



Assessment of the  
**Civic**  
**Space in**  
**Zambia**

Legal Gaps and Incidences of Infringement



# Study Report: Assessment of the Civic Space in Zambia: Legal Gaps and Incidences of Infringement

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# 1 - 1. BACKGROUND

## 1.1 INTRODUCTION

Globally, open civic space and an independent media underpin transparency and accountability.<sup>1</sup> This is because a free and open civic space allows civil society, journalists and citizens to make important contributions to the fight against corruption. Open civic spaces allow people to freely meet, organise themselves, speak up to demand change from their leaders and get public authorities to provide information.<sup>2</sup> However, the civic space is under mounting pressure worldwide. Since 2012, in non-conflict zones, 829 journalists have been murdered, including 150 killed while covering corruption-related stories.<sup>1</sup> In Africa, over 80% of countries on the continent were classified as Repressed, Obstructed, or Closed, reflecting growing restrictions on freedoms of association, expression, and assembly.<sup>3</sup> These restrictions are often disguised as legitimate responses to national security concerns, counterterrorism, or combating disinformation, thereby enabling governments to pass repressive laws, carry out arbitrary arrests, constrain digital spaces, and intimidate civic actors.<sup>3</sup>

In Zambia, emerging evidence points to

persistent human rights challenges that mirror these continental and global trends. According to the United States Department of State<sup>4</sup> there were credible reports of arbitrary or unlawful killings, torture, and serious restrictions on freedom of expression, including violence and threats against journalists. The report further documented at least 20 allegations of extrajudicial killings recorded by oversight bodies within a single year, alongside rising complaints relating to police conduct<sup>5</sup>. Similarly, data from the Human Rights Commission indicates that 150 out of 193 reported human rights cases (approximately 77.7%) involved unlawful detention, highlighting systemic concerns around personal liberty and due process<sup>6</sup>. In addition, UN experts have recorded at least 26 cases since 2022 involving arbitrary arrests and detentions of opposition leaders, activists, and citizens, as well as 16 incidents affecting journalists and media houses, underscoring increasing pressure on civic actors<sup>7</sup>. Complementing these trends, Zambia's "Partly Free" rating of 53/100 by Freedom House reflects ongoing structural constraints on civil liberties and political rights, including restrictions on political

[1] Transparency International (2026). 2025 Corruption Perception Index Report.

<https://files.transparencycdn.org/images/CPI-2025-Report-EN.pdf>

[2] Škorić, V. (2025). Civil Society Participation: An essential element in anti-corruption efforts. United Nations Convention against Corruption (UNCAC) Coalition. (Accessed: 17 December 2025)

<https://uncaccoalition.org/civil-society-participation-anessential-element-in-anti-corruption-efforts/>

[3] CIVICUS Monitor. (2024). People Power Under Attack 2024: Global findings on the state of civic space.

<https://civicsmonitor.contentfiles.net/media/documents/GlobalFindings2024.EN.pdf>

[4] United States Department of State. (2024). \*2024 country reports on human rights practices: Zambia\*.

<https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/zambia/>

[5] United States Department of State. (2024). \*2024 country reports on human rights practices: Zambia\*.

<https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/zambia/>

[6] Human Rights Commission of Zambia. (2025). Human rights situation report. Lusaka, Zambia.

[7] Office of the High Commissioner for Human Rights. (2024, August 29). Zambia must immediately halt

downward spiral of infringements on fundamental freedoms. <https://www.ohchr.org/en/press-releases/2024/08/zambia-must-immediately-halt-downward-spiral-infringements-fundamental>

[8] Freedom House. (2025). \*Freedom in the world 2025: Zambia country report\*.

<https://freedomhouse.org/country/zambia/freedom-world/202>

participation and media freedom<sup>8</sup>. These statistics illustrate a pattern of rights limitations that contextualises concerns about shrinking civic space in the country. This may suggest that civic and political rights in Zambia continue to face significant challenges. These documented violations and restrictions suggest that civic and political rights in Zambia continue to face significant challenges.

Over the past decade, Zambia witnessed a concerning trend of shrinking civic space, largely attributed to changes in laws and the Constitution. Laws such as the Public Order Act of 1955, the NGO Act of 2009, and the Cyber Security and Cyber Crimes Acts of 2021 contributed to restricted freedoms and constrained civic engagement.<sup>9</sup> Beyond legal restrictions, shrinking civic space has also been reflected in increasing pressure on civil society organisations, journalists, opposition political actors and human rights defenders. Reports by CIVICUS<sup>10</sup> and Amnesty International<sup>11</sup> document incidents of intimidation, arrests, harassment and surveillance targeting individuals and groups perceived to be critical of those in authority. Such practices create a chilling effect that discourages citizens from exercising their rights to free expression, association and political participation.

Recently, there have also been concerns about the current regime's heavy-handed law enforcement when dealing with some citizens and opposition political leaders.<sup>12</sup> These concerns are legitimised indicators of curtailed fundamental rights such as the freedom of peaceful assembly, as guaranteed by the Zambian Constitution, demonstrating the government's use of law enforcement to suppress dissenting voices.<sup>13</sup> Concerns have also been raised regarding media freedom and access to information. While Zambia has made progress in certain areas, media organisations and press freedom advocates have continued to report incidents involving intimidation of journalists, restrictions on media operations and the use of legal and administrative measures that may discourage critical reporting on public affairs<sup>14,15</sup>. Such developments undermine the media's watchdog role and weaken public accountability.

Furthermore, through the selective application of the Public Order Act of 1955, opposition political parties face restrictions on holding rallies and public gatherings, despite meeting legal requirements. This colonial law was criticised by the current regime while it was in opposition, as it had been used against them to curtail their campaign activities. The shrinking of civic

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[9] CIVICUS Monitor (2024) Strengthening Civic Space in Zambia; A decade of challenges and collaborative efforts.

[10] CIVICUS. (2024). People Power Under Attack 2024. Johannesburg: CIVICUS

[11] Amnesty International. (2024). The State of the World's Human Rights: Zambia 2023/24. London: Amnesty International.

[12] 2023 US Department of State Human Rights report

[13] Supporting an enabling environment for civil society -enabling environment snapshot Zambia, 17<sup>th</sup> January, 2025

[14] MISA Zambia. (2021). State of Media Freedom and Freedom of Expression in Zambia. Lusaka: Media Institute of Southern Africa Zambia

[15] Reporters Without Borders. (2025). 2025 World Press Freedom Index: Zambia. Reporters Without Borders

space has also manifested in the digital sphere. Civil society organisations have expressed concern that cyber security and cybercrime legislations may be used to monitor online activities, restrict digital expression and discourage citizens from engaging in online political discourse<sup>16</sup>. Given the increasing importance of digital platforms for civic engagement, public debate and political mobilisation, restrictions in online spaces have become an important indicator of the overall health of democratic participation. Collectively, these legal, political, institutional and digital challenges point to a civic environment in which the exercise of fundamental freedoms remains vulnerable to both formal and informal restrictions.

Nonetheless, amidst these challenges, there have been notable efforts to strengthen the civic space in Zambia. The more than a decade of lobbying by local, regional, and international human rights defenders and civil society activists culminated in the enactment of the Access to Information Act of 2023, though the Act is not fully implemented to guarantee the right to information. Zambia has also seen notable improvements in government transparency, media engagement, and the legislative process, although civil society views are often taken only to reinforce established positions.<sup>17</sup>

Zambia has also demonstrated a growing commitment to international human rights accountability mechanisms. Unlike previous periods when delays in reporting and engagement with international review processes were frequently highlighted, the current government has shown greater willingness to participate in the United Nations Universal Periodic Review (UPR) process. Notably, Zambia voluntarily requested a mid-term review of the implementation of UPR recommendations, signalling a more proactive approach to monitoring progress on human rights commitments and strengthening cooperation with international human rights mechanisms<sup>18</sup>. Such initiatives suggest an increasing recognition of the importance of transparency, accountability and citizen participation in democratic governance, even though concerns regarding civic freedoms and political rights persist.

## 1.2. PURPOSE AND OBJECTIVES

In considering the critical role of an open and vibrant civic space in enhancing the fight against corruption, Transparency International Zambia sought to *review the current state of civic space in Zambia by analysing national legal and policy frameworks, as well as identifying incidences of infringement in the three*

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[16] Paradigm Initiative. (2024). Londa Report: Digital Rights and Inclusion in Africa. Lagos: Paradigm Initiative

[17] Transparency International Zambia (2025). A Rapid Assessment on the Status of Implementation of Zambia's IMF Governance Diagnostic Recommendations. <https://tizambia.org.zm/wp-content/uploads/2025/05/Report-Rapid-Assessment-on-IMF-GDA-Recommendations.pdf>

[18] Office of the High Commissioner for Human Rights. (2024). Universal Periodic Review: Zambia. United Nations Human Rights Council. <https://www.ohchr.org>

target districts, namely, Kalumbila, Rufunsa, and Solwezi. The Study was guided by the following specific objectives:

1. To review the existing legal and policy framework governing the civic space in Zambia.
2. To identify incidences of civic space infringements in selected districts, including Kalumbila, Rufunsa and Solwezi districts.
3. To recommend stakeholder actions aimed at improving the civic space in Zambia.

