamentarians.

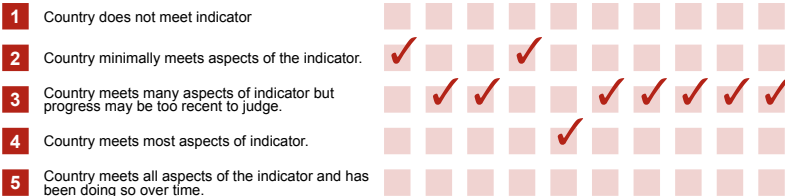
Most of the community radio stations in Zambia are owned and controlled by NGOs, businesses or church organisations. Only a few are purely community run stations. Many receive specific programme sponsorship from foreign donors or local NGOs.

“The monetary needs of community radio stations make them vulnerable to those with the cash.”



# Scores:

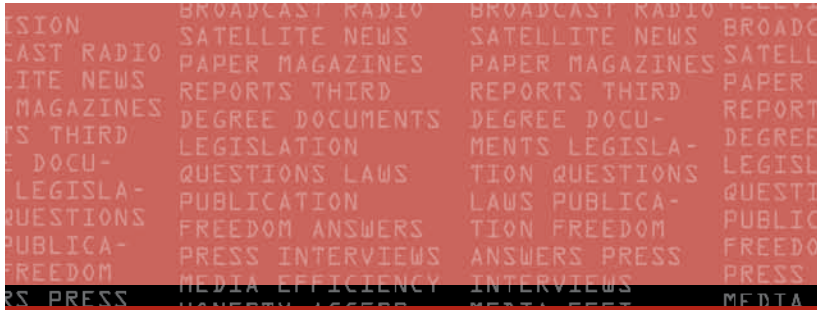
## Individual scores:



Average score: 2.9 (2005 = 4.0; 2007 = 3.6)

Overall score for sector 3: 1.9 (2005 = 1.7; 2007 = 1.6)





# SECTOR 4:

The media practise high levels of professional standards.



## The media practise high levels of professional standards.

### 4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

#### Analysis:

All major media houses, except *The Post*, are members of the self-regulatory, voluntary body, the Media Council of Zambia (MECOZ), which has a code of ethics and conduct for the print and broadcasting media to which all members must adhere. The majority of members – both individual and institutional – do abide by this code.

With the largest circulating newspaper in the country refusing to become a member of MECOZ, the media as a whole is put in an awkward position as the government is threatening to impose statutory regulations if the media cannot regulate itself.

*The Post* has its own code of professional standards and journalists are instilled with the belief that self-regulation begins in the newsroom. *The Post* management continues to resist belonging to a particular regulatory body, as they feel that this is a way for government to impose control upon the newspaper, which has a generally antagonistic relationship with the ruling party and the government.

“Government has talked about ‘making MECOZ stronger through legislation’, but this will make it virtually a statutory regulatory body. The president has been pushing for all media houses to belong to MECOZ, but it is a voluntary organisation!”

*“Government has talked about ‘making MECOZ stronger through legislation’, but this will make it virtually a statutory regulatory body...”*

MECOZ is seen to be a weak body for various reasons. Many members of the public prefer to take their complaints to the courts in an attempt to get financial compensation. If MECOZ finds a media house to be in the wrong, the most it can demand of the guilty party is to offer a public apology. MECOZ has handled only a very few complaints in its history, and it can arbitrate on matters involving non-member media houses if they are deemed in



*“The problem starts in the political culture of the newsrooms: editors know the kind of stories they want even before the reporters interview sources...”*

opposition party sources; most privately owned media tend to push the agenda of the opposition parties.

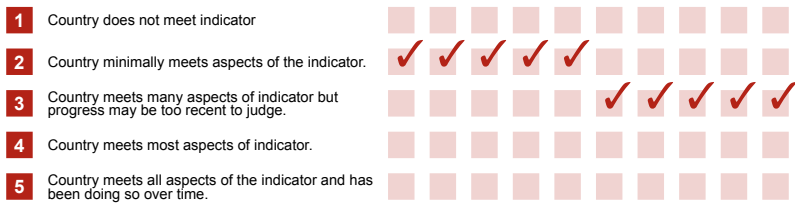
Both the print and broadcast media are known to use information selectively, that is not contextualised, to highlight certain aspects that support their agenda. Sensationalism, especially in headlines, also occurs.

