

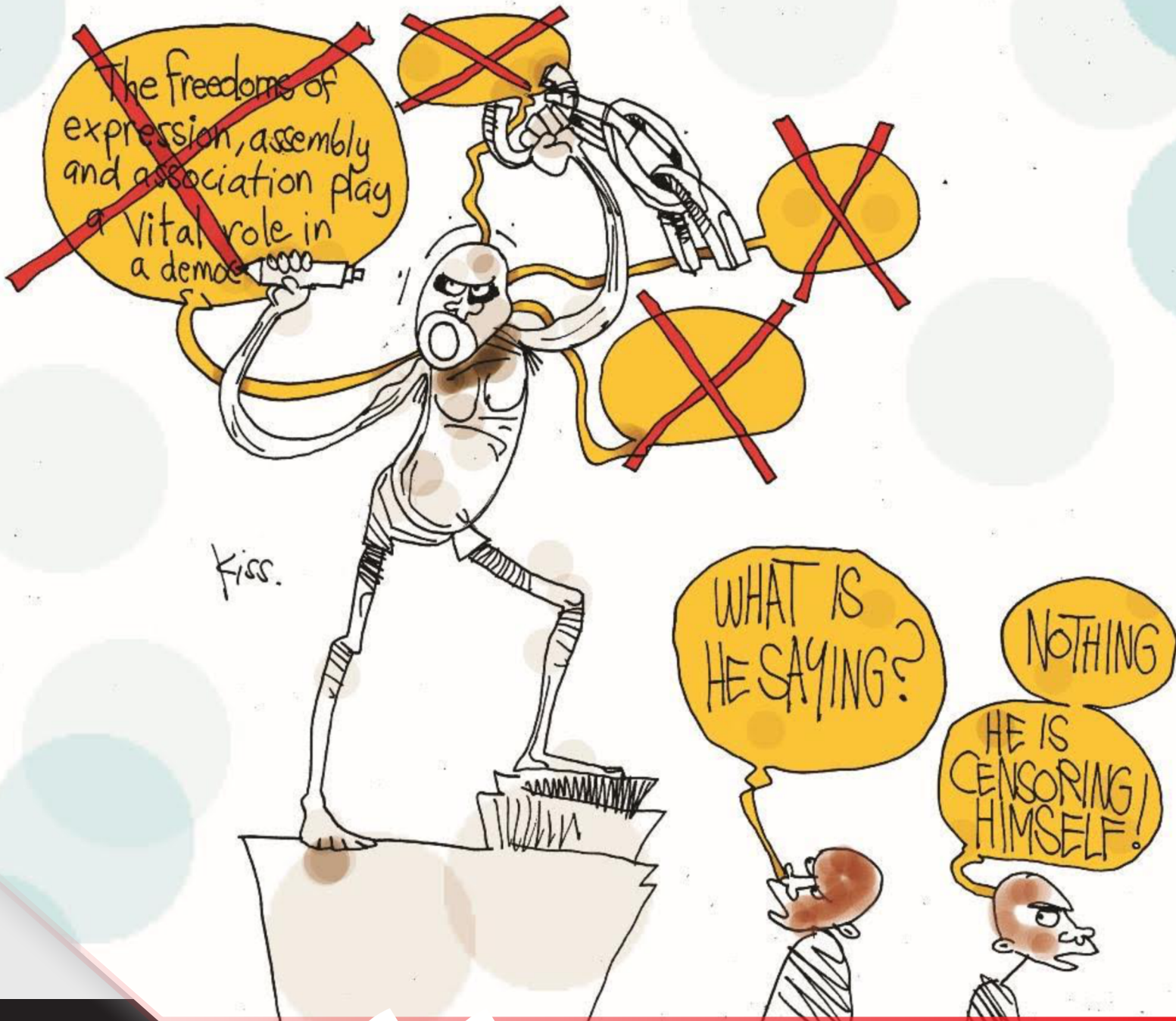
# 2024

## State of Digital Rights Report in Zambia

*Theme: Is this Freedom?*



Keeping Online Spaces Open



**A Bloggers of Zambia In-country  
Digital Rights Initiative for  
Promoting Digital Democracy**



This report was produced with financial support of the Federal Republic of Germany and co-funded by the European Union under the Enabling Access to Justice, Civil Society Participation and Transparency programme

# 4<sup>th</sup> Edition

Bloggers of Zambia is an independent, not-for-profit organisation that was established in the year 2017. Our thematic areas of work are; Digital Rights, Press Freedom, Civic Tech and Media and Information Literacy.