## 2. METHODOLOGY

Transparency International Zambia (TI-Z) conducted this study on the state of the civic space in Zambia between August 2025 and April 2026. The assessment employed a participatory research design, conducting legal and policy analysis, collecting qualitative data from selected Civil Society Organizations (CSOs) leaders, Government officials, policymakers, legal experts, and media practitioners . This was further complemented with desk-based research.

The research process commenced in August 2025 with an internal analysis of relevant laws and policies related to the

civic space in Zambia. These included the Cyber Security Act and Cyber Crimes Act, 2025; the Public Order Act, 1995 (with successive amendments); NGO Bill, 2025 and NGO Act 2009; Independent Broadcasting Authority Act, 2002 (as amended in 2010). Given the evolving legal and governance landscape, the review also considered the Independent Broadcasting Authority Act, 2025, which repealed and replaced the earlier legislation and introduced reforms relating to the regulation of the broadcasting sector, media pluralism, licensing and institutional governance<sup>19</sup>. In addition, the review considered the Zambia National Broadcasting Corporation Act, 2025, which redefined the mandate and governance structures of the national broadcaster and included provisions relating to public service broadcasting, editorial policy and accountability<sup>20</sup>. Furthermore, the study examined the Constitution of Zambia (Amendment) Act No. 13 of 2025, which introduced changes relating to electoral representation, parliamentary composition, the inclusion of women, youth and persons with disabilities in governance structures, and other institutional reforms that attracted significant public and civil society debate regarding constitutionalism, participation and democratic governance<sup>21</sup>.

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[19] Government of Zambia. (2025a). Independent Broadcasting Authority Act, No. 25 of 2025. Government Printer.

[20] Government of Zambia. (2025b). Zambia National Broadcasting Corporation Act, No. 26 of 2025. Government Printer

[21] Government of Zambia. (2025c). Constitution of Zambia (Amendment) Act No. 7 of 2025. Government Printer.

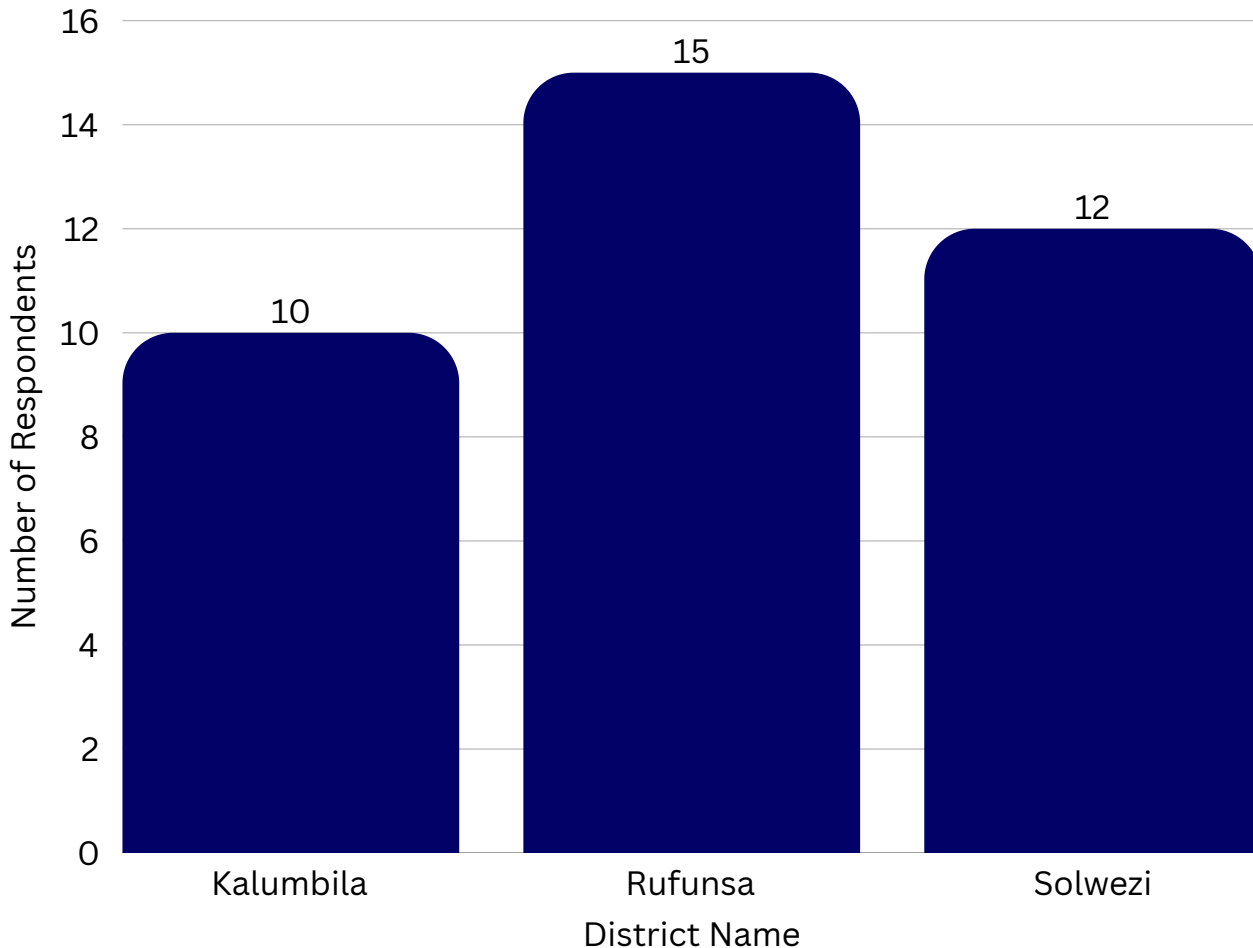
The analysis identified legal gaps with respect to relevant international conventions and standard and reviews the national-level implementation context. In September 2025, TI-Z held a round table discussion meeting with relevant stakeholders to validate the legal gap analysis and national level context.

During the period from November to 21 December 2025, a team of researchers collected information using both Key Informant Interviews and focus group discussions in Kalumbila, Rufunsa and Solwezi districts. The data collection targeted local CSOs, civic actors, church leaders, political party leaders and duty bearers from local authorities, among others. As illustrated in Figure 1, the distribution of participants was as follows:

Rufunsa contributed 15 respondents (41%), Solwezi 12 respondents (32%), and Kalumbila 10 respondents (27%).

This distribution demonstrates that the study captured significant perspectives from Rufunsa, while also ensuring substantive representation from Solwezi and Kalumbila districts. The inclusion of respondents from multiple districts provided a balanced and clustered set of views, thereby enhancing the credibility and validity of the findings. By drawing on diverse local contexts, the study was able to reflect a broader range of experiences and opinions, strengthening the robustness of its conclusions and ensuring that the recommendations were grounded in realities across different districts.

Figure 1: Respondents District



## 3. OVERVIEW OF THE CIVIC SPACE IN ZAMBIA

### 3.1 STATE OF THE CIVIC SPACE IN ZAMBIA

A review of recent reports suggests that the civic space in Zambia remains obstructed. The 2025 Afrobarometer Citizen Engagement Report<sup>22</sup> reinforces widespread concerns about democratic backsliding and shrinking civic space.<sup>23</sup> <sup>24</sup> Recent trends indicate not only tighter restrictions on CSOs but also a broader decline in individual civic engagement. Furthermore, comparative data from the Afrobarometer 9 (2021–2023) shows a gradual erosion in freedom of expression, electoral quality, and trust in institutions. Citizen participation in political discussions, community meetings, and collective action has also declined. Yet, not all forms of engagement are declining, as direct contact with leaders such as traditional authorities and elected officials has increased over the past decade.<sup>10</sup>

Therefore, Zambia reflects many of the regional patterns of inconsistent civic engagement. Since transitioning to multiparty democracy in 1991, the country has been experiencing alternating phases of civic opening and closure. In 2025, Zambia ranked above the continental average in civic engagement, especially at the community and election levels, but fell short of the continent’s most open democracies. Specifically, participation remained weaker

in activities such as protests or contacting party officials or MPs.<sup>10</sup>

The enabling environment for civil society organisations (CSOs) has evolved alongside political changes. The current government consistently reassures the public of its commitment to restoring the rule of law, fostering good governance, and fighting corruption.<sup>25</sup> However, the regime faces multiple accusations of using state machinery and law enforcement to silence political opponents.<sup>26</sup> There is a general belief amongst CSOs and citizens that there has been a positive shift to a more open and supportive environment for their activities that does not censure and intimidate their work to the extent experienced during the previous government.<sup>27</sup>