“The problem starts in the political culture of the newsrooms: editors know the kind of stories they

want even before the reporters interview sources. Journalists also tend to pick angles that suits what the paper stands for.”

### Scores:

#### Individual scores:



Average score: 2.5 (2005 = 2.5; 2007 = 2.8)

## 4.3 The media cover the full spectrum of events, issues and cultures, including business / economics, cultural, local and investigative stories.

### Analysis:

Most of the mainstream media attempt to cover a full spectrum of events and issues. Newspapers tend to focus predominantly on political issues, which overshadow developmental stories.

“The readership has been conditioned by the media to accept that the most important news is political news.”



staff’s religious preferences, for example, Seventh Day Adventists, so that they do not have to work on Saturdays.

At the *Times of Zambia* and the *Zambia Daily Mail* there are also few women in the top management positions, although there are female deputy editors-in-chief at both state-owned publications. At the level of line editors, there are deputy women editors. The acting Managing Director of the ZNBC is a woman.

There seems, however, a general lack of women in senior positions, a situation that panellists commented as follows: “It is a struggle to get women into senior positions, as very few women are capable of taking management jobs.”

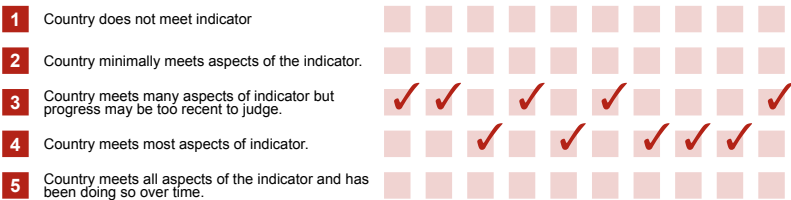
“While there are many women at the entry level into journalism, they generally do not make it to the top positions as they often get married, can’t keep up the hours and resign.”

There are generally more men than women on the staff of community radio stations, while Asians are generally not included. The same can be said for the state broadcaster, as it is rare to see Muslim presenters. Of the entire staff of *The Post*, 316 employees, there is only one Muslim.

Because community radio stations are trying to appeal to a specific community, and this often means a specific cultural and language grouping, when they hire staff they look for people who speak those specific languages.

## Scores:

### Individual scores:



Average score:

3.5 (2005 = n/a; 2007 = n/a)



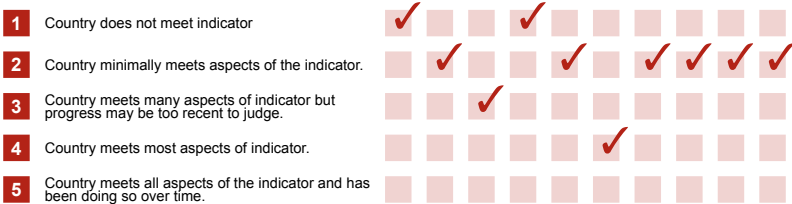


from the editor-in-chief, Fred M'membe, who owns the largest percentage of shares in the newspaper (?? SAM: WHAT IS THIS FIGURE?), no other shareholders or members of the board have a say in the newspaper's content. M'bembe writes most of the newspaper's editorial comments.

"M'membe may have an influence on the paper but he generally does not interfere in day-to-day decisions taken by editorial management and he does not sit in on the diary meetings."

## Scores:

### Individual scores:



Average score: 2.1 (2005 = 1.4; 2007 = 1.8)

## 4.7 Journalists and media houses have integrity and are not corrupt.

### Analysis:

*"...The Post ensures that reporters travelling with an organisation or even a political party are given allowances for that period."*

Generally, despite low salaries (see indicator 4.8), Zambian reporters are considered to have integrity and not to be susceptible to 'brown envelope syndrome', although they are often under pressure from people seeking favourable coverage. There are, however, rumours that some reporters from the state media refuse to go on assignment if they do not get some money from the news host.