## CURRENT AND PAST PROJECTS

Some of the current and previous projects that Bloggers of Zambia has undertaken under our four thematic areas include;

- a. Digital Rights
  - Promoting Digital Rights and Democracy in Zambia, supported by German Development Corporation GIZ (2022 – 2024). The objective of the project is to influence and monitor enactment and implementation of cyber legislation in Zambia.
  - Expanding the Space for Freedom of Expression and Digital Rights, supported by National Endowment for Democracy (2022 – 2024). The objective of this project is to expand protections and citizen awareness around digital rights, freedom of expression, and access to information in Zambia.
- b. Press Freedom
  - Strengthening Police and Media relations for the safety and security of journalists in Zambia supported by the German Federal Foreign Office through the German Embassy in Lusaka (2019 – 2022). This is a project focused on safety and security of journalist from police work/ violations.
  - Bloggers of Zambia is also the secretariat for the National Organising Committee for World Press Freedom Day 2023 and 2024.
  - With support from our partners, Bloggers of Zambia has trained members four press clubs in digital literacy and online safety and security.
- c. Civic Tech
  - Journalism X. This is a prototype online tool for newsroom collaboration on fact-checking and verification and artificial intelligence education supported by Duetsche Welle (2023 – March 2024).
  - Safe City Project in collaboration with Red Dot Foundation. This is a crowd mapping tool for reporting online and offline gender based violence in Zambia. This project is on-going.
- d. Media and Information Literacy
  - Bloggers of leveraging internal tools and skills in addition to a cohort of young creative content producers to make and popularise various types of online content such as animations, short videos and skits, podcasts and illustrations covering topics such as digital literacy, online safety and security for different stakeholder groups for education and awareness purposes.

### MISSION:

An open society where digital rights and the rights-based offline and online media platforms are guaranteed and protected

### MOTTO:

Our motto is, 'Keeping Online Spaces Open'.  
Hashtag #OpenSpaceZM

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# Executive Summary



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**The 2024 Digital Rights Report presents an analysis of the digital rights landscape in Zambia, highlighting the progress, challenges, and opportunities that have emerged over the past year in the midst of rapid digitalization.**

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This report is under the theme, 'Is this Freedom? We moved from fear and repression to an open and free environment in the digital democracy. But is the open environment really free when digital laws are taking too long to be reviewed and revised, while citizens are being arrested based on

charges that are unconstitutional? Is this real freedom when the majority of Zambians remain without Internet access and others lack digital literacy? What about online safety, security and hygiene, for instance in mobile money technology where thousands of consumers are losing their digital assets to

scammers?

The report looks at the digital policies that were launched in 2023 and also discusses the ongoing review and revision of cyber legislation that some stakeholders feel the process is not moving as expected. Legislation remains one of the most topical digital rights issues and its implementation is monitored in the new political environment where Internet consumers have various opinions regarding its implementation. This report remains a crucial resource for policymakers, digital rights advocates, media, parliamentarians and all stakeholders in the technology sector who are aiming to foster a more inclusive, secure and equitable digital environment for all Zambians.

The digital transformation in Zambia has accelerated, with increasing internet penetration at 64%, the adoption of emerging technologies, and the proliferation of digital

platforms are among the highlights. While these advancements offer significant benefits, they also pose new challenges to digital rights, including privacy, freedom of expression and access to information. This report evaluates these dynamics and provides actionable recommendations to address the identified issues.

The 2024 Zambia Digital Rights Report highlights the importance of a collaborative, multi-stakeholder approach to advancing digital rights in Zambia. By addressing the identified challenges and leveraging the opportunities, Zambia can create a digital environment that is secure, inclusive, and conducive to the realization of all digital rights. This report serves as a call to action for continued commitment and collective effort in safeguarding the digital future of Zambia.

# Key Findings

## 1 Legal and Regulatory Frameworks

**Progress:** Significant strides have been made in enacting data protection laws and regulations aimed at safeguarding personal information. The Data Protection Commissioner introduced in 2023, marks a critical step towards enhancing privacy and security.

**Challenges:** Despite these advancements, enforcement remains inconsistent and gaps in legislation need to be addressed to keep pace with technological developments.

## 2 Digital Literacy and Inclusion

**Progress:** Initiatives to improve digital literacy have expanded, reaching more remote and underserved communities. Educational programs and campaigns have been successful in raising awareness about digital rights and safe online practices, these initiatives are spearheaded by government, private sector and civil society organisations<sup>1</sup>.

**Challenges:** A significant portion of the population remains digitally illiterate, limiting their ability to fully exercise their digital rights. Continued efforts are needed to bridge the digital divide, especially among rural and peri-urban areas, women and girls and also persons with disabilities.