Despite the optimism following the 2021 political transition, civic actors—including journalists, activists, and opposition leaders continue to face intimidation, surveillance, and legal harassment. Key laws, including the Public Order Act, the NGO Act, and the Cyber Security and Cyber Crimes Act, have drawn domestic and international criticism for empowering state authorities to restrict protests, limit NGO autonomy, and criminalize dissent, particularly online.<sup>28</sup>

[22] Afrobarometer. (2025). African insights 2025: Citizen engagement, citizen power—Africans claim the promise of democracy. <https://www.afrobarometer.org/feature/african-insights-2025/>

[23] Carothers, T., & Brechenmacher, S. (2014). Closing space: Democracy and human rights support under fire. <https://carnegieendowment.org/research/2014/02/closing-space-democracy-and-human-rights-support-under-fire?lang=en>

[24] Smidt, H. (2018, November). Shrinking civic space in Africa: When governments crack down on civil society (GIGA Focus Africa No. 4). Hamburg: GIGA German Institute of Global and Area Studies. <https://www.giga-hamburg.de/en/publications/giga-focus/shrinking-civic-space-africa-governments-crack-civil-society>

[25] <https://monitor.civicus.org/country/zambia/>

[26]

[28]

[28] <https://monitor.civicus.org/country/zambia/>

These actions have created a tense and uncertain environment for civil society actors, opposition, and human rights defenders, undermining their ability to freely express themselves and assemble. The 2023 Zambia Human Rights Report<sup>29</sup> indicates that repressive laws such as the Public order Act and Penal Code curtail fundamental freedoms. This is despite the government's claims of upholding the rule of law. Furthermore, the reintroduction of repressive laws like the Cyber Crimes and Cyber Security Acts, 2025 has the potential to further restrict fundamental freedoms negatively impacting the civic space in Zambia.<sup>17</sup>

Recent evidence from the Media Institute of Southern Africa (MISA Zambia) reinforces these concerns, highlighting a deteriorating freedom of expression environment characterised by intimidation, harassment of journalists, and increased self-censorship. The 2025–2026 Freedom of Expression (FOX) Report indicates that over 60% of journalists believe the media does not operate freely, citing threats, fear, and restrictive laws as key drivers of a shrinking civic space<sup>30</sup>. Additionally, the report notes that cases of harassment and threats against journalists have increased, contributing to a climate of fear that undermines independent reporting and democratic accountability<sup>32</sup>

In relation to access to information, MISA Zambia findings indicate that, despite the enactment of the Access to Information (ATI) Act, practical access to public information remains highly constrained. Approximately 65% of journalists report that accessing information is not easy, while 79% highlight persistent difficulties in accessing government officials due to bureaucratic delays, lack of responsiveness, and administrative barrier<sup>33</sup>. This demonstrates a significant implementation gap between the legal framework and actual practice, limiting transparency and weakening public accountability.

Complementing these findings, Bloggers of Zambia emphasize that access to information is a fundamental democratic right essential for transparency, citizen participation, and accountability, but stress the continued need for stronger implementation and open governance practices<sup>35</sup>. In addition, Bloggers of Zambia together with digital rights organisations have warned that recent cyber legislation introduces provisions that may undermine freedom of expression, access to information, and privacy if not adequately safeguarded<sup>36</sup>

Moreover, civil society actors, including MISA Zambia and Bloggers of Zambia, have raised concerns that the Cyber Security and

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[29]

[30] Zambia Monitor. (2025–2026). MISA Zambia Freedom of Expression (FOX) Report coverage. Retrieved from <https://www.zambiamonitor.com>

[31] MISA Zambia. (2026). Access to information remains a challenge amidst new ATI Act. Retrieved from <https://zambia.misa.org>

[32] MISA Zambia. (2026). Access to information remains a challenge amidst new ATI Act. Retrieved from <https://zambia.misa.org>

[33] MISA Zambia. (2026). Access to information remains a challenge amidst new ATI Act. Retrieved from <https://zambia.misa.org>

[34] Efficacy News. (2026). Journalists still struggle to access information despite ATI law. Retrieved from <https://efficacynews.africa>

[35] Bloggers of Zambia. (2025). Access to Information (ATI). Retrieved from <https://bloggersofzambia.org/access-to-information-ati/>

[36] Collaboration on International ICT Policy in East and Southern Africa (CIPESA) & Bloggers of Zambia. (2025). Analysis of Cyber Security and Cyber Crimes Acts. Retrieved from <https://www.africafex.org>

Cyber Crimes Acts of 2025 contain vague provisions and expanded surveillance powers that could be used to target journalists, activists, and online critics. These laws have been widely criticised for contributing to a chilling effect on freedom of expression, increasing self-censorship, and constraining investigative journalism<sup>37</sup>

### **3.2 CONCERNS ON FREEDOM OF INFORMATION**

Recently, freedom of information is also of concern, as there have been cases of targeted arrests of journalists associated with covering opposition events. The 2025 Human Rights Watch Report<sup>38</sup> highlights a deepening climate of intolerance toward dissent, citing prosecutions of opposition figures and the arrest of media professionals for reporting on peaceful demonstrations. Zambian authorities continue to rely on sedition and criminal libel laws to suppress critical voices, with sedition charges carrying sentences of up to seven years<sup>39,18</sup>. Furthermore, the UN Special Rapporteur on Freedom of Opinion and Expression<sup>[1]</sup> warned that fundamental freedoms were at risk ahead of the 2026 elections. The Report documents a pattern of arbitrary arrests, legal harassment, and the systematic use of public order and cybercrime laws to shrink the civic space. The report concludes that Zambia is at a critical juncture, where failure

to reverse these trends could entrench authoritarian legalism and undermine pluralism.<sup>19</sup>

### **3.3 INDICATIONS ON SELECTIVE ENFORCEMENT**

Beyond legal constraints, Zambia's civic environment is also characterised by selective enforcement, mistrust in institutions, and limited public access to decision-making.<sup>41</sup> Several reports have pointed to the uneven application of laws and law enforcement practices, particularly in relation to freedoms of assembly and political participation. For example, the United States Department of State<sup>42</sup> reported allegations of arbitrary arrests, politically motivated detentions, and inconsistent application of laws affecting opposition political actors and government critics. Similarly, Freedom House<sup>43</sup> observed that while constitutional protections for civil liberties exist, opposition parties and civil society actors continue to face obstacles in organising public meetings and demonstrations, often citing restrictions imposed under the Public Order Act. The report by CIVICUS further noted that law enforcement authorities have, at times, responded differently to public gatherings depending on the organisers, raising concerns regarding equal treatment before the law and the impartiality of state institutions<sup>44</sup>.

[37] Business & Human Rights Resource Centre. (2025). Zambia: Rights groups disapprove new cybercrimes act. Retrieved from <https://www.business-humanrights.org>

[38] Human Rights Watch. (2025). Zambia: Events of 2024. World Report 2025. <https://www.hrw.org/world-report/2025/country-chapters/zambia>

[39] Zambia. (2023). Penal Code Act (Chapter 87 of the Laws of Zambia). Zambia Legal Information Institute (ZambiaLII). <https://zambialii.org/akn/zm/act/1930/42/eng%402023-12-26>

[40] United Nations Human Rights Council. (2025). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/59/50/Add.2: Visit to Zambia. Retrieved from <https://www.ohchr.org/en/documents/country-reports/ahrc5950add2-visit-zambia-report-special-rapporteur-promotion-and>

[41]

[42] United States Department of State. (2024). 2023 country reports on human rights practices: Zambia. U.S. Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/zambia/>

[43] Freedom House. (2025). Freedom in the world 2025: Zambia. <https://freedomhouse.org/country/zambia/freedom-world/2025>

[44] CIVICUS. (2024). People power under attack 2024. CIVICUS.

Such perceptions are reinforced by recurring complaints from opposition political parties and civil society organisations that permissions for public assemblies are applied inconsistently, thereby creating an uneven environment for political competition and civic participation<sup>45</sup> Taken together, these findings portray a civic space that is

obstructed, while still more open than in the previous regime. Furthermore, the continued reliance on restrictive laws, combined with institutional fragility and growing public disillusionment, underscores the urgency of legal reforms, institutional strengthening, and inclusive participation to safeguard the civic space in Zambia.<sup>46</sup>

## 4. LEGAL AND POLICY REVIEW

### 4.1 ANALYSIS OF THE LEGAL AND POLICY GAPS

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
Constitution (Amendment) Act, Act No. 13 of 2025	The Constitutional Amendment Act, 2025 introduced reforms relating to electoral representation, parliamentary composition, governance structures and inclusion mechanisms. The amendments are intended to strengthen representation, improve governance efficiency and promote the participation of women, youth and persons with disabilities in public affairs	<p><b>Enabling aspects:</b></p> <p>The Act introduces measures aimed at addressing historical underrepresentation of women, youth and persons with disabilities in political and public life thereby contributing to inclusive participation in political and public life.</p> <p><b>Restricting aspects:</b></p> <p>1. The constitutional reform process generated significant public controversy and disagreement among political parties, civil society organisations, and governance stakeholders<sup>47</sup></p>	<p>4. Limited institutionalization of citizen participation in constitutional reform processes.</p> <p><b>Alignment with International Standards</b></p> <p>5. The Act's inclusion provisions are broadly consistent with Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees participation in public affairs (United Nations, 1966).</p>

[47] Amnesty International. (2024). The state of the world's human rights 2023/24. Amnesty International.