The *Times of Zambia* discourages such practices and the paper's editorial policy states that staff found to have accepted monetary bribes will be summarily dismissed. The newspaper's journalists are also discouraged from receiving any type of gift or 'freebie' from news sources.

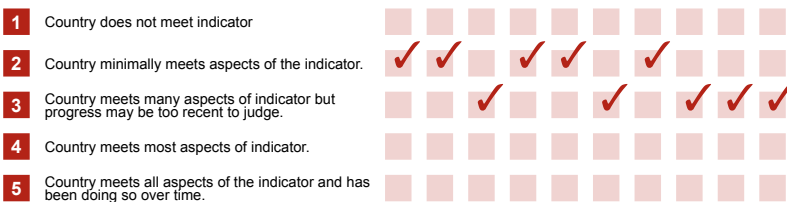
*The Post's* editorial policy similarly states that reporters will be instantly dismissed for accepting money in return for writing stories, but this has not happened yet.

“To avoid this and in an attempt to maintain the newspaper’s independence, The Post ensures that reporters travelling with an organisation or even a political party are given allowances for that period.”

The practice by mobile phone company, ZAIN, of offering journalists free airtime is questionable, as the company, also a prime sponsor of radio and television news broadcasts, does not receive negative coverage in the mainstream media.

## Scores:

### Individual scores:



Average score:

2.5 (2005 = n/a; 2007 = n/a)

## 4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

### Analysis:

Although media salaries in Zambia have improved in the past two years, they are still relatively low and not considered adequate. Salaries for journalists can range from as little as K500,000 (US\$100) a month after tax for community radio station staff to an average of K2 million (US\$400) to K2.5 million (US\$500), with benefits such as a housing allowance, for a state newspaper reporter. State-owned newspaper line editors can earn in the region of K6 million (US\$1,200) to K7 million (US\$1,400) a month. Staff working on privately owned newspapers tend to earn more than their colleagues in the state media, such that a reporter could earn K4 million

*“Because some journalists do not belong to unions, they cannot negotiate better salaries.”*

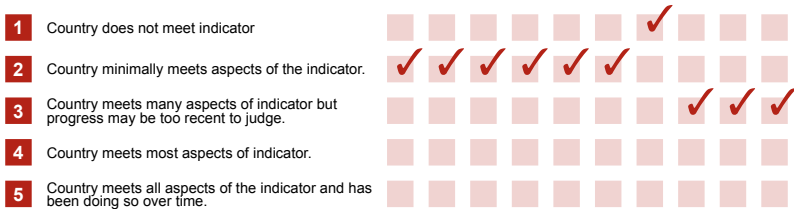
(US\$800) a month. ZNBC staff, however, do not on average earn as much as those working for state-owned publications. Employees in the private broadcasting sector tend to earn more than those working for the public broadcaster. The cost of a basic food basket for a family of six for the month of May 2009 was estimated to be K815,850 (US\$160).<sup>22</sup>

“Because some journalists do not belong to unions, they cannot negotiate better salaries.”

The working conditions within the media are also not considered “ideal”, although staff tend to work a normal eight-hour day.

## Scores:

### Individual scores:



Average score: 2.2 (2005 = n/a; 2007 = n/a)

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

### Analysis:

Sufficient formal and short-course training opportunities exist for prospective journalists, and those already working in the industry, to acquire qualifications and new skills.

Formal journalism training is provided by three main institutions. The Department of Mass Communication at the University of Zambia (UNZA) offers a four-year Bachelor of Professional Communication (BMC) degree, as well as masters and doctorate programmes. Evelyn Hone College (EHC) has one-year certificate and three-year diploma courses, while the Zambia Institute of Mass Communication

<sup>22</sup> ‘Cost of food records substantial increases’, Jesuit Centre for Theological Reflection, accessed on <http://zedians.ucoz.com/news/2009-06-10-129>

(ZAMCOM) provides certificate and diploma-level training. ZAMCOM no longer offers short-term in-house and in-service training for media houses and practising journalists.

