

Zambia Digital Rights Landscape Report

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This report is part of 'Digital Rights in Closing Civic Space: Lessons from Ten African Countries'; the Introduction is also recommended reading.

1. Introduction

This report offers an overview of the digital rights situation in Zambia. The purpose is to scope the rights landscape in Zambia; and to document the political, civic, and technological areas. The report is dependent on desk reviews of existing documents about what is taking place in the country. The overall objectives of this study are to: promote an understanding of the civic and digital rights situation in the country; identify local Zambian capabilities and existing gaps; reflect upon the digital technologies used by government and civil society; and, finally, to recommend areas for further research, civic activism, and policy change.

Generally, it is observed that Zambia's civic space has, over the years, narrowed through a combination of factors. These factors include government political and legal actions on one side, and the rather weak civil society base on the other. Ultimately, though, in promoting a better understanding of the digital rights situation in Zambia, this report seeks to ensure that citizens continue advocating for the expansion of local civic spaces. At the same time, scholars are expected to back up this 'pushback movement' with the requisite empirical research into this critical area of social practice. By so doing, civil society, scholars, and policymakers, jointly or separately, will hopefully build new platforms and bases, to promote policy change and new policy directions.

For our purposes, we define civic space as 'the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organised groups, are able to freely, effectively and without discrimination exercise their basic civil rights' (Malena 2015: 14) and delimit the notion of digital rights to human rights during the era of the internet. These are basically civil rights that relate to the right of online privacy, freedom of expression and freedom of online association (Hutt 2020).

Thus, the report takes a bird's eye view of the political situation over the past 20 years, closely examines the status of Zambian civic space and scrutinises the technologies used. It concludes that the fortunes of the country's digital rights situation could depend on: the emergence of more vibrant civic activism; the building of a culture of respect for human rights; creation of more open civic spaces; and ensuring greater civic participation in policy formulation and implementation.

2. Political landscape

Zambia, with a population of 18 million people, has been an independent state since October 1964. In a period of 56 years, it has undergone three major political phases. These are the eras of multiparty democracy, one-party rule and then a return to multiparty democracy in 1990. Since then, Zambia has enjoyed a relatively free and peaceful political environment, albeit with a lot of economic and other social problems.

However, throughout these periods, what has remained constant is the powerful position occupied by the executive wing of government over all other sectors such as parliament, the judiciary, the media, and civil society formations. What Zambia has had since 1964 has been an authoritative patrimonial and almost imperial presidency that is ably reinforced by a governing party and looms large across all sections of society.

This is despite Zambia having had three different constitutions and two additional major constitutional amendments in 1964, 1969, 1973, 1991 and 1996, respectively (ZIS 1991; Chinyere and Hamauswa 2016). However, the basics of the winner-takes-all one-party rule paradigm have remained unchanged. This static situation has generally impacted upon Zambia's human rights ethos and resulted in a weak participative culture in civic activities by its citizens.

Besides, from the initial years of Zambia's independence, its first president, Kenneth Kaunda, established an oppressive and ubiquitous eavesdropping state security apparatus, which spied on citizens and bugged communication lines, such as telephones (Sardanis 2014: 89). This 'System' as it is colloquially called, was supported by an entrenched pyramidal political party structure. This was the supreme governing body of the country that since independence in 1964 had continued to vest itself with more and more powers (*ibid.*: 89). This entrenched a tradition of social control that has largely continued and is now impacting on human rights and digital citizenship.

However, after the changes of 1990–91, when the country returned to multiparty democracy, there were promising signs that the socio-political dominance of governing political parties as described above was to take a back seat and that spaces for media and civil society would open up. This hope did not last long. By 2011, such positive political reforms had dwindled. Systemically and then, quickly, they were reversed when new President Michael Sata came into office.

Sata, who cut his political teeth during the one-party era, was sent to the Soviet Union by the Kaunda government to study as a 'commissar' in

political party organisation (Scott 2019: 54). After becoming president, he subsequently reasserted the supremacy of his governing political party, the Patriotic Front (PF), placed the PF's chief executive officer on the government payroll, and ensured that government ministers genuflected to the PF. Social policy, too, was generated from the corridors of the party offices, as was the case before 1991. Whereas in the immediate aftermath of the 1991 changes, the governing party was distanced from the government, Sata reasserted the supremacy of the PF as the overlord 'ruling' party, thereby placing state functionaries into submissive roles to those of PF party officials (Zambia Reports 2012a). The reversal was almost complete.

Further, Sata ensured that the Public Order Act (POA) – an old, repressive colonial law, enacted in 1955, and, originally meant to subdue anti-colonial protests – was used to the maximum, to reduce dissent, paralyse civil society activism and mollify opposition elements. In fact, within six months of being in office, Sata said that the POA, which when in opposition he had considered reprehensible, was in fact a good law for maintaining social order (Zambia Reports 2012b; *Zambian Watchdog* 2012).