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
		<p>2. Concerns were raised regarding the adequacy of stakeholder consultations and whether public submissions were sufficiently reflected in the final amendments.</p> <p>3. Some stakeholders argued that aspects of the reform process risked undermining public confidence in constitutional governance.</p>	<p>6. However, concerns regarding meaningful participation and consensus-building indicate partial alignment with international best practices on participatory constitutional reform.</p>

Access to Information Act 2013

The Access to Information Act seeks to promote transparency, accountability, and citizen participation by providing members of the public with a legal right to access information held by public institutions.

**Enabling Aspects**

- 7. Establishes a legal framework for accessing information held by public bodies.
- 8. Strengthens transparency and accountability in public administration.
- 9. Supports investigative journalism, public oversight, and civic engagement.
- 10. Enhances citizens' ability to participate meaningfully in governance processes.

**Legal and Implementation Gaps**

- 14. Limited capacity within some public institutions to process information requests.
- 15. Limited public awareness programmes on the operationalization of the Act.
- 16. Weak proactive disclosure mechanisms in some government institutions.
- 17. Absence of publicly available data on compliance levels across institutions.

Law/Policy

Purpose and Practice

Impact on the Civic  
Space

Legal/Policy Gaps

**Restricting Aspects**

11. Implementation remains uneven across public institutions.

12. Some civil society organisations and media practitioners report delays and difficulties in obtaining requested information despite the enactment of the law<sup>48</sup>

13. Limited public awareness of procedures and rights under the Act reduces its effectiveness.

**Alignment with International Standards**

18. The Act is broadly aligned with Article 19 of the ICCPR and the African Commission's Declaration of Principles on Freedom of Expression and Access to Information in Africa.

19. The Act give effect to the right to access to information as guaranteed in the United Nations Convention against Corruption and the African Charter on Human and Peoples Rights

20. However, implementation challenges limit the full realization of international standards on access to information

[48] Chapter One Foundation. (2024). Assessment of the implementation of the Access to Information Act in Zambia. Lusaka: Chapter One Foundation.

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
<p>Penal Code Act Chapter 87 of the Laws of Zambia</p> <p>The Criminal Procedure Code Chapter 88 of the Laws of Zambia</p>	<p>The Penal Code as a substantive penal law establishes crimes and sanctions in the event of violations.</p> <p>The Criminal Procedure Code as a procedural law establish the prosecution machinery of the state from investigation, arrest, prosecution, adjudication and punishment</p> <p>While intended to maintain public order and security, certain provisions of these statutes have implications for civic space, freedom of expression, and political participation</p>	<p><b>Enabling Aspects</b></p> <p>21. Provides mechanisms for maintaining law and order.</p> <p>22. Establishes legal procedures governing arrest, detention, prosecution and punishment of offenders</p> <p>23. Supports the administration of justice and protection of public safety.</p> <p><b>Restricting Aspects</b></p> <p>24. Certain offences, including sedition-related provisions, have been criticised for their potential chilling effect on freedom of expression [1]</p> <p>25. Sedition offences may attract penalties of up to seven years' imprisonment, raising concerns regarding proportionality and freedom of expression.</p> <p>26. Broad public order and security offences may be susceptible to selective interpretation and enforcement against critics, activists, journalists, and opposition actors.</p> <p>27. Criminal sanctions may discourage robust public debate and civic participation.</p>	<p><b>Legal and Implementation Gaps</b></p> <p>28. Continued existence of offences that may be used to restrict legitimate expression.</p> <p>29. Concerns regarding selective enforcement of criminal laws.</p> <p>30. Limited safeguards against abuse of broadly framed offences.</p> <p>31. Inadequate oversight mechanisms for law enforcement actions affecting civic freedoms.</p> <p><b>Alignment with International Standards</b></p> <p>32. Certain provisions are only partially aligned with Article 19 of the ICCPR and the African Charter on Human and Peoples' Rights.</p> <p>33. International best practice increasingly favours narrowly tailored restrictions and civil remedies rather than criminal sanctions for expression-related offences.</p>

[49] Decriminalisation of Expression Initiative. (n.d.). Zambia: Analysis of criminal defamation, insult and sedition laws. Centre for Human Rights, University of Pretoria.  
[https://www.chr.up.ac.za/images/researchunits/dgdr/documents/resources/zambia\\_executive\\_summary.pdf](https://www.chr.up.ac.za/images/researchunits/dgdr/documents/resources/zambia_executive_summary.pdf)

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
<p>The Cyber Security Act,<sup>50</sup> 2025 and The Cyber Crimes Act, 2025<sup>51</sup></p>	<p><b>Purpose and Practice</b></p> <p>34. The laws are intended to protect digital infrastructure and security and safeguard citizens from cybercrimes, but they infringe on the rights and freedoms of the people they are supposed to protect. Both laws limit open debate and online activism and restrict freedom of expression and access to information online.</p>	<p><b>Enabling aspects:</b></p> <ul style="list-style-type: none"> <li>• The Acts criminalise cyberbullying, identity theft, and online harassment, offering protection to vulnerable groups in the digital space.</li> <li>• They also criminalise cyber-enabled terrorism and establish mechanisms to protect critical infrastructure.</li> </ul> <p><b>Restricting aspects:</b></p> <ul style="list-style-type: none"> <li>• The laws allow for surveillance and interception of communications without sufficient procedural checks, in favour of various law enforcement agencies.</li> <li>• The laws can enable intrusive information security audits, as inspectors do not need a warrant to conduct an information security audit on critical information, and they have wide discretion to access a person's computer or device.</li> <li>• The Cyber Security Agency, set up under the Cyber</li> </ul>	<p><b>Broad and Vague Definitions</b></p> <ul style="list-style-type: none"> <li>• The laws contain vague and broad definitions which can lead to subjective interpretation and arbitrary enforcement. For examples, the definition of cybercrime is excessively broad.</li> <li>• Furthermore, vague definitions of offences such as “false information” that causes “public ridicule” or “damage to reputation” or “emotional distress,” effectively criminalizes defamation in cyberspace, reintroducing the repealed Section 69 of the Penal Code.</li> <li>• The law penalizes the disclosure of “critical information” without authorization but fails to define what constitutes critical information or offer public interest exemptions.</li> </ul>

[50] The Cyber Security Act, 2025. <https://www.parliament.gov.zm/node/12319>

[51] The Cyber Crimes Act, 2025. <https://www.parliament.gov.zm/node/12320>

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
		<ul style="list-style-type: none"> <li>Security Act, is not independent, but rather placed directly under the Office of the President, raising serious concerns about political interference</li> </ul> <p>35. The use of unclarified and vague categories of speech leaves room for 1. abuse of power, arbitrary enforcement, and repression of dissent.</p> <ul style="list-style-type: none"> <li>The laws fail to set up adequate oversight and accountability mechanisms, such as judicial safeguards and mandatory transparency reporting requirements.</li> <li>The laws requires that critical information must be stored in Zambia, while such data localization could raise risks of government monitoring.</li> </ul> <p>36. All of the above risks having a chilling effect on freedom of expression and media freedom, especially on whistleblowers and journalists.</p>	<ul style="list-style-type: none"> <li>The broad categorization of critical sectors could imply that any organization working for the public's benefits is subject to burdensome requirements such as mandatory registration and licensing, or security audits.</li> <li>All of these can lead to subjective interpretation and arbitrary enforcement.</li> </ul> <p><b>Other Legal gaps</b></p> <ul style="list-style-type: none"> <li>Lack of adequate oversight, appeal, and accountability mechanisms.</li> <li>Limited safeguards for freedom of expression or protection for journalists and whistleblowers.</li> </ul> <p>37. Limited public consultation during the legislative process. When the Bill was first introduced, civil society was granted limited time to prepare submissions.[1]</p>

[52] Zambia Monitor (2024). "Why the rush?" Civil societies urge withdrawal of cyber security, anti-terrorism bills, seek broader consultations. <https://www.zambiamonitor.com/why-the-rush-civil-societies-urge-withdrawal-of-cyber-security-anti-terrorism-bills-seek-broader-consultations/>

Law/Policy

Purpose and  
Practice

Impact on the Civic  
Space

Legal/Policy Gaps

- In the final Act, only a handful of their recommendations were reflected.[1]

**Alignment with International Standards**

38. The laws are partially inconsistent with ICCPR Article 19 (Freedom of Expression) and regional human rights frameworks.<sup>54 55</sup>

39. The reintroduction of defamation provisions in the Cyber Crimes Act is incompatible with Resolution 169 of 2010 of the African Commission on Human and Peoples' Rights<sup>56</sup>.