## 3 Cybersecurity

**Progress:** Investment in cybersecurity infrastructure has increased, with notable improvements in the detection and prevention of cyber threats. Collaboration between the government, private sector and civil society has strengthened cybersecurity measures.

**Challenges:** The sophistication and frequency of cyber-attacks and scams in financial technology, especially mobile money continue to rise, outpacing the current capacity to respond effectively. Enhancing cybersecurity resilience remains a critical priority.

## 4 Freedom of Expression and Censorship

**Progress:** Online platforms have become vital spaces for free expression, allowing diverse voices to be heard and fostering democratic discourse.

**Challenges:** Instances of censorship, content moderation and restrictions on online speech persist. Balancing the need for security and the protection of free expression is an ongoing challenge.

## 5 Gender and Social Equity

**Progress:** Efforts to promote gender equity in the digital space have shown positive results, with increased participation of women and marginalised groups in digital activities.

**Challenges:** Gender-based violence and discrimination online remain significant barriers. More targeted interventions are needed to create a safe and inclusive digital environment for all, especially for women and girls.

# Purpose and Scope of the Report

The 2024 State of Digital Rights Report in Zambia showcases the key developments and changes within the digital rights landscape, including law and policy in Zambia. This is the fourth edition of the in-country report from the time the initiative was launched in the year 2019.

The Zambia Digital Rights Report is designed to provide an in-depth analysis and comprehensive overview of the state of digital rights in Zambia. The primary objectives of this report are to;

1

## **Assess and evaluate**

The report aims to assess the current status of digital rights in Zambia, including the examination of the legal, policy and regulatory frameworks in place, the implementation of digital laws and policies and the overall protection of digital freedoms. The report seeks to evaluate the impact of digital rights on various sectors such as health, education, governance, the economy and social inclusion.

2

## **Awareness and Advocacy**

The report is also a tool for education and awareness raising among various stakeholders, policymakers, civil society organizations, the private sector, and the general public about the importance of digital rights. The report is intended to serve as an advocacy tool, providing evidence-based recommendations for the enhancement and protection of digital rights in Zambia.

3

## **Monitoring and Accountability**

The report functions as a monitoring tool to track progress and identify challenges in the realization of digital rights in Zambia. It aims to hold relevant authorities and institutions accountable for their roles in protecting and promoting digital rights.

4

## **Capacity Building**

By offering detailed insights and analyses, the report aims to build the capacity of stakeholders to understand, protect, and advocate for digital rights. The report serves as an educational resource for training and awareness programs focused on digital rights issues.

# Introduction



## Zambia's digital sector is one of the fastest growing in the region, playing a significant role in education, media, governance, health, and banking.

With the 2024 population at 19.6 million people, accounting for 51% female and 49% male population<sup>2</sup>, over half of the population in Zambia have access to the internet and digital services. In a world where people increasingly rely on technology to access goods and services, communicate and express themselves, technology has become an enabler of the enjoyment of fundamental human rights like freedom of expression, access to information, right to assembly and privacy. Moreover, the African Charter on Human and Peoples Rights (ACHPR)<sup>3</sup> and the International Convention on Civil and Political Rights (ICCPR)<sup>4</sup>, both affirm that digital rights are human rights. Therefore, digital rights are essential for promoting a free, open, resilient

and inclusive digital society where individuals can freely exercise their rights and participate in civic matters and the digital economy without discrimination or restrictions. Freedom on the Net ranks Zambia as partly free with a score of 59 out of 70 countries assessed globally<sup>5</sup>. Digital rights are fundamental to the functioning of modern societies. Digital rights offer the protection of individual freedoms, promote equality, and enable people to fully participate in the digital world. As technology continues to evolve, safeguarding these rights becomes ever more critical to ensure a fair, just, and inclusive digital future.

# Digital Rights are Essential for Several Reasons including;

## **Freedom of Expression**

Digital rights ensure that individuals can freely express their opinions and ideas online without fear of censorship, intimidation, attacks, retaliation or any form of interference. Freedom of expression is the cornerstone for deepening democracy as it facilitates for diverse voices to be heard and fosters public discourse.

## **Access to Information**

The internet is a vast repository of information and digital rights guarantee that people can access, share and disseminate information, especially information held in public institutions. This access is crucial for education, personal development, and informed decision-making.

## **Privacy and Data Protection**

In an age where personal data is constantly being collected, digital rights safeguard individuals' privacy. Digital rights provide the framework for protecting sensitive information from unauthorized access and misuse, thus maintaining personal security and trust in digital services.