These reversals were strongly opposed by civil society organisations (CSOs) including the Zambia Episcopal Conference (ZEC), representing the Catholic Church; the Law Association of Zambia (LAZ) for the legal fraternity; and the Council of Churches in Zambia, on behalf of Protestant Christians. Summing up the feelings of the times, ZEC said: 'looking at what is happening... it would seem to us that the ideals of a politically plural society have not been fully understood and appreciated by those who aspire for political leadership in our successive governments'. The ZEC called on political leaders to 'prudently exercise the power that the Zambian people have entrusted in them' (Zambia Reports 2013).

Since then, there has been a closing-in of political spaces for actors with alternative views such as the CSOs. Old laws have been harshly enforced. New ones have been put in place. Hopes for a more open society have been largely dashed. Among the laws and regulations in Zambia that now specifically oversee digital citizenship, or govern digital rights are those listed below.¹

2.1 Information and Technologies Act of 2009

A unique feature of this law is that it takes 'supremacy' where there is inconsistency between it and any other law with regard to the regulation of information and communication technologies (ICTs). Also, it empowers the regulatory authority, the Zambia Information and Communications Technologies Authority (ZICTA), which it created, to be responsible for radio

¹ All the cited laws are available on the [Zambian National Assembly website](#).

frequency transmissions. This has a direct effect on the broadcasting sector in Zambia. For instance, in August 2020 the Independent Broadcasting Authority (IBA), the broadcasting regulatory authority that works in tandem with ZICTA, claimed that all online broadcasting should be licensed because according to the IBA, the law states that:

Any person wishing to operate or provide broadcasting service in Zambia, regardless of whether the broadcasting service is conveyed through radio frequency spectrum or any electronic communication networks such as the Internet, is required to obtain a broadcasting license from the IBA. Operating without a broadcasting license amounts to an offence.

(News Diggers 2020)

The IBA was responding to a Zambia-based online television station, Spring TV, which had incorrectly reported the suicide of a fired government minister. General Education Minister David Mabumba had been dropped from the cabinet for producing and distributing pornography on the internet, but he was alive (The Mast 2020; The Zambian Observer 2020).

2.2 Electronic Communication and Transaction Act of 2009

This law allows for the 'lawful' interception of communications; for service providers to install interception devices/software in their infrastructure; for the minister to instruct service providers to disclose 'alleged illegal activities' of suspects, and for the establishment of a government-controlled Central Monitoring and Coordination Centre, which, on behalf of the state, aggregates all communications interceptions. Further, there is an absence of data protection and privacy laws to safeguard the interests of digital citizens in Zambia. Whereas, in brief, this law ostensibly forbids service providers from monitoring user activities, nonetheless the minister can order that they install devices for real-time monitoring of suspects and disclose suspects' activities to the authorities. Moreover, there are no safeguards for data collected by telecoms companies, traffic police, insurance companies, and even hospitals since the emergence of diseases such as HIV/AIDS and the coronavirus disease (Covid-19).

2.3 Statutory Instrument No. 65 of 2011

This sub-legislation provides for the registration of all SIM cards used in Zambia. Owners are expected to give personal details regarding their residences and particulars of national registration cards (NRCs). All Zambians are compelled to be registered and are expected to carry their NRC with them at all times from the age of 16 years.

2.4 Non-Governmental Organisations Act No. 16 of 2009

This law requires that all non-governmental organisations (NGOs), including those engaged in digital rights work, whether local or international, be registered with the Registrar of Societies. It is also a requirement that NGOs should on an annual basis submit their activity reports to the government department responsible for NGOs, the Ministry of Social Welfare. The inflows and outflows of the finances of NGOs are also closely monitored by the government. This means that any organisation that is working in the civic sphere, whether on aspects of human or digital rights or not, is closely monitored by the government. Such oversight has been considered 'highly restrictive' (CIVICUS 2017) by some observers. Moreover, the mere presence of the demand that all CSOs should be registered by a government agency presupposes the absence of privacy for civic activists. The good thing, though, is that this act is under revision, with some limited consultation with the NGO sector.

2.5 Preservation of Public Security Act (PPSA) of 1960

This law has been used to control public gatherings; ban publications considered to be 'prejudicial to public security'; and regulate assemblies, including those of political parties and CSOs. The law also authorises the president to do anything 'as appear[s] to him to be strictly required by the exigencies of the situation in Zambia'. This law was used in 1996 to ban the online issue of *The Post* newspaper, including its hard-copy edition. On many occasions, it has been used to stop unauthorised public gatherings, arrest protesters, and violently disperse public gatherings, including those of NGOs and opposition political parties, actions which in some instances have led to deaths (*ibid.*).

Clearly, Zambia has witnessed the government exercising greater control over its people. Also, the country has observed that the state was getting as much information as possible about people's private lives and activities (MTN 2020). Then, too, the domestic civic space has been substantially narrowed especially for human rights activists, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, bloggers, academic researchers and all others who are on the margins of, or outside, government thinking.