- Best practices for cyber legislation emphasize clear definitions of offences, proportional sanctions, protection of journalists, whistleblowers, and online dissent, all of which are not reflected in these laws.
- The laws fail to align with digital rights best practices, e.g., the right to privacy, anonymity, and secure communication.

[53] Zambia Monitor (2025). Civil society organizations oppose cyber bills, warn of threat to transparency, human rights. <https://www.zambiamonitor.com/civil-society-organizations-oppose-cyber-bills-warn-of-threat-to-transparency-human-rights/>

[54] United Nations. (1966). International Covenant on Civil and Political Rights (ICCPR).

[55] African Commission on Human and Peoples' Rights, "Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019", November 2019, <https://achpr.au.int/en/node/902>

[56] African Commission on Human and Peoples' Rights, "Resolution on Repealing Criminal Defamation Laws in Africa - ACHPR/Res.169(XLVIII)10", November 2010, <https://achpr.au.int/en/adopted-resolutions/169-resolution-repealing-criminal-defamation-laws-africa-achprres169xlvi>

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
<p><b>Public Order Act, 1955<sup>57</sup> (with successive amendments)</b></p>	<p><b>Purpose and Practice</b></p> <p>40. While providing a framework to regulate public order, the law has been historically misused to restrain Zambians’ freedom of assembly, often for political interest.<sup>58 59 60 61</sup></p>	<p><b>Enabling aspects:</b></p> <ul style="list-style-type: none"> <li>The Act provides legal recognition of assemblies and a framework to regulate them in a way that aims to maintain public order and safety during large gatherings.</li> </ul> <p><b>Restrictive aspects:</b></p> <ul style="list-style-type: none"> <li>Police or authorities have discretion to prohibit assemblies which may result in “public disorder”, but the Act fails to define the criteria for such to occur, thus leaving room for arbitrary or politically motivated enforcement.</li> <li>Organizers can be held criminally liable for disruptions or violations, even when these are caused by external actors.</li> <li>The Act requires seven-day prior notification or permission for public gatherings, which limits</li> </ul>	<p><b>Lack of legal clarity or alignment:</b></p> <ul style="list-style-type: none"> <li>Terms like “public order”, “disorder”, or “threat” are not clearly defined, giving authorities wide discretion.</li> </ul> <p>41. Some sections of the Act contravene Articles 19 (Freedom of Expression) and Article 21 (Freedom of Assembly) of the Zambian Constitution. The Law Association of Zambia challenged these provisions, but the Supreme Court upheld the constitutionality of these provisions.<sup>62</sup></p> <ul style="list-style-type: none"> <li>There is potential conflict or duplication with other laws, such as anti-terrorism or cyber laws, which could impose increased burdens and thus further discourage gatherings.</li> </ul> <p>42. Notwithstanding the foregoing, the Supreme</p>

[57] Government of the Republic of Zambia (1955). Public Order Act, No. 38 of 1955. <https://www.parliament.gov.zm/sites/default/files/documents/acts/Public%20Order%20Act.pdf>

[58] CIVICUS Monitor (2024). Zambia: Peaceful assembly & expression under threat. <https://monitor.civicus.org/explore/zambia-peaceful-assembly-expression-under-threat/>

[59] Freedom House (2021). Freedom in the world 2021: Zambia. <https://freedomhouse.org/country/zambia/freedom-world/2021>

[60] Peaceful Assembly Worldwide. The right of peaceful assembly in Zambia. <https://www.rightofassembly.info/country/zambia>

[61] ActionAid Zambia (2021). Shrinking political and civic space in Zambia. <https://zambia.actionaid.org/sites/zambia/files/publications/POLITICAL%20SHRINKING%20SPACE.pdf>

[62] The Law Association of Zambia v The Attorney General (2016). <https://africanlii.org/articles/2016-12-27/africanlii/the-law-association-of-zambia-v-the-attorney-general>

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
		<ul style="list-style-type: none"> <li>• spontaneous demonstrations and rapid civic responses.</li> <li>• Failure to comply can result in dispersal and arrests.</li> <li>• The Act allows authorities to impose conditions on the time, route/venue of gatherings, which can limit their visibility and impact.</li> </ul>	<p>Court in <i>Christine Mulundika and Seven Others v The People</i> (1995/1996) held that the requirement for citizens to obtain a police permit before holding a public assembly was unconstitutional because it infringed upon the constitutional right to peaceful assembly.<sup>65</sup> The Court clarified that organisers are only required to notify the police of an intended gathering and that such notification should not be construed as a request for permission. However, concerns persist that, in practice, the notification requirement is often treated as a permission regime, thereby undermining the spirit of the Mulundika judgment and continuing to restrict the exercise of freedom of assembly.</p> <p><b>Lack of safeguards:</b></p> <ul style="list-style-type: none"> <li>• There is no explicit safeguard for peaceful protest or political expression.</li> </ul>

## Law/Policy

## Purpose and Practice

## Impact on the Civic Space

## Legal/Policy Gaps

- Penalties include fines or imprisonment, which may be disproportionate to the nature of the offence.

### **Lack of accountability mechanisms:**

- Decisions to prohibit or disperse gatherings do not require judicial review.
- Citizens or organizations lack clear mechanisms to appeal or challenge decisions quickly.
- There is a lack of monitoring mechanisms and no independent oversight body.

### **Lack of access and participation:**

- The Act does not provide guidance on ensuring access for marginalized or vulnerable populations to exercise their rights to assembly.
- More recent amendments remain largely silent on digital civic engagement.

### **Alignment with International Standards**

- The law is partially aligned with international human rights standards, as it provides a framework for maintaining public order, which is recognized as a legitimate limitation on the rights to freedom of assembly and expression under the ICCPR.
43. However, the law imposes broad and vaguely defined restrictions on assembly and expression, which violate Article 21 of the constitution of Zambia and Article 19 of the ICCPR.

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
			<ul style="list-style-type: none"> <li>• Procedural safeguards are lacking, contradicting international principles of necessity and proportionality.</li> <li>• Key best practices are absent, including effective notification systems, judicial oversight, accountability and redress mechanisms</li> <li>• Measures on the use of force during assemblies, particularly in combination with the Penal Code, are generally more permissive than international human rights standards allow.</li> </ul>

**NGO Bill, 2025<sup>63</sup> and NGO Act, 2009<sup>64</sup>.**

**Purpose and Practice**

44. The NGO Bill seek to provide a revised legal and institutional framework for the regulation of non-governmental organisations (NGOs) in Zambia. It seeks to rename and continue the Office of the Registrar as the

**Enabling aspects:**

45. The Bill establishes a legal framework for registering NGOs, which provides legal criteria and legitimacy for organizations to operate in Zambia.  
46. The Bill also continues the existence of the Zambia Congress of Non-

**One-size-fits all approach:**

49. The Bill does not clearly distinguish between different forms of civil society organizations based on size, scope, sector, or risk profile, leading to a one-size-fits-all structure, especially in terms of registration and reporting obligations.

[63] Government of the Republic of Zambia (2025). Non-Governmental Organisations Bill, No. 6 of 2025. [https://www.parliament.gov.zm/sites/default/files/documents/bills/N.A.B\\_6\\_OF\\_2025%5B1%5D.pdf](https://www.parliament.gov.zm/sites/default/files/documents/bills/N.A.B_6_OF_2025%5B1%5D.pdf)

[64] Government of the Republic of Zambia (2009). Non-Governmental Organisations Act, No. 16 of 2009. [https://media.zambialii.org/media/legislation/39024/source\\_file/d80e6dea940dcf7c/2009-16.pdf](https://media.zambialii.org/media/legislation/39024/source_file/d80e6dea940dcf7c/2009-16.pdf)

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
	<p>Department of Non-Governmental Organisations and redefine its functions, including registration, licensing, and oversight.</p>	<p>Governmental Organisations and the Council of Non-Governmental Organisations, enhancing their mandates in self-regulation, accountability, and transparency.</p> <p>47. Furthermore, the Bill introduces clearer processes for registration, reporting, compliance, and dissolution, and incorporates provisions aimed at preventing the misuse of NGOs for unlawful purposes, including terrorism financing and proliferation financing.</p> <p><b>Restricting aspects:</b></p> <ul style="list-style-type: none"> <li>The NGO Registration Board has broad powers to refuse registration or to suspend/cancel NGO certificates based on a vague criteria, e.g. if the NGO activities are not in the public interest, and the Law fails to define “public interest”.</li> <li>NGOs, irrespective of their size or capacity, must disclose detailed information about activities, funding sources, governance structures, and</li> </ul>	<p><b>Implementation Gaps:</b></p> <p>50. The Bill leaves strong discretion in the hands of the NGO Registration Board for refusing registration, especially in terms of vague “public interest” provisions.</p> <p>51. The Bill empower the Registrar to supervise NGOs’ Planning, resource mobilization and co-ordination of activities which maybe problematic given that NGOs have different mandates and sources of funding.</p> <ul style="list-style-type: none"> <li>Sanctions for non-compliance are hefty and not calibrated to the severity of the offence.</li> <li>NGOs lack independent and effective appeal mechanisms (outside of the Ministry) to challenge decisions such as refusal or suspension.</li> <li>The NGO Registration Board is not an independent body.</li> </ul> <p><b>Alignment with International Standards</b></p> <p>The law diverges to some extent from international human rights standards, especially regarding</p>