## **Economic Opportunities**

Digital rights enable equitable access to online resources and platforms, fostering entrepreneurship and innovation. They ensure that everyone can participate in the digital economy, which is increasingly important for economic growth and job creation.

## **Social Inclusion**

The internet can bridge social divides by providing marginalized communities with access to resources, networks and opportunities. Digital rights promote inclusivity by ensuring that no one is excluded from the benefits of the digital age.

## **Protection from Discrimination**

Digital rights include measures to protect individuals from discrimination and harassment online. This protection is crucial for creating a safe and respectful digital environment where everyone can participate without fear of abuse.

## **Democratic Participation**

Digital rights enhance democratic participation by enabling citizens to engage with political processes online. They allow for more transparent governance, greater civic engagement, and the ability to hold leaders accountable.

## **Innovation and Progress**

A robust framework of digital rights encourages innovation by providing a secure and open environment for technological advancement. It ensures that new technologies can be developed and utilized in ways that benefit society as a whole.



## Legal and Policy Framework

Currently, Zambia's technological sector is regulated by ZICTA and governed by the Information Technology and Communications Act 2009<sup>6</sup>, which established ZICTA and the Electronic Communications and Transactions Act 2021<sup>7</sup> which regulates the electronic transactions field. In addition, the Data Protection Act 2021<sup>8</sup>, the Cybersecurity and Cybercrimes Act 2021<sup>9</sup> and the e-Government Act 2021<sup>10</sup> which govern the protection of personal data and privacy, cybersecurity and cybercrimes, and the delivery of digital services by the government to citizens.

- Furthermore, and newly launched National ICT Policy and the Digital Transformation Strategy 2023 - 2027<sup>11</sup> set out roadmaps for Zambia's digitalization agenda. Other roadmaps include the National Cybersecurity Policy 2021, National ICT Policy Implementation Strategy 2022 – 2026<sup>12</sup>, and the National Electronic Government Plan 2023 – 2026<sup>13</sup>. Meanwhile, Zambia ratified the African Union Convention on Cybersecurity and Personal Data Protection (Malabo Convention) in 2021<sup>14</sup>. The convention provides a framework for establishing mechanisms for African states to cooperate and to address matters of cybercrime, data protection, e-commerce and cybersecurity.

## Access to the Internet

At the close of 2023, Zambia had an internet penetration rate of 64% accounting for 13 million users who have access to the internet, serviced by three mobile network providers and 12 internet service providers<sup>15</sup>. With a mobile penetration rate of 101%, the vast majority of the population (99%) rely on mobile broadband while a meagre 15% rely on fixed internet<sup>16</sup>. As of April 2024, internet speeds stood at 18.97 Mbps for downloads and 6.74 Mbps for uploads on mobile broadband, while fixed internet speeds stood at 19.72 Mbps for downloads and 5.61 Mbps for uploads<sup>17</sup>.

Airtel Zambia was fined by the Zambia Information Technology and Communications Authority (ZICTA) for providing poor network services and flaunting quality of service rules and ordered to compensate its subscribers<sup>18</sup>. Despite ZICTA issuing an operating license to a fourth mobile operator in 2022 to increase competition and quality of services in the sector, Beeline Telecommunications, trading as Zedmobile failed to launch operations<sup>19</sup>. On the other hand, Zambia was one of the first countries in Africa to license Starlink Technologies which provides satellite internet services. In March 2024, the government provided all 156 Parliamentary constituencies of Zambia with Starlink Internet kits to boost internet connectivity in their constituency offices, which residents will also access in dedicated spots<sup>20</sup>.

Zambia's drought situation which has plunged the country into over 12 hours of electricity rationing is expected to affect the quality and delivery of ICT services, which are crucial to the enjoyment of digital rights<sup>21</sup>.

Despite the increased investments in ICT infrastructure, including the construction of 20 new base towers by the government bringing the total number of towers to 3 568<sup>22</sup>, expansion of 5G<sup>23</sup> technology and adoption of 4G technology as the new

standard, Internet costs and access to quality digital services remain relatively prohibitive for low-income earners and rural communities. For example, on average a weekly 1 gigabyte of data costs about K15 (US\$0.5). Although all mobile service providers offer promotional data plans to users on a daily, weekly, and monthly basis, including long-term non-expiry bundles. Internet Service Providers Association of Zambia announced a 17.5% increase in fixed Internet costs which have significantly increased prices<sup>25</sup>.

The government passed a directive to upgrade all 2G and 3G towers to 4G to enable voice and internet services in all parts of the country. The government aims to achieve 96% network coverage by the end of 2024<sup>26</sup>. The above factors coupled with low digital literacy levels pose significant barriers to access, especially in rural areas where over 60% of Zambians reside<sup>27</sup>.