The next section focuses on how this political and legal context has shaped the civic space in Zambia.

3. Civic space landscape

Since its independence from Great Britain in 1964, Zambia has enjoyed a diverse and active civil society, which includes labour unions, community-based human rights activists, development organisations, and church groups. Additionally, the country has maintained peace and stability since the change in 1990–91 to multiparty politics, marking a break from 19 years of one-party rule, which had been established in 1972.

As a result, the *Freedom in the World* report of 2019 scores Zambia as partly free with a total of 54 points on a scale of 1 to 100 (Freedom House 2019a). According to the report, Zambia scores 22 out of 40 for political rights and 32 out of 60 for civil liberties.

Figure 3.1 Freedom House ranking for ADRN countries, 2000–19²

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Zimbabwe	Partially free	Partially free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	N/A	Not free	N/A	Not free	Not free	Not free	Partially free	Partially free	Partially free	Partially free
Zambia	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	N/A	Partially free	N/A	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free
Uganda	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	N/A	Partially free	N/A	Partially free	Partially free	Not free	Not free	Not free	Partially free	Not free
Sudan	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	N/A	Not free	N/A	Not free	Not free	Not free	Not free	Not free	Not free	Not free
South Africa	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	N/A	Free	N/A	Free	Free	Free	Free	Free	Free	Free
Nigeria	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	N/A	Partially free	N/A	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free
Kenya	Not free	Not free	Not free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	N/A	Partially free	N/A	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free
Ethiopia	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	N/A	Not free	N/A	Not free	Not free	Not free	Not free	Not free	Not free	Not free
Egypt	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	N/A	Not free	N/A	Not free	Not free	Not free	Not free	Not free	Not free	Not free
Cameroon	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	N/A	Not free	N/A	Not free	Not free	Not free	Not free	Not free	Not free	Not free

■ Free
 ■ Partially free
 ■ Not free

Note: ADRN – African Digital Rights Network.

Source: Adapted from Freedom House (2019b)

² Data not available for 2010 and 2012.

Further, a 2017 overview of Zambia by CIVICUS states that civil society's challenges include limited capacity for networking and high dependency on external resources. However, other broader societal challenges include political polarisation, lack of judicial independence, and practices such as torture and unlawful killings by the police force (CIVICUS 2017).

Therefore, a current source of concern for the operations of civil society is the introduction of legislation to control civic and public space. One example of this is the Non-Governmental Organisations Act No. 16 of 2009, referred to above, that provides for the coordination and regulation of NGOs; and establishment of the Non-Governmental Organisations' Registration Board (NGO Board) and the Zambia Congress of Non-Governmental Organisations, for the ostensible reason of enhancing transparency and accountability in the activities of the NGO sector (PMRC 2016).

The act was introduced in spite of CSOs' efforts at self-regulation. Earlier in 1999, CSOs had instead created a voluntary code of conduct for self-regulation in response to government plans to regulate them. The voluntary code was meant to strengthen CSOs' capacity to work independently and to negotiate with government.

According to Leah Mitaba, the director of the Zambia Council for Social Development, the NGO Act contravenes the constitution and places Zambia in a bad light globally and among its people who, since the return to the multiparty system, have wished to ensure that Zambia thrives through an active citizenry that holds its government to account (Chakwe 2020).

The NGO Act contains provisions that make it susceptible to abuse and offers the state the opportunity of constraining the freedoms of NGOs. Key points requiring review in the legislation are: the definition of what NGOs are; excessive ministerial authority; severity of penalties; imbalanced representation on the NGO Board; and the absence of an appeals process (PMRC 2016).

Other pieces of legislation that at the time of writing were yet to be brought before parliament by the government, albeit with notably low public engagement, include: The E-Government Bill; Data Protection Bill; E-Transactions and E-Commerce Bill; and the Cyber Security and Cyber Crime Bill.

For Mitaba, civil society needs to engage the state to ensure that any such proposed legislation complies with Zambia's international and continental obligations, as well as best practices, and that they offer an enabling environment for civil society operations.

Table 3.1 offers a perspective on the implications of the above-mentioned laws and political actions for civic space in Zambia.