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
		<p>·annual reports. This may represent a heavy burden for organizations and may discourage smaller NGOs.</p> <ul style="list-style-type: none"> <li>• The government is made aware of NGOs’ funding sources, including foreign contributions, and retains the power to issue regulations that may affect NGOs’ funding.</li> </ul> <p>·Moreover, the Act allows government to dictate thematic and geographical areas of work, further restraining NGOs’ independence.</p> <ul style="list-style-type: none"> <li>• Minor administrative errors are criminalized and lead to hefty fines and imprisonment.</li> <li>• Operating without registration is prohibited, which can criminalize grassroots initiatives or informal civic groups.</li> <li>• Fear of refusal, suspension, or interference may lead NGOs to self-censor or avoid politically sensitive work, limiting advocacy and public debate.</li> </ul>	<p>freedom of association and independence of civil society (ICCPR Article 22), and the need for limited oversight; and necessary, proportionate, and non-discriminatory restrictions on association.</p> <p>52. The law risks discouraging NGOs from engaging in governance and accountability work, thereby 1. contradicting the right to participation in public affairs (ACHPR Article 10)<sup>66</sup></p>

[66] African Commission on Human and Peoples’ Rights. (1981). African Charter on Human and Peoples’ Rights (Banjul Charter), Article 10.

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
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48. Despite an emphasis on self-regulation, the 2025 Bill introduces mechanisms that entail even stronger government control of the sector, such as power of inspection and stricter reporting requirements, subjecting funding and strategic decisions to ministerial knowledge.<sup>65</sup>

Independent Broadcasting Authority Act, 2002 <sup>67</sup> (as amended 2010 <sup>68</sup> )	<b>Purpose:</b> The Act re-define the functions; reconstitute the Board of the Independent Broadcasting Authority and re-define its functions; to regulate the broadcasting industry in the Republic; provide for pluralism and diversity in the broadcasting industry.	<b>Enabling aspects</b> <ul style="list-style-type: none"> <li>The purpose of the Act is to modernize and regulate Zambia's broadcasting industry to promote media pluralism and diversity, oversee broadcast licensing—including online platforms—and reconstitute the board to improve oversight, transparency, and accountability in the sector<sup>697071</sup>.</li> </ul>	<b>Limited Guarantees</b> <ul style="list-style-type: none"> <li>The vesting of appellate authority on the decisions of the Minister has the potential of creating mistrust and lack of confidence among private broadcasters.</li> <li>The Act does not expressly make provisions that protect freedom of the media, nor does it reference</li> </ul>
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[67] Government of the Republic of Zambia (2002). Independent Broadcasting Authority Act, No. 17 of 2002. <https://www.parliament.gov.zm/sites/default/files/documents/acts/Independent%20Broadcasting%20Authority%2C%202002.pdf>

[68] Government of the Republic of Zambia (2010). Independent Broadcasting Authority Act, No. 26 of 2010. [https://media.zambialii.org/media/legislation/35324/source\\_file/85dac4c67f2b4907/zm-act-2010-26-publication-document.pdf](https://media.zambialii.org/media/legislation/35324/source_file/85dac4c67f2b4907/zm-act-2010-26-publication-document.pdf)

[69] <https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%2025%20of%202025%2C%20The%20%20Independent%20Broadcasting%20Authority%20Act-2.pdf>

[70] <https://www.facebook.com/millenniumtvzm/videos/zambias-broadcasting-sector-is-entering-a-new-phase-of-regulation-and-accountabi/1398806965045885/>

[71] <https://zambialii.org/akn/zm/act/2025/25/eng@2025-12-30>

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
	<ul style="list-style-type: none"> <li>While the IBA Act aims to regulate broadcasting to create a professional media sector, it has faced criticism for executive overreach and repression of critical and community voices.<sup>68</sup></li> </ul>	<ul style="list-style-type: none"> <li>The Act recognizes broadcasting as a legitimate field for state, private, and community-based actors. This was an important step away from government monopoly over the media.</li> <li>Through the Zambia Media Council, there have been successful efforts at self-regulation to strengthen professionalism, pluralism and independence, but these require further operationalization.</li> </ul> <p><b>Restrictive aspects</b></p> <ul style="list-style-type: none"> <li>The Act reduced the IBA's autonomy by granting the Minister of Information unchecked appointment power over the Board (supposed to operate independently), which implies more influence over licensing, content control, and appeals.</li> </ul>	<p>Zambia's constitutional guarantees such as freedom of expression. This omission leaves civic actors without a legal anchor to challenge censorship.</p> <p><b>Alignment with International Standards</b></p> <ul style="list-style-type: none"> <li>Provisions in the Act, , generally violate the principles and guidelines of international law, such as the ICCPR Article 19 and the African Charter on Human and Peoples' Rights.</li> <li>These require, among other things, that: Media regulators be independent of political and commercial interests; Licensing be based on objective, transparent, and fair criteria; refusal or withdrawal should only occur in accordance with the law, subject to</li> </ul>

[68] Government of the Republic of Zambia (2010). Independent Broadcasting Authority Act, No. 26 of 2010. [https://media.zambalii.org/media/legislation/35324/source\\_file/85dac4c67f2b4907/zm-act-2010-26-publication-document.pdf](https://media.zambalii.org/media/legislation/35324/source_file/85dac4c67f2b4907/zm-act-2010-26-publication-document.pdf)

Law/Policy	Purpose and Practice	Impact on the Civic Space	Legal/Policy Gaps
		<ul style="list-style-type: none"> <li>The appeal on the decision of the Authority as provided in Section 39 of the Act lies in the Minister which has the potential of exposing the Authority to executive control and influence thereby creating public mistrust.</li> </ul>	<ul style="list-style-type: none"> <li>independent judicial review; Restrictions be necessary, proportionate, and pursue a legitimate aim (e.g., national security, public order); and States create an enabling environment for community-based voices and pluralism.</li> <li>While there is still more needed to be done, progress was made to align the IBA Act 2025 with the standards and best practices. For instance, just like it was in the 2002 Act, the government seem to have maintained control over the media landscape by vesting powers in the Minister to both appoint the Board and hearing appeals of the decisions of the Authority.</li> </ul>

## 4.2 CUMULATIVE IMPACT OF LEGAL AND POLICY FRAMEWORKS ON THE CIVIC SPACE

This previous section has provided a detailed analysis of how individual laws affect the civic space in Zambia, identifying gaps in implementation, misalignment with best practices, and concrete examples of abuses. However, to fully understand the challenges facing civic actors, it is essential to consider the intersectionality of these laws. While each targets a specific domain – digital communication, public assembly, civil society operations, or media regulation – their combined effect creates overlapping layers of control that reinforce one another. The result is that the cumulative impact is far greater than the sum of their individual restrictions.

The limitations on public gatherings under the Public Order Act are compounded by provisions in the Penal Code on false news and criminal libel. In practice, therefore, this has led to demonstrations being disrupted and journalists imprisoned simply for covering them.<sup>[1]</sup> Media coverage is further constrained by the effects of the IBA Amendment, which over time has eroded media pluralism and aligned state media with government narratives. The situation has been recently aggravated by the Cyber

Crimes Act and Cyber Security Act, 2025, which respectively criminalise online defamation and the disclosure of critical information, among other things, extending these restrictions into the digital space.<sup>[1]</sup> Consequently, the intersectional impact of all these laws allows the State to shape public opinion, suppress dissent, and evade accountability, while civic actors face heightened risks. This is because exercising a single right can expose civic actors to sanctions under multiple overlapping laws, which create a climate where critical voices are deterred from speaking out for fear of criminalisation.

In concluding, the legal and policy environment present a mixed picture, with both enabling and restrictive aspects that have significant impact on the civic space. While the government has made commitments to uphold human rights and the rule of law, restrictions on civic freedoms, particularly freedom of expression and peaceful assembly, persist. The Analysis indicates that several legal frameworks, including those regulating peaceful assembly, require review to ensure alignment with international human rights standards.