UNZA is soon to make allowances for EHC diploma graduates to complete degree courses at the university without having to study for the entire four years for a BMC, for example, thus exempting them from courses completed at EHC.

*“The government is in the process of standardising training and eliminating colleges which do not have high enough standards.”*

The Mindolo Ecumenical Foundation, a private institution, offers a two-year diploma course in media studies.

“The government is in the process of standardising training and eliminating colleges which do not have high enough standards.”

MISA Zambia sponsors training for staff working for community radio stations, among others. The Bank of Zambia and various non-governmental organisations (NGOs) offer short reporting courses for journalists.

While in the past, prospective journalists opted to study in other countries, such as South Africa, increasingly Zambian students choose to complete their studies locally as the curricula of training institutions has become more aligned with the needs of industry and technological advances. An indication of the increase in capacity is that about 90 per cent of the lecturers at EHC are products of UNZA.

The *Times of Zambia* offers in-house training to journalists and middle management on specific programmes, for example, reporting on agriculture, HIV-AIDS and women.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.5 (2005 = 2.6; 2007 = 4.3)

## 4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

### Analysis:

*“(The Post) Staff who joins ZUJ will be at a disadvantage as they will not get salary increases. This is not a good situation but ... particularly under the new Banda dispensation, it is seen as the only way to survive.”*

Most media practitioners in Zambia are members of one or more of the many media associations in the country, and/or the Zambia Union of Journalists (ZUJ). The organisations include the Zambian chapter of the Media Institute of Southern Africa (MISA), the Press Association of Zambia (PAZA), the Zambia Media Women’s Association (ZAMWA) and the Society of Senior Zambian Journalists (SSZJ).

Journalists at state-owned newspapers have to be members of ZUJ, while employees of *The Post* are persuaded by management not to belong to the union.

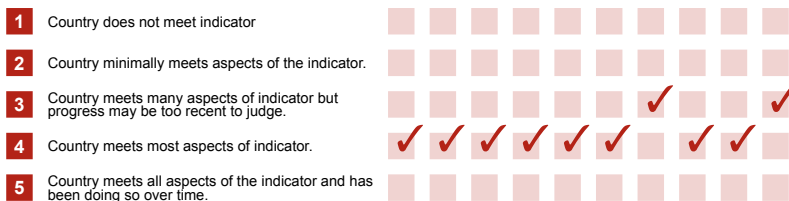
“Staff who joins ZUJ will be at a disadvantage as they will not get salary increases. Employees of *The Post* do segregate themselves, particularly to protect against infiltration by state intelligence. This is not a good situation but in an environment where elements are constantly trying to drown the newspaper, particularly under the new Banda dispensation, it is seen as the only way to survive.”

*The Post’s* staff committee operates as a union for employees as it is concerned with their welfare.

*The Post’s* in-house Press Freedom Committee is seen as an advocacy forum and a means for the newspaper to deal with civil society, as well as the other media associations on issues of common concern. It has full-time staff and the company pays all the membership fees for the employees.

## Scores:

### Individual scores:



Average score: 3.8 (2005 = 4.5; 2007 = 4.5)

Overall score for sector 4: 2.7 (2005 = 2.5; 2007 = 3.1)

OVERALL COUNTRY SCORE: 2.4 (2005 = 2.2; 2007 = 2.5)