Table 3.1 Civic space timeline

Year	Shift	Implication
1999	CSOs create voluntary code of conduct	Strengthens CSOs' capacity to work independently and to negotiate with government
2000–present	Increased inter-party violence during elections	Narrowing of space for political activity as citizens are generally fearful of partaking in political activities, including elections
2004	Government publishes contentious NGO Bill	Plans to give government control over CSOs financing, registration and other activities
2009	NGO Act becomes law	Reduced operational freedom and effectiveness of NGOs
2011–present	Abuse of Public Order Act	Obstruction of public policy debate, freedom of expression and freedom of association
2011	Forced registration of SIM cards	Makes it easier for government to check and follow citizens' communication
2013	Secret service ordered to tap phone conversations and emails of all people in Zambia	Fear among the public of talking openly and freely
2013	Online websites forcibly shut down	Free flow of information and free exchange of views curtailed
2016	<i>The Post</i> newspaper closed by government	Civic space narrowed
2018–present	Introduction of well-funded social media accounts by state functionaries	Promotion of fake news, disinformation, misinformation and the drowning out of alternative voices
2018	Introduction of tariffs on internet phone calls	High cost of communication reduces the amount of communication taking place in society
2018	CSOs form own Council of Non-Governmental Organisations in Zambia to strengthen the independence from government of NGOs	Pushback by CSOs against government control
2019	Independent television station Prime TV closed	Media freedom curtailed
2019	Government introduces tax on online streaming platform Netflix with the purpose of sharing profits	High costs bar entry and access into this new form of social communication
2019	Cabinet approves Access to Information Bill, which has been on ice since 2002	Hopes for a more open government raised – but as of 25 January 2021 the Bill had not gone before parliament, once again dashing hope and optimism
2019	Introduction of constitutional amendments to strengthen the presidency and weaken the judiciary and parliament	Public debate around this constitutional amendment (Bill No.10 of 2019) splits the country as a substantial number of CSOs and the public are against the intended changes
2020	Arrests of social media 'bloggers'	Public disengagement from free expression on matters of public policy; increased levels of fear generally among the public

Source: Authors' own.

As can be seen from Table 3.1, the introduction of the internet and social media has substantially increased interactions in digital spaces. This dynamism, however, has also attracted government attention. Further, although observers expected greater civic activism and dialogues within the available digital spaces, especially where the enduring and pervasive restrictions on physical space had not yet taken root, this hope remains under threat.

Section 4 therefore looks closely at how CSOs have responded to these challenges through the use of ICTs.

4. Technology landscape

According to ZICTA, since 2000 there has been a consistent increase in the number of households in Zambia that have access to the internet. It is estimated that 32 per cent of households in urban areas and just under 7 per cent in rural areas access the internet on a regular basis (ZICTA 2020: 32). Further, according to IWS (2020), in the first quarter of 2020 internet penetration within the Zambian population had reached 54 per cent, which is an almost 50 per cent growth within 20 years. On the other hand, the Paradigm Initiative (2020) states that in 2019 Zambia's internet penetration stood at 59 per cent, accounting for over 10 million users, most of whom access the internet using mobile devices. Moreover, out of a population of 18 million people, about 2.25 million are on Facebook (IWS 2020).

This digital presence and interactivity have given rise to a desire for expanded digital rights. As said above, digital rights are universal human rights in digital spaces. They include, but are not limited to, the right to privacy, freedom from violence, freedom of political opinion, freedom of expression and freedom of association (IDS 2020).

In this vein, several organisations are engaged in digital rights work in Zambia. Some of these are the Paradigm Initiative for Africa, which is supporting dialogues on digital rights in Zambia and the Southern African region; the Internet Governance Forum, an open and inclusive space for dialogue on internet governance issues of relevance to people in Zambia; the Internet Society Zambia Chapter (ISOCzm), a platform committed to fostering internet access; the Zambian Bloggers Network, an autonomous space for bloggers, internet content developers and journalists; and MISA Zambia (Media Institute for Southern Africa Zambia), a membership-driven organisation for independent Zambian media institutions and practitioners.

Notable among these is the Paradigm Initiative, which is an international organisation that was initiated from Nigeria and has offices in Abuja, Accra in Ghana, Douala in Cameroon, Nairobi in Kenya, and the Zambian capital Lusaka. It is a continental operation that advocates for digital rights in order to improve the lives of the youth (Paradigm Initiative 2020). The Lusaka office looks after digital rights interests in Southern Africa, especially Zambia, Malawi, and Zimbabwe. Broadly, its objectives are to empower CSOs to defend and advocate for digital rights; train media to report on, follow trends in and analyse digital rights issues; and to articulate an Africa-wide digital rights strategy around its four main action pillars:

- Internet shutdowns
- Social media
- Public policy
- Existing threats and opportunities.

This is a youthful centre of activism and among the most interesting organisations working on digital rights in Zambia. The other organisations referred to above are doing similar things, but approach issues differently.

Along with several other CSOs, they constitute a public response to emerging rights abuses in the country. For example, when it was learnt that tough secrecy bills were in the offing, journalists, CSOs, media and bloggers launched the hashtag #OpenSpaceZM, fearing that the new laws could have 'rights repressing clauses' (Paradigm Initiative 2020), and called for more openness and fuller public participation in the development of these laws.

Earlier, in 2016, prior to the general election CSOs came together and formed the Zambia Elections Information Centre (ZEIC) whose objective was to offer timely and credible information about the elections; be a platform for e-participation; offer weekly reports on the progress of the campaigns; and run a popular hashtag campaign, #TakeZambiaBack (this campaign was quite successful; in one week alone, in June 2016, ZEIC noted that there were 254,000 impressions).