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[72]

[73]

## 5. INCIDENCES OF CIVIC INFRINGEMENTS IN LUSAKA AND OTHER DISTRICTS

### 5.1 INCIDENCES OF RESTRICTING FREEDOM OF EXPRESSION

53. On 25 May (Year), independent Member of Parliament Emmanuel Banda was abducted in Lusaka by unidentified men, later found injured and hospitalized following alleged torture. In the aftermath, five individuals, including two opposition MPs, were arrested and charged with espionage and spreading hate speech after suggesting government involvement in the abduction.<sup>74</sup>
54. In July (Year), O'Brien Kaaba, a lecturer and former Anti-Corruption Commission commissioner, was sued for defamation by senior government officials over an article alleging corruption within the ACC.
55. On 8 August (Year), Socialist Party president Fred M'membe was arrested and charged with seditious practices after publishing allegations of corruption on his Facebook page, though he was released on bail days later.
56. Similarly, investigative journalist Thomas Zgambo was arrested in October (year) and charged with criminal libel after publishing an article critical of government officials.
57. In June (year), police halted a Socialist Party rally in Kitwe despite prior authorization, and stood by as ruling party cadres threatened violence at an opposition New Heritage Party rally. That same month, President Hakainde Hichilema publicly condemned political violence, warning that no individual would be shielded by party or civil society affiliation.
58. In July (year), four individuals were arrested in Lusaka for planning a protest against electricity blackouts, charged with idle and disorderly conduct. Collectively, these incidents underscore the tension between Zambia's constitutional guarantees of civic freedoms and the reality of arrests, prosecutions, and restrictions that have constrained national-level democratic participation.<sup>75</sup>
59. On 13th April 2024, Zambian journalists Rodgers Mwiimba (Millennium TV) and Innocent Phiri (KBN TV) were arrested by police in Kafue while covering a banned rally protest by the United Kwacha Alliance, which wasn't allowed because the group wasn't registered. The journalists were filming a clash between the police and opposition leaders when they were detained. Phiri was forced into an armoured vehicle and Mwiimba, even after showing his journalist ID, was kicked and arrested.<sup>76</sup>
- The 2024 Country Reports on Human Rights Practices for Zambia highlighted serious human rights issues in the country, including credible reports of arbitrary or unlawful killings, torture, and cruel, inhuman, or degrading treatment

[74]

[75] Amnesty International Report on Human Rights 2024/25.

[76] Civicus Monitor, Tracking Civic Space in Zambia 2024.

or punishment. The report noted significant restrictions on freedom of expression and media freedom, citing instances of violence and threats against journalists, particularly by those in authority.

## **5.2 INCIDENCES OF RESTRICTING FREEDOM OF ASSOCIATION AND ASSEMBLY**

- On 8 June 2025, heavily armed police halted a Socialist Party rally in Kitwe despite earlier authorization, citing security concerns.
- Similarly, on 18 May 2024, police disrupted a meeting between Bishop Clement Mulenga and former President Edgar Lungu, labeling it an illegal gathering.
- The United Kwacha Alliance was denied permission to hold a rally in April 2024 after being declared an “illegal entity” by the Minister of Home Affairs, while journalists Rodgers Mwiimba and Innocent Phiri were assaulted and briefly detained for filming police confrontations with opposition leaders in Kafue.
- Civil society actors also faced harassment, as seen in the detention of organizers of the “Fix Zesco Protest” in July 2024, despite compliance with notification procedures.
- On 18 May 2024, police disrupted a meeting between Bishop Clement Mulenga of Kabwe Diocese and former President Edgar Lungu, accusing them of holding an illegal gathering.
- Earlier, on 13 April 2024, the United Kwacha Alliance (UKA) was denied permission to hold a rally after the Minister of Home Affairs declared the party an “illegal entity.”

- On the same day, journalists Rodgers Mwiimba and Innocent Phiri were assaulted and briefly detained in Kafue while filming police confrontations with opposition leaders, forced to delete their footage before release.
- In June 2024, heavily armed police stopped a Socialist Party rally in Kitwe despite prior authorization, and cadres from the ruling United Party for National Development (UPND) threatened violence at a New Heritage Party rally while police stood by.
- In July 2024, four civil society actors were arrested in Lusaka for organizing the “Fix ZESCO Protest” against electricity blackouts, charged with idle and disorderly conduct despite following notification procedures.

## **5.3 INCIDENCES OF INFRINGEMENTS AT DISTRICT-LEVEL: A CASE STUDY OF RUFUNSA, KALUMBILA AND SOLWEZI DISTRICTS.**

**Overall assessment:** In contrast to the experience in Lusaka, the civic environment was notably open and inclusive in Solwezi, Rufunsa, and Kalumbila districts. Residents were able to voice their opinions on government performance whether positive or critical through diverse platforms such as social media, local radio stations, and ward development committee meetings, without fear of intimidation or reprisal from community members. In Kalumbila, for example, some named WhatsApp groups provided accessible spaces where individuals from varied political affiliations freely exchanged views, posed challenging questions to civic leaders, and critiqued government actions without experiencing threats, arrests, or harassment.

Furthermore, civil society organizations, church leaders, and community actors in all three districts continued to operate without interference, and there were no recorded incidents of politically motivated prosecutions or intimidation in 2025. This prevailing atmosphere underscores a healthy respect for democratic freedoms and demonstrates the resilience of local communities in safeguarding open dialogue and participatory governance.

**Freedom of Association.** In the districts of Solwezi, Rufunsa, and Kalumbila, the civic environment remained open and conducive to free association and participation in public life. Individuals were able to wear political party materials and expressed their affiliations without fear of intimidation, violence, or arrest, reflecting a climate of tolerance and respect for political diversity. Communities and organizations alike enjoyed the freedom to establish and operate groups, clubs, NGOs, and movements, with no evidence of restrictions or undue interference in their activities. Furthermore, during the year 2025, civil society organizations operating in these districts did not experience obstacles in accessing funding or collaborating with external partners, which enabled them to sustain their operations and broaden their impact. Registration and reporting processes for NGOs remained accommodative, with no indication of bureaucratic barriers or administrative harassment. Importantly, state actors did not interfere in defining the thematic or geographic focus of NGOs, allowing organizations to pursue their mandates independently and in alignment with community needs. This environment of openness and non-interference underscores the strength of local democratic practice in Solwezi, Rufunsa, and

Kalumbila. It highlights the ability of citizens and organisations to participate in governance and development processes, reinforcing the principles of inclusivity, transparency, and accountability at the community level.

**Freedom of Assembly:** In the districts of Solwezi, Kalumbila, and Rufunsa, community experiences with public gatherings and protests reveal varied dynamics. In Rufunsa, respondents noted that while public meetings were regularly held, protests were infrequent. They recalled isolated incidents, such as farmers marching to the District Commissioner's office to demand fair distribution of farming inputs, and community members displaced from national parks staging a protest. In both cases, police were present but did not disperse or arrest participants, reflecting a relatively tolerant approach. In Solwezi district, however, the respondents recalled that when the Republican President visited, some youths who attempted to protest by displaying placards were manhandled, though not formally arrested. In contrast, Kalumbila district recorded no protests during the period under review. In all the districts, stakeholders also noted that police permits for public gatherings were generally easy to obtain, and law enforcement typically provided security during such events. . Nonetheless, respondents in Rufunsa claimed that the ruling United Party for National Development (UPND) was often able to hold meetings without seeking permits, whereas the opposition Patriotic Front (PF) was required to obtain permits, suggesting selective application of the Public Order Act. This variation highlights both the relative openness of civic space at the local level and lingering concerns about selective enforcement observed in Lusaka and other districts.

## Public Accountability and Citizen

**Participation:** In Solwezi, Kalumbila, and Rufunsa districts, citizens actively exercised their right to hold public officials accountable, with community reports regularly issued following council meetings. Transparency was further reinforced through the publication of Constituency Development Fund (CDF) project approvals, which were posted both on council websites and public notice boards. Furthermore, council meetings across the three districts remained open to the public, ensuring inclusivity and oversight, while mechanisms for reporting corruption were well established, with disciplinary committees within local authorities, as well as the Police, providing avenues for redress. The Ministry of Social Welfare complemented these mechanisms by maintaining suggestion boxes and a toll-free lines, accessible to communities, while additional platforms such as the District Commissioners' offices and intelligence wings serve as reporting points for misconduct. Importantly, there was no evidence of reprisals against citizens or civil society organizations for exposing wrongdoing or demanding transparency, and whistleblowers were generally afforded protection, underscoring a governance environment that encourages accountability and civic participation.

Between 2024 and 2025, an incidence of corruption and misconduct was recorded Solwezi district, were some council employees were prosecuted for conflict of interest. In March 2025, the Anti-Corruption Commission (ACC) arrested three Solwezi

Municipal Council employees for corrupt practices. The officials were charged with conflict of interest after supplying goods worth K228,560 to the council through a company they owned. This action followed anomalies flagged in the 2023 Auditor General's Report,<sup>77</sup> underscoring the importance of national-level accountability enforcement.<sup>78</sup> In contrast, Kalumbila district advanced participatory budgeting and stakeholder oversight, while Rufunsa district launched its Integrated Development Plan<sup>79</sup> to strengthen transparency in planning and resource allocation.