## Developments since 2007 and the Way Forward

### Positive developments in the media environment in the last two years and the main reasons for such positive change:

- o An improvement in salaries has come about as a result of economic demand and pressure from people within the industry.
- o The National Constitutional Conference (NCC) process, which began reviewing the Mung'omba Draft Constitution in 2007, was driven by activism within the media and civil society.
- o There has been an increase in the number of television and radio stations. The growth in radio is particularly related to communities themselves wanting their own voice and to the conducive environment.
- o There is more local content and a greater diversity of content.
- o The courts continue to uphold media freedom and protection of sources, as a result of judicial independence.
- o The harmonisation of training between different institutions is the result of former diploma students seeking higher qualifications paired with the desire to improve standards.
- o The proliferation of magazines is driven by citizens' desire for more specialised news.
- o An increase in phone-in programmes suggests increased community participation.
- o The adoption by government of the ICT Policy is driven in particular by the advance of technology.
- o An increase in local online news indicates a desire from Zambians in the country as well as the diaspora for more sources and local news. At a time when printing materials are so expensive, online publications offer a cheaper alternative to print.



- o The availability of funds for the media from the CEEC.
- o An attempt to include more women's voices in the media.

### **Negative developments in the media environment in the last two years and the main drivers/actors of such negative change:**

- o The polarisation of the media along public-private lines results in extremely skewed reporting, with no 'middle line' media house. This polarisation is driven by the pressure and dynamics within the political climate.
- o Media content is still mediocre and relatively uncreative despite an increase in the number of publications and broadcasters. This is as a result of a lack of skill within the relatively young industry.
- o The government's intolerance of the private media is driven by the political environment. Private media are routinely subjected to harassment and threat.
- o There has been an increase in threats from government to phone-in programmes, resulting in some shows being taken off air.
- o The government continues to disregard the IBA Act and fails to implement the ZNBC Act.

### **Activities needed over the next few years:**

- o To effect the implementation of the IBA Act, all media institutions and associations (including MISA Zambia, ZUJ, The Post's Press Freedom Committee, ZAMWA and PAZA) need to come together in the form of a revived media committee to put pressure on political parties and MPs. With the assistance of the Law Association of Zambia, the Minister of Information and Broadcasting could be challenged through the legal system. [Andrew Sakala and Samson Mujuda volunteered to initiate this process from August 2009.]
- o With the aim of popularisation the importance of a Freedom of Information Act and addressing media law reform, the media committee, driven by MISA and the Press Freedom Committee, will aim to have these topics included in the debates around the draft constitution by lobbying delegates and providing them with information in summary form or through the innovative use of drama, comedy or music CDs. Citizens also

need to be made aware that freedom of information does not relate only to the media, but has an impact on civil society as well. [Janet Iilunga and Samson Mujuda volunteered to initiate this process.]

- o With the aim of creating an all-inclusive self-regulatory body for the media, which is more effective than the Media Council of Zambia (MECOZ), a Media Liaison Committee, comprising all media organisations and houses, has already delivered a concept paper to the United Nations Development Programme (UNDP). [To be followed up in August 2009 by the committee.]
- o The process of harmonising training between the University of Zambia (UNZA) and Evelyn Hone College (EHC) is ongoing. [Kenny Makungu volunteered to follow this up.]
- o To increase the participation of women in the media and to build the capacity of women to make them conversant with the media, training on media interaction is to be delivered on a quarterly basis by the Non-Governmental Organisation Communication Centre (NGOCC) and the revived media committee. [This activity is to be co-ordinated by Engwase Mwale, Tina Nanyangwe, Samson Mujuda and Bellon Chintomba.]

The panel meeting took place at Fringila Lodge, outside Lusaka, from 25-26 July, 2009.

### **The Panel:**

Mr. Bellon Chintomba, Community Radio Station Manager; Mr. Lee Habasonda, Human Rights NGO Director; Ms. Janet Iilunga, Deputy Editor; Mr. Mutemwa G. Makomani, Media Studies Lecturer; Mr. Kenny Makungu, Mass Communication Lecturer; Ms. Suzanne Matala, Pastor; Mr. Samson Mujuda, Deputy News Editor/Lawyer; Ms. Engwase Mwale, Gender Activist; Ms. Tina Nanyangwe, Socio-economic Justice Advocate; Mr. Andrew Sakala, Editor

### **The Rapporteur:**

Ms. Sarah Taylor

### **The Facilitator:**

Ms. Reyhana Masters



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