Since then, there have been other CSO-based hashtag campaigns such as #YellowCard, #Bill10, #42X42, #Zambia and #HandsOffOurConstitution. These have dealt with corruption in government, and government attempts to meddle with the national constitution. In Table 4.1, we briefly examine the impact of state responses on civic digital activism.

Table 4.1 Technology crackdown

2016–present	Shutdowns of internet and communication services in certain regions of the country that are strongholds of opposition parties	The regularity of these unexplained events suggests that this could have been a ploy to curtail the flow of political information and freedom of choice in affected areas
2019	Government establishes the 'Cybersecurity Crack Squad' aimed at tackling cybercrime on digital platforms	The squad consists of all the top security agencies, including the intelligence services – its formation spreads fear and has a chilling effect on freedom of expression
2019	A teacher is jailed for two years for defaming the president on his social media account	Chilling effect on public policy debates
2020	Former Law Association of Zambia president Lawrence Kasonde is arrested for 'insulting' President Lungu in a self-recorded viral video posted in a WhatsApp group where Kasonde displays a voter's card before unleashing insults on Lungu and his government	The government has the technological capability to locate sources of anti-state viral videos even on secure private platforms – this has a chilling effect on freedom of expression

Sources: ZNBC (2020); News Diggers (2019); Zambia Today (2020).

The incidents listed in Table 4.1 lead us into discussing in some detail the existing technology landscape in Zambia today. Moreover, as indicated in section 2, in 1996 the government took down the online edition of *The Post* and banned the paper under the PPSA of 1960, initially passed in 1955. This law was adapted from an earlier British law which has since been scrapped from the British statute books.

Nonetheless, in 2013 President Sata authorised the secret service to tap the phone calls and emails of 'anyone living in Zambia' (Zambian Watchdog 2013). In the same year, the government blocked four websites: Zambian Watchdog, Zambia Reports, Barotse Post and Radio Barotse. In March 2020, a 15-year-old nicknamed 'Zoom' was arrested for defaming President Lungu in his Facebook posts. The juvenile faces five years in prison if convicted.

The above actions have raised concern both locally and internationally. For instance, international organisations such as the Carnegie Endowment for International Peace have speculated that by 2013 the Zambia government had the means, through deep packet inspection (DPI) software, to internally monitor internet activity within its territory. The DPI technologies are used for 'online filtering and surveillance' (Weber 2020) of citizens' communication.

Besides that, the Zambian government reportedly, has facial recognition and artificial intelligence technologies that enable it to monitor citizens' activities beyond the internet. This ability was made possible by equipment imported from China and other countries, installed by companies such as Huawei, Hikvision, and ZTE (Carnegie 2020). According to Freedom House (2019a), Zambia is among 45 countries that use Israeli spyware, Pegasus, to spy on its citizens. Further, the extensive interconnectedness between Zambia and China reveals that Zambia is positioned at the core of China's technological sphere of influence ('techno-sphere') in Africa. In order to control its domestic population, the Zambian government has relied on censorship and surveillance gear supplied by Huawei and ZTE (Carnegie 2020).

It is claimed that Huawei employees allegedly aid the Zambian government to intercept digital communications of journalists and opposition groups (OONI 2016; Stratfor 2019; Citizen Lab 2020). Moreover, Huawei has also implemented a US\$210m Lusaka smart city programme, which has increased the government's physical surveillance capabilities. This initiative has augmented the government's power to police its citizens, track those with dissenting views and compare their faces with records in the national data centre. In the near future, it will help build mobile broadband connectivity infrastructure that will reach rural villages, a platform where government programmes will be promoted (Bloomberg 2019). In addition, the media landscape of the country has been influenced by Chinese soft diplomacy, which has seen Zambian journalists attending various training programmes in China.

In terms of the uses and abuses of this power, there are already some indications of this. For example, in 2014 a 'fake account', Edgar Lungu for 2016, appeared in cyberspace touting and promoting Lungu, then officially only a 'junior' minister, for the presidency. Observers suspected that this was part of an emerging trend of what some later called the 'misinformation, disinformation, and impersonation of politicians and high profile individuals using fake social media accounts' (Paradigm Initiative 2020). Whether or not this particular account qualifies to be described as such, is unproven. Nonetheless, Lungu disassociated himself from the account; but two years later he was elected president.

Of note is that when the newly elected President Sata announced his initial cabinet on 29 September 2011, Lungu was officially named as deputy vice president in the office of Vice President Guy Scott (Bloomberg 2011). This appointment raised eyebrows because Scott, a Zambian of Scottish origins, could not in any circumstances constitutionally succeed the incumbent president because of his foreign roots. The concept of a 'deputy vice presidency' was quietly shelved from public discussions, as such a post did not exist in the national constitution, but may in fact have continued to exist, out of the public gaze.