Digital literacy is one of the key pillars of the Digital Transformation Strategy which was launched in 2023 under the Ministry of Technology and Science<sup>28</sup>. The Zambia Research and Education Network (ZAMREN) who provide free Wi-Fi at affiliated schools and universities announced plans to introduce free Wi-Fi in public spaces like airports, shopping malls, bus terminals and other public facilities in Lusaka<sup>29</sup>. Similarly, initiatives by other private sector players are expected to increase internet access in the country. The Government through the Universal Access and Service Fund is making ICTs more accessible by constructing base towers, providing learning institutions with internet and ICT equipment and empowering citizens including persons with disabilities with digital literacy skills<sup>30</sup>.

## Privacy and Data Protection

The Constitution of Zambia affirms the right to privacy through Article 17<sup>31</sup>. The Data Protection Act<sup>32</sup> established the functions of the Data Protection Authority

and provides for the protection of personal data and the rights of data subjects including the right to privacy. The law also regulates the use of personal data and regulates data collectors, processors and controllers.

While the law was enacted in 2021, enforcement of the Act began in April of 2024 following the establishment of the Data Protection Authority and appointment of Mr Likando Lyuwa, Zambia's first-ever Data Protection Commissioner<sup>33</sup>. The Data Protection Act addresses the key principles of personal data protection and privacy like the right to access or obtain information on whether an entity is processing the individual's personal information and the right to erase or restrict processing of such data. In addition, the law sets out strong measures for data processors and controllers to notify the Data Protection Authority of any security breaches involving personal information within 24 hours. The Data Protection Commissioner has been noted to be an appointment by the Minister of Technology and Science, rather than a constitutional office owing to the importance and sensitivity of data in the digital age. In countries like Kenya, the office of the Data Protection Commissioner is a constitutional office whose office bearer is ratified by parliament to protect office of tenure and provide opportunities for independence to guard against interference.

New unregulated technologies continue to spark concerns about the data privacy of citizens. The lack of regulation and legislation for Closed-Circuit Television (CCTV) technology which is widely used in both public and private places and the continued development of Smart City Initiatives across public spaces raises concerns about potential breaches of privacy and illegal surveillance action by the government on journalists, activists, political opponents and citizens who have critical views and opinions. The Closed-Circuit Television Public Protection Bill of 2021 was introduced but it is yet to be enacted into law<sup>34</sup>. Zambia has previously

been cited for purchasing and using Israeli Pegasus software to spy on citizens<sup>35</sup>.

## Freedom of Expression Online

The Constitution of Zambia guarantees freedom of expression under Article 20 (1)<sup>36</sup>. The Constitution also guarantees freedom of assembly and association regardless of frontier. In March 2024, the Ministry of Information and Media announced the ongoing revisions of the Independent Broadcasting Authority (IBA) Act may introduce provisions to regulate online broadcasting services<sup>37</sup>. According to the ministry, there was a lack of regulatory framework in this area and they argued that there was a proliferation of podcasts in Zambia and citizens were broadcasting using different online means and the revised IBA Act had taken interest in that aspect. The announcement was followed by an uproar from civil society, opposition politicians and internet users who perceived the proposed regulation to be an affront to online expression, which further restricts what citizens can share or discuss on the web<sup>38</sup>.

Previously, laws such as the Defamation of the President under the Penal Code were used to limit free expression and dissent and this trend continued under the current UPND administration until the law was removed<sup>39</sup>. Although defamation of the President was scraped from the national statutes, activists have warned that the Cyber Security and Cybercrimes Act is being used to silence critical and oppositional voices. The law has been criticized as several of its provisions may restrict political, social, and cultural speech online. Findings in this report indicate an increase in defamation and hate speech arrests for posts and comments made online, where citizens have been arrested and charged under the Cyber Security and Cybercrimes Act 2021. President Hakainde Hichilema had campaigned against the enactment of the Cyber Security and Cybercrimes Act while he was in

opposition.

Efforts to revise the Cybersecurity and Cybersecurity Act 2021 started with stakeholder consultations in Zambia's 10 provincial capitals. There was a multistakeholder validation meeting in Lusaka for the draft bill, but still, some stakeholders described the consultations and validation as closed and rushed. Others also felt that the process was heavily controlled and did not adequately take their recommendations in the new bill, which was still not publicly accessible. The Cyber Security and Cybercrimes Act remains in the courts as some parts of the law were petitioned because of constitutional issues.