In 2025, Kalumbila Town Council rolled out a Stakeholder Engagement Plan<sup>80</sup> linked to its Output-Based Budget. The plan emphasized structured community participation, monitoring of implementation, and inclusive measures, aligning with Zambia's Decentralization Policy.<sup>81</sup> This initiative strengthened accountability by ensuring citizens and stakeholders had a formal role in decision-making and oversight. On the other hand, Rufunsa District Council published its Integrated Development Plan (IDP) for the Period 2024–2025,<sup>82</sup> guided by the Urban and Regional Planning Act<sup>83</sup> and the 8th National Development Plan.<sup>84</sup> The IDP provided a transparent framework for socio-economic and spatial planning, budgeting, and monitoring, giving citizens a clear view of development priorities and resource allocation.

The experiences of Solwezi, Kalumbila, and Rufunsa between 2024 and 2025 demonstrate that public accountability is

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[78] News Diggers (14<sup>th</sup> March 2025) ACC Arrests three (3) Solwezi Council Workers for Corruption. <https://diggers.news/local/2025/03/04/acc-arrests-3-solwezi-council-workers-for-corruption.com>.

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is not only achievable but already taking root through enforcement actions, participatory budgeting, and transparent planning frameworks. Whether framed as a reform model or as a positive community-focused narrative to inspire citizen participation, it was notable that accountability thrives when institutions act decisively against misconduct, when citizens are empowered to engage meaningfully, and when transparency is embedded in governance processes. In consolidating these practices into both high-level reform strategies and grassroots communication, stakeholders should reinforce trust, safeguard integrity, and ensure that democratic governance continues to evolve in a way that is inclusive, transparent, and resilient.

**Access to Information:** In all the three districts, access to public information and documentation remained limited and uneven. While lists of beneficiaries in various Government programmes were posted on council notice boards and occasionally shared by civic leaders within wards, this information was not widely disseminated, thereby limiting transparency. In some empowerment and social welfare programmes, ruling party members were often the first to receive application forms and other documents, while opposition members accessing them later. This raised concerns regarding fairness participation on account of uneven information distribution. Furthermore, although local authorities duly advertised public information on notice boards, requests for transparency in beneficiary selection processes in the Farmer Input Support Programme (FISP) and Social Cash Transfer were often denied or ignored, reflecting weak accountability at the community level. These challenges were compounded by unreliable internet access, which, though affordable, was only available

in certain areas and often disrupted by prolonged network failures, leaving some communities without connectivity for days. Importantly, there were no incidences of politically driven internet shutdowns or restrictions on social media, nor evidence of citizens being monitored or threatened for their online activity. However, the absence of communication infrastructure in some wards continued to hinder transparency and citizen engagement, underscoring the need for stronger mechanisms to ensure equitable access to information and reliable communication channels.

## 6. CONCLUSION AND RECOMMENDATIONS

### 6.1 CONCLUSION

This study established that the civic space in Zambia was largely obstructed in 2025. The gap analysis of Zambia's legal framework governing civic space, spanning freedom of expression, assembly, association, media, and digital rights, revealed significant gaps that undermined constitutional freedoms and were in conflict with some international human rights standards. The legal analysis revealed several systemic patterns, including broad and vague definitions, which created uncertainty, granted authorities wide discretion and facilitated political influence, thereby undermining independence and accountability. In addition, safeguards for civic actors were either absent or weak, while mechanisms for redress and appeals were rarely accessible or timely, reinforcing a climate of self-censorship and fear. Taken together, these gaps reinforced one another, as restrictions on assembly were strengthened by media regulation and surveillance provisions, while strict NGO requirements further narrowed the space for civic engagement.

In contrast to the national-level context, which was characterised by some incidences of infringement, the environment for civic engagement and freedom of expression remains notably open, inclusive and conducive to free association and participation in Solwezi, Rufunsa, and Kalumbila districts. Citizens actively

exercised their right to hold duty bearers accountable, with community reports regularly issued following council meetings. However, there were notable concerns regarding the selective enforcement of the Public Order Act and the unfair distribution of information, especially across political lines.

## 6.2. RECOMMENDATIONS BASED ON LEGAL ANALYSIS

Law	Priority Recommendations
All Civic-Space relevant Laws	<ul style="list-style-type: none"> <li>• Ensure alignment with national, International and Regional Human Rights Standards, particularly the ICCPR and African Human Rights frameworks, and the Constitution.</li> </ul>
Cyber Security Act and Cyber Crimes Act, 2025	<ul style="list-style-type: none"> <li>• Enhance legal clarity and definitions, through clearly defining standards and offences</li> <li>• Introduce explicit protections for journalists, whistleblowers, and online activists</li> <li>• Ensure that online debate, activism, and dissent are not unduly restricted</li> <li>• Strengthen the independence of the Cyber Security Agency</li> </ul>
Public Order Act 1955 (as amended 2019)	<ul style="list-style-type: none"> <li>• Repeal and replace the Act with a more progressive law that is aligned to the current context and international standards</li> </ul>
NGO Act, 2009 and NGO Bill, 2025	<ul style="list-style-type: none"> <li>• Differentiate between typologies of NGO and ensure that provisions and obligations are proportionate to the size and scope of each organisation.</li> <li>• Reduce the Board’s discretion over NGO suspension and certificate revocation, and set clear timelines for approvals</li> <li>• Include safeguards for NGOs to eliminate undue government interference, especially with respect to funding, NGO strategy, and external inspections.</li> <li>• Promote self-regulation mechanisms for NGOs in Zambia</li> </ul>
IBA Act, 2002 (as amended 2010 and 2017),	<ul style="list-style-type: none"> <li>• Strengthen safeguards to ensure the operational and institutional independence of the Independent Broadcasting Authority (IBA), particularly in relation to appointments, licensing decisions, enforcement actions, and protection from political interference.</li> <li>• Clarify and narrow the grounds for the suspension, cancellation, or non-renewal of broadcasting licences, especially provisions relating to public interest, public order,</li> </ul>

## Law

## Priority Recommendations

- national security, and other broad discretionary criteria, to reduce the risk of arbitrary application and ensure consistency with constitutional and international standards on freedom of expression
- Strengthen mechanisms to promote media pluralism and diversity, including measures that support community broadcasters, independent media outlets, and underserved groups, while safeguarding the participation of critical and dissenting voices in the media landscape.
- Introduce explicit provisions within both the Independent Broadcasting Authority Act, 2025 and the Zambia National Broadcasting Corporation Act, 2025 that reaffirm constitutional guarantees of freedom of expression, media freedom, editorial independence, and the public's right to receive and impart information.
- Strengthen legal protections for the editorial independence of the Zambia National Broadcasting Corporation (ZNBC) to ensure that it operates as a genuine public service broadcaster serving diverse public interests rather than government interests.
- Enhance transparency and public participation in broadcasting regulation by introducing mechanisms for public consultation and civil society participation in licensing decisions, policy development, content 1.regulation processes, and governance oversight of the broadcasting sector.
- Establish independent and effective appeal mechanisms for broadcasters affected by licensing, compliance, or enforcement decisions, including access to timely judicial review.
- Require regular public reporting by both the IBA and ZNBC on licensing decisions, regulatory actions, public complaints, and measures taken to promote diversity, inclusion, and media freedom.
- Align the IBA Act and ZNBC Act with regional and international standards, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, and the African Commission's Declaration of Principles on Freedom of Expression and Access to Information in Africa.

## 5.3 RECOMMENDATIONS BASED ON CIVIC SPACE INCIDENCE MONITORING.

Area of Focus	Recommendation	Expected Impact
Legal Framework	Ensure the timely enactment of the Public Gathering Act, 2026 through Presidential assent.	Greater protection of freedom of assembly and association
Access to Information	Fully operationalize and enforce the Access to Information Act, ensuring proactive disclosure by public institutions and effective access to information	Enhanced transparency and citizen trust in governance
Civil Society Engagement	Institutionalize regular dialogue platforms between Government, CSOs, and citizens	Stronger collaboration and inclusive policy-making
Protection of Activists and Whistleblowers	Amend the Whistleblower Protection Act to strengthen legal safeguards against reprisals and harassment for those exposing misconduct.	Safer environment for accountability and advocacy
Digital Rights	Expand reliable internet access and protect against politically motivated shutdowns.	Broader participation in civic discourse and digital activism
Capacity Building	Invest in civic education and training for citizens, CSOs, and local committees.	Increased awareness of rights and responsibilities
Accountability Mechanisms	Strengthen oversight institutions such as the Auditor General, ACC, and HRC with adequate resources and technical capacity.	More effective monitoring and enforcement of accountability
Inclusivity	Promote participation of marginalized groups (women, youth, and persons with disabilities) in civic processes.	More representative and equitable civic space



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