Although Lungu was not officially deputy vice president, events before and in the aftermath of the death in office of President Sata may indicate otherwise. Whereas just before Sata's death, Lungu was anointed as chief executive officer of the ruling PF party, he was also named as minister of justice, defence, and home affairs concurrently. At the time of Sata's death, Lungu had 'no fewer than five high ranking titles' (Mukwita 2017: 111).

Of this transition period, Scott writes that after Sata's death, a power struggle ensued, adding that:

there were significant breaches of the law and the constitution... the actions of some people influenced what happened then and what continues to happen. However, I am bound by the State Security Act, and I cannot give a partial account as it would be rather lopsided... a full account exists, and it will be made available at some time in the distant future.

(Scott 2019: 239)

However, during the presidential election of August 2016, Zambian technology blog TechTrends reported several internet connectivity interruptions (Techzim 2016). No one really knows what caused these internet outages, but Lungu won the election by a slim margin of 100,530 votes of the 3,621,224 valid votes cast (ECZ 2020). The quick emergence of Lungu as Sata's successor, combined with digital interruptions that had not previously been

experienced, and the ever-growing Chinese presence in Zambian economic, digital and financial affairs, and ever since, in a country reportedly positioned at the core of China's techno-sphere (Carnegie 2020), are matters that are open to conjecture.

Table 4.2 illustrates public events that have had an impact on civic activism in Zambia since 2003.

Table 4.2 Technology timeline

Date	Shift	Response	Implications
2003–present	Government initiates constitutional review process	Outrage among CSOs against a less inclusive review process	Civic space slightly widens as CSOs push back
2010–14	Government insists on proceeding with the review process without CSOs	Red Card Campaign for a people-driven constitution	CSOs resist government pressure to close civic space
2015	Presidential by-election	CSOs jointly monitor 2015 presidential by-election campaigns	Civic activism expands
2016	General election and referendum to amend constitution	New constitution in place; CSOs monitor 2016 general election and referendum	CSOs reassert themselves and civic activism strengthens
2018	Financial Intelligence Centre (FIC) created by government	Revelations of deep corruption in the purchase of 42 fire engines for US\$42m	Civic space expands through use of various platforms including Twitter, Facebook, SMS, WhatsApp, blogs, websites, hashtags and community-based radio
2019	FIC reveals more corrupt practices in government	Yellow Card Campaign results in some government ministers being fired	Civic activism increases
2020	Youth for accountability movement emerges	Youths launch campaign for jobs and government accountability, and against corruption	Emergence of youth activism within civic space and use of digital technologies
	Government tables constitutional amendment bill in parliament	Anti-constitutional amendments campaigns arise among CSOs, clergy and youth	Further struggle between the state and CSOs for control of civic space

Source: Authors' own.

5. Technology assessment

Clearly, going by what has been discussed above, there are evidently digital technological competences in Zambia on the part of both the state and civil society. However, what is still unclear is the available capability in terms of CSOs' and individuals' abilities to monitor and analyse the effectiveness of their own digital-level campaigns, including hashtags. It is also unclear to the authors to what extent CSOs are able to monitor the secretive activities of the state and those of other powerful politicians.

However, what also emerges is that the Zambian government has the capacity to censor content on the internet, as was done between July 2013 and April 2014 when four online media outlets – Zambian Watchdog, Zambia Reports, Barotse Post and Radio Barotse – were blocked for critical coverage of the government (OONI 2016). According to a study conducted by the Centre for Intellectual Property and Information Technology Law (CIPIT) at Strathmore University in Kenya and the Open Observatory of Network Interference (OONI), DPI filtering tactics were used to block the Zambian Watchdog website. Moreover, during the CIPIT and OONI's 12-day test, it was found that at least ten different websites were 'consistently inaccessible' in Zambia immediately after the 2016 polls. These included dating sites for LGBTQI people; the website of the Organisation for American States, which promotes human rights in the Americas, and the World Economic Forum's website. Others were photo-sharing site Pinterest; and that of the World Zionist Organization, which campaigns for a Jewish homeland in Palestine (OONI 2016).

It is further argued that the Zambian government in 2019, arrested a group of bloggers who ran an opposition news site with the aid of a specialised cyber-surveillance unit located in ZICTA. The unit worked with the police to pinpoint the bloggers' locations and track their phones (Citizen Lab 2020).

Thus, as Zambia approaches the day of the general election in August 2021, there may be an upswing in state and other actors' actions in terms of disruption of online debates, cyber-surveillance of citizens online activities, blocking of critical websites and blogs, disinformation, misinformation or indeed influence-peddling exerted through fake news and other tricks. CSO activism will also substantially increase as CSOs lock horns with the government over control of civic spaces.

For now, it is perhaps important to reflect upon the impact that the emergence of the global Covid-19 pandemic has had on the human and digital rights landscape in Zambia. In doing so below, we reflect on some past health incidents, and how the state responded. The state's past responses echo current reactions in Zambia.