The Ministry of Technology and Science in partnership with Zambia Law Development Commission finalized the review of the Cyber Security and Cyber Crimes Act No. 2 of 2021. In this regard, the Zambia Law Development Commission handed over the draft Bill to the Ministry of Technology and Science on 30<sup>th</sup> April, 2024<sup>40</sup>.

Cases of online censorship or restrictions on freedom of expression persist. For instance, Brighton Mwanza aged 25 was arrested for incitement using an online post where he urged the military to stage a Coup d'état<sup>41</sup>. Similarly, Socialist Party Leader Fred M'membe was questioned for making remarks about the potential of government investments in digital technologies to facilitate state surveillance of citizens. He stated that this could potentially undermine meaningful participation in civic matters, weaken the digital rights of Zambians and curb dissent<sup>42</sup>.

Opposition Patriots for Economic Progress (PeP) party leader Sean Tembo was arrested on two counts of hate speech and charged under the Cybersecurity and Cybercrimes Act for posts he allegedly made during a live broadcast on social media<sup>43</sup>.

## Access to Information

The long-awaited Access to Information Law was enacted in December of 2023<sup>44</sup>. The law was historically a source of great contestation as it took over 20 years for it to materialise. While this is a great step in affirming access to information in Zambia, especially the access to information held in public institutions which is crucial for education, personal development, informed decision-making and ensuring government transparency and accountability, some civil society and human rights organisations feel that the law needs refining. The law meets acceptable international human rights standards, however, falls short on provisions on proactive disclosure of information by the government and monitoring compliance of the law by the Human Rights Commission as prescribed by the African Union Model Law on Access to Information for Africa<sup>45</sup>.

## Cybersecurity

The cybersecurity landscape in Zambia is evolving, with significant efforts being made to address the challenges. However, there is a need for continuous improvement in legal frameworks, institutional capacity, public awareness, and regional cooperation.

As Zambia increasingly embraces digital transformation, the importance of a robust cybersecurity framework becomes paramount. This assessment of the cybersecurity landscape in Zambia highlights key areas such as infrastructure, legal and regulatory frameworks, cybersecurity threats and the capacity of institutions to handle cybersecurity challenges.

- **Infrastructure and Digital Penetration:** Zambia has made significant strides in expanding its digital infrastructure. With an increasing internet penetration rate at 64%, mobile connectivity, and

the proliferation of digital services, more Zambians are participating in the digital economy. However, rapid digitalization has outpaced the development of adequate cybersecurity measures, leaving gaps that can be exploited by cyber threats.

- **Legal and Regulatory**

**Frameworks:** Zambia has enacted legislation to address cybersecurity and data protection issues. Key legislative instruments include the Electronic Communications and Transactions Act- 2009, the Data Protection Act- 2021 and the Cybersecurity and Cyber Crimes Act- 2021. These laws aim to provide a legal basis for combating cybercrime, protecting personal data, and ensuring the integrity of electronic transactions.

- **Cybersecurity Threats<sup>46</sup>:** The cybersecurity threat landscape in Zambia includes:

- **Phishing and Social Engineering:** Common attacks targeting individuals and organizations to steal sensitive information. **Ransomware:** Malicious software that encrypts data and demands a ransom for its release.
- **Data Breaches:** Unauthorized access to sensitive data, affecting both public and private sector entities.
- **Insider Threats:** Risks posed by employees or contractors who may intentionally or unintentionally compromise cybersecurity.

- *In notable incidents, cybercriminals took over the Bank of Zambia's social media accounts and hacked into National Pensions Scheme Authority (NAPSA) systems, making away with important data<sup>47</sup>. The Drug Enforcement Commission in cooperation with other security agencies nabbed over 77 individuals involved in a sophisticated cybercrime syndicate that was involved in internet fraud, online scams, and money laundering. The operation uncovered over 13,000 local and international SIM cards and devices that can route calls by bypassing legitimate phone networks<sup>48</sup>. In another sting operation, the Cyber Security Task Force working alongside officers from the Zambia Police Service, the Drug Enforcement Commission and ZICTA nabbed over 25 suspected cybercriminals who were involved in a spate of criminal activities and mobile money fraud<sup>49</sup>.*

- **Institutional Capacity:** While Zambia has institutions to address cybersecurity such as the Zambia Information and Communications Technology Authority (ZICTA), there are challenges related to capacity building and resource allocation. Many organizations, especially in the public sector lack the skilled personnel and technical resources required to effectively combat cyber threats.

- **Public Awareness and Education<sup>50</sup>:** Public awareness of cybersecurity risks remain relatively

low in Zambia. There is a need for comprehensive public education campaigns to inform and educate citizens and businesses about safe online practices. Educational institutions should incorporate cybersecurity into their curricula to build a future workforce equipped to handle cyber challenges.