6. Digital rights landscape in times of Covid-19

Looking back, we are able to see that draconian force, closing civic space, and the circumvention of digital rights have not only been the mainstay of government reactions to the Covid-19 pandemic and other health emergencies, but that such state responses are nothing new in Zambia. They have happened many times before. The government has acted rashly in cholera outbreaks, during almost every other rainy season, and throughout other health emergencies. For instance, in 2018 the army was sent into one of Lusaka's high-density suburbs, Kanyama, to end protests after the forced closure of a market when cholera broke out in the area (Reuters 2018).

The rains fall in Zambia from the end of October to March the following year. During several such occasions, the army has been sent into the streets of the main towns, either to clean up the dirty parts or to enforce order, without the necessity of supportive legislation, or without the necessity of a declaration of a state of emergency. The same practice has been witnessed during the Covid-19 outbreak. A presidential statement is deemed adequate for such tough measures, which include the closure of civic spaces and the violation of human rights, although civil society groups have often objected to such expressions of state overreach.

The brutality exercised by the military during these clean-up activities – such as beating up people in all manner of ways, enforcing unregulated curfews in poorer and densely populated townships, and so on – openly violates human rights and limits civic spaces for citizens. Markets are closed, vendors who may have previously resisted local councils' directives to move off the streets are beaten or locked up, and/or forcibly chased out of business centres (districts) without being offered alternative trading places. As a result, their rights and sources of livelihood are blocked. Protests by civic actors are ignored by the government, as if the nation were under a state of emergency.

A good example of events that have impelled human rights violations happened in the early part of 2020. Unknown assailants attacked citizens in their residences at night with an unspecified gas. The public response came through vigilante mobs that killed suspects randomly across the country. This nationwide strife resulted in the government deploying troops to quell unrest (Bloomberg 2020). A few alleged masterminds were arrested but have yet to be brought before the courts. A few suspected perpetrators were released without charge.

Earlier, in 2017 and other previous years, cholera outbreaks were used as an excuse to curtail citizens' rights. Often, the army is sent into the streets to beat and torture vendors and other street sellers under the guise of cleaning up the cities (AFP 2017). Likewise, in 2017 a state of emergency was declared after a series of mysterious fires gutted markets in Lusaka and Copperbelt Province. The sources of those fires have not been identified. The same year, opposition leader Hakainde Hichilema was arrested and charged with treason for refusing to give way to a presidential motorcade. Before that, in 2016, there erupted sudden, but yet to be explained xenophobic violence against Rwandese residents in Zambia. All these incidents led to the evocation of emergency powers by the government. The government is seemingly not sparing when abusing these powers at the slightest excuse in a manner that has been referred to as a 'suspension of human rights approach', which in such circumstances is detrimental to democracy (Kayumba-Kalunga 2020).

In the case of the Covid-19 outbreak, Zambia may have witnessed what University of Zambia scholar Felicity Kayumba-Kalunga describes as 'executive disorder', as the government went about in an illegal, disorderly, and illegitimate fashion when faced with the new pandemic (*ibid.*). To critics, the state's response was not only a 'suspension of human rights approach', which included suspending freedom of association, but its actions were unconstitutional and unaccountable, especially with respect to the fundamental rights of citizens (*ibid.*).

The Covid-19 background is that Zambia recorded its first cases in March 2020 and since then the disease has spread to almost all parts of the country. By August 2020, there were more than 11,082 reported cases, which included 280 deaths, making it a 2.5 per cent death rate (Kasonde 2020). The government's response to the pandemic, which the state has referred to as the 'new normal', has been nothing short of draconian.

Without declaring the pandemic a national emergency, as required by law, the government proceeded to issue Statutory Instruments Numbers 21 and 22 of 2020, under the Public Health Act, which were followed by several presidential directives that were not backed by any written law.

Critics such as Lawrence Kasonde, a former LAZ president, and now heading civic organisation the Chapter One Foundation, have labelled the government's response to Covid-19 as being governed by political expediency and disrespect for human rights.

According to Kasonde, the most prominent victim of Covid-19 in Zambia has been the popular, privately owned Prime Television station, which on 9 April 2020 was shut down for refusing to broadcast advertisements and programmes on Covid-19 for free. The official reason for the closure was that the television station's licence had expired a month before.

Also, in June when a group of youths protested over unemployment and the lack of opportunities in an economy that was expected to shrink by 4.5 per cent in 2020, armed troops were sent into the Lusaka streets to stop the protest. However, the innovative youths went into the bush, about 150km east of the capital city, to stream their protest online, on various social media platforms, with an audience estimated at about 300,000 (*ibid.*).

Further, under the ostensible excuse of the spread of the pandemic, the government has used the Public Order Act to restrict public gatherings such as weddings and church meetings; and to curtail peaceful assemblies and freedom of association and expression. The law requires that gatherings of more than five people must be authorised by either the Ministry of Health or local government authorities.