- **Collaboration and Partnerships:** Regional and international cooperation is crucial for strengthening Zambia's cybersecurity posture. Zambia must enhance its partnerships with various international cybersecurity initiatives and collaborations with neighbouring countries and global organizations to share intelligence, best practices and resources. Cyber operators from U.S. Cyber Command's Cyber National Mission Force (CNMF) recently partnered with Zambian stakeholders including ZICTA to find actionable strategies to enhance cybersecurity and international digital collaboration<sup>51</sup>.

## Challenges:

- **Resource Constraints:** Limited financial and human resources hinder the development of effective cybersecurity measures.
- **Emerging and Rapid Technological Changes:** Keeping up with the fast pace of technological advancements, emerging technologies such as artificial intelligence and the corresponding evolution of cyber threats is a continuous challenge.
- **Regulatory Enforcement:** Ensuring compliance with cybersecurity laws and regulations remains problematic, particularly among small and medium-sized enterprises (SMEs) in Zambia.

## Emerging Technologies

There has been a steady increase in the uptake and deployment of AI technologies in Zambia by different sectors, notably in media, mining, healthcare, logistics, transportation and logistics, and financial sectors. Currently, there is no strategy or policy in Zambia to govern emerging technologies and the rapid automation of applications and platforms. Despite the human risks of emerging technologies like perpetuating existing biases, privacy concerns and the generation of misleading deep fake content, AI tools can be found in many aspects of daily life. In early 2024, the Minister of Technology and Science Felix Mutati announced that the government was in the process of drafting a National AI Policy to guide Zambia on how to harness the benefits of emerging technologies and mitigate the potential risks on people and their rights<sup>52</sup>. It is important to note that emerging technologies have a profound impact on digital rights in Zambia, presenting both opportunities and challenges. While these technologies can enhance access to information, drive economic growth, and improve digital inclusion, they also raise critical issues around privacy, freedom of expression, and cybersecurity. To maximize the benefits and mitigate the risks, Zambia must develop robust legal frameworks, invest in cyber security, promote digital literacy, and ensure that emerging technologies are accessible and inclusive.

Emerging technologies are transforming the digital landscape in Zambia, bringing both opportunities and challenges for digital rights. There is a need to explore how innovations such as artificial intelligence (AI), blockchain, and the Internet of Things (IoT) are impacting key aspects of digital rights, including privacy, freedom of expression etc.

# CHALLENGES AND CONCERNS IN THE PROTECTION OF DIGITAL RIGHTS

**Addressing the challenges related to the protection of digital rights requires a multifaceted approach, including reviewing, revising and enforcing legal frameworks, enhancing digital literacy, improving cybersecurity and ensuring equitable access to digital resources, and fostering international collaboration.**

**In the period under review identified the following key challenges to digital rights in Zambia;**

- 1. Legal and Regulatory Gaps:**
  - **Problematic Legislation:** Existing laws in Zambia often lag behind the rapid advancements in technology, making it difficult to address new forms of digital rights violations effectively. Also, one of the challenges is the Cyber Security and Cybercrimes Act, which has unconstitutional parts.
  - **Enforcement Challenges:** Even when appropriate laws exist, enforcement remains inconsistent due to limited resources, lack of/insufficient trained personnel, and insufficient infrastructure.

- 2. Digital Literacy:**
  - **Limited education and Awareness:** Many Zambians are unaware of their digital rights and the risks associated with digital activities, leading to increased vulnerability to online fraud, data breaches and misinformation.
  - **Educational Gaps:** There is a significant need for comprehensive digital literacy programs to educate the public about safe online practices and their digital rights.

- 3. Cybersecurity Threats:**
  - **Growing Cyber Attacks:** Zambia has experienced a rise in cyber-attacks, including phishing,

ransomware, identity theft etc.

- **Weak Security Measures:** Many organizations, particularly small and medium-sized enterprises lack strong cybersecurity protocols, making them easy targets for cybercriminals.

#### 4. **Privacy and Data Protection:**

- **Data Exploitation:** With the increasing collection and use of personal data by both private companies and government entities, there are concerns about data misuse and lack of transparency. The Office of the Data Protection is now in place and there are hopes to strengthen this challenge.
- **Surveillance Concerns:** State surveillance activities, if not properly regulated, can infringe on citizens' privacy rights and freedom of expression. Particularly, the Safe City project, which is operational but the module of operation is unclear.