However, in practice the above-mentioned laws and regulations have been applied selectively. They have not been used to stop political campaigns and other ruling party gatherings in preparation for the general election set for August 2021.

Nevertheless, in summary, this is what has happened since March 2020 when the first Covid-19 cases were detected in Zambia:

- Immediate and indefinite closure of all learning institutions throughout Zambia;
- Restriction of public gatherings, including funerals and religious services to not more than 50 people;
- Immediate closure of all social places, including bars and gyms, and reducing restaurants to takeaway facilities only;
- Lockdown of Kafue and Nakonde towns and restrictions on the movement of the people in and outside those two towns. Kafue is a small riverside town with about 50,000 people, while Nakonde and its environs, bordering Tanzania, host about 70,000 people. These measures directly affected more than 120,000 people in one swoop;
- Thereafter, the president in August 2020 decreed the mandatory wearing of face masks in all public places. Thus, the police were 'empowered' to stop public conveyance systems at any time and arrest people not wearing masks, fining them equivalent to US\$40; or take them to court to face up to six months in prison. These measures were quickly abandoned when the state, under pressure from the LAZ, realised that there was no specific law backing them. However, shops and supermarkets have continued denying entry to people without face masks.

All these state actions are a demonstration of the narrowing of civic space under the pretext of the fear of the spread of Covid-19. In the meantime, the ruling PF party has taken advantage of these measures to print and widely distribute PF message-embroidered campaign masks in preparation for the 2021 general election. No opposition political party regalia, or masks, have been allowed on the streets by militarised PF political cadres (Lusaka Times 2020).

To enforce presidential directives, accompanied by government officials such as Lusaka Province minister Bowman Lusambo and Lusaka Mayor Miles Sampa, the police have raided, often at night, many privately owned premises including hair salons, restaurants, bars, Chinese factories and so on, closing them down, or whipping and beating up people found there, or in the vicinity. They have also stopped buses and harassed passengers. This has been done without any legal backing at all (Zambian Eye 2020).

However, there has been a degree of easing of some of these measures in recent weeks. For example, suspected public state beatings have eased, and the lockdowns in Kafue and Nakonde were lifted after a few days: schools and other learning institutions have partially reopened, but bars, stadiums, gyms and other such places remain closed. In the main, though, the measures remain in place.

7. Discussion, conclusions and recommendations

From the above, what we see is a government that has taken advantage of a combination of factors to entrench itself and to narrow civic space. These factors pre-existed or have freshly presented themselves to the state.

Such factors include old pre-colonial laws that are still on the statute book; and the existence of a weakened civil society movement, a movement enfeebled by laws such as the NGO Act, the Public Order Act and all the subsidiary statutory instruments that have been enacted since the arrival of Covid-19.

On the other side, there has been evident concern with the growing activism of civil society groups, especially youths and the clergy, as discussed above. This activism, seemingly, has pushed back the boundaries of civic space in Zambia. An expanded civic space necessitates a sapped state. The problem is in maintaining a reasonable balance to the satisfaction of the two competing sides.

Instead, what has been observed has been that the state, which is the stronger of the two forces, has pushed hardest and almost deformed the breathing space for CSOs by fiat and through other actions or instruments. Moreover, the state has tampered with the digital rights of its people in several ways, including surveillance, arrests and the banning of publications.

With the arrival of Covid-19, as was seen during cholera outbreaks, and other emergencies such as xenophobic attacks on Rwandan refugees, the destruction of town market centres, or unexplained vigilante mob violence, the pandemic has provided a new platform for the state to further justify its actions against civic actors.

As argued above, civic space and human rights are intertwined, between themselves and with digital rights. These three parts essentially cannot be prised apart. When one of them is under attack – when the state closes civic spaces, violates human rights and suppresses digital citizenship – the others suffer. It is therefore imperative that ways are found to sustain the viability of the three factors and interested CSOs against alleged state assaults.

As shown above, through the discussions of digital space and other related events surrounding civic activism, the figures seem to suggest that the number of digital citizens in Zambia has exponentially increased. These are people with the knowledge and skills to effectively use digital technologies to communicate with others, define their social spaces, and to confidently

participate in social affairs, competently, while creating digital content and using technologies (DTHub 2020).

From the foregoing, it is recommended that a number of things be done by NGOs, civil society groups, international actors, the government and other interested parties in responsibly responding to emergent situations. These actions include that:

- Zambian CSOs/NGOs should be linked to similarly inclined social movements across the continent and in Africa, as the ADRN is trying to do;
- African research institutes, higher-learning institutions and other similarly inclined organisations should embark on further research into the socio-political dynamics that are taking place in Zambia;
- Zambian CSOs should be equipped with the skills and technologies necessary for the systematic monitoring of state and other powerful elements' activities; and
- The ADRN should work towards redefining the manifestations or characteristics and meanings of digital citizenship and digital politics in Zambia today.

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