#### 5. **Digital Divide:**

- **Access Inequality:** Significant disparities exist in access to digital technologies and the internet, particularly between urban and rural areas. This limits the ability of many Zambians to fully exercise their digital rights.
- **Cost Barriers:** The high cost of internet access and digital devices continues to be a barrier for many people, hindering their ability to participate in the

digital economy.

#### 6. **Censorship and Freedom of Expression:**

- **Government Censorship:** There are concerns about government control and censorship of online content, which can restrict freedom of expression and access to information.

#### 7. **Gender and Social Inequities:**

- **Gender Disparities:** Women and marginalized groups often face additional barriers, such as online harassment and limited access to digital tools, which hinder their ability to exercise their digital rights.

#### 8. **Emerging Technologies:**

- **AI and Automation Risks:** The deployment of AI and automated systems raises concerns about bias, transparency, and accountability, potentially infringing on digital rights if not properly regulated.

#### 9. **Insufficient Advocacy and Support:**

- **Resource Constraints:** Digital rights organizations in Zambia often face resource limitations that restrict their capacity to advocate effectively and provide necessary support.
- **Public Engagement:** Mobilizing public awareness and support for digital rights issues remains a challenge. Greater public involvement is needed to drive policy and societal changes.

# RECOMMENDATIONS



**In view of the identified concerns, we propose the following recommendations and measures that would strengthen the protection and enjoyment of digital rights in Zambia;**

- **Cybersecurity-** there is a need to enhance cybersecurity awareness among citizens and key stakeholders including strengthening of the law to address cybercrimes instead of using it as a tool to target dissent. We call for the speedy delivery of the revised cybercrime law.
- **Access to Information implementation-** we call on the government to operationalise the Access to Information law to enable journalists and citizens access to information that is of public interest.
- **Data protection and privacy-** there's a need for collaborative efforts amongst the government, CSOs and private sector to enhance awareness of data protection and privacy measures in light of the increased cybercrimes, digital IDs rollout, public security information systems and digital access.
- **AI and emerging technologies-** The government needs to develop a comprehensive policy framework for ethical governance of Artificial Intelligence technologies, robotics and other emerging technologies in compliance with international human rights standards.
- **Access to ICTs-** while we commend all the efforts to improve the country's internet services by the government, we encourage continued investments in connecting unconnected peri-urban and rural areas with ICT infrastructure and services including tailored facilities for people with disabilities. In addition, we encourage the government to be deliberate in closing the gender digital divide.

## CONCLUSION



**In 2023 Zambia recorded several policy and legal developments including the enactment of the long-awaited Access to Information Act 2023. Additionally, the launch of some key strategies like the National ICT Policy and Digital Transformation Strategy were notable developments in Zambia's digitalisation agenda.**

In addition, the Data Protection Office was established and the first-ever Data Protection Commissioner was appointed, marking significant progress towards addressing data protection issues. The ongoing revision of the Cybersecurity and Cybercrimes Act started with some consultations, which was a shift from the previous law development process that cherry-picked stakeholders and the process non-participatory and obscure. The Cyber Security and Cybercrimes Act

remains in court with the ongoing petition by a group of civil society organisations. Lastly, cybercrime is on the increase and this calls for enhanced awareness, coordination and cooperation among all stakeholders, and the international community. Issues of digital literacy are also still persisting amidst rapid digitalisation coupled with emerging technologies such as AI.

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# Call to action for stakeholders to prioritize and protect digital rights in Zambia

**We urge stakeholders to prioritize and protect digital rights in Zambia to drive economic growth, enhance social inclusion, and strengthen democratic participation. By developing comprehensive policies, strengthening legal frameworks, and promoting digital literacy, we can create a safe and equitable digital environment for all citizens. Additionally, we call for enhanced collaboration among government, private sector, and civil society stakeholders, which is crucial to achieving Zambia's digitalisation goal. Together, let's ensure a thriving digital future for Zambia. Specifically,**

- Civil Society organizations are urged to continue to play an oversight role and provide the necessary checks and balances, including recommendations in the development and enforcement of human rights-based ICT policy and legal frameworks.
- Academia is urged to continue to study the area of digitalisation and how it may marginalise or affect people's rights, including studies on the impact of Artificial Intelligence and emerging technologies to help inform the development of various ICT-related strategies and policies.
- The private sector is encouraged to implement the appropriate cybersecurity and data protection measures, including raising awareness of risks among its customers. In addition, supporting the growth of the ICT sector through increased investments that ensure universal, equitable and meaningful access to ICTs.
- The government is encouraged to expedite the enactment and implementation of rights based legislation that should facilitate for enhanced digital literacy, safety and security and personal data protection



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