



RIGHT TO INFORMATION AND ANTI-CORRUPTION IN SOUTHERN AFRICA:

Strengthening Accountability through a Fundamental Human Right

POLICY BRIEF

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Policy Brief: Right to Information and Anti-Corruption in Southern Africa: Strengthening Accountability through a Fundamental Human Right

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Authors: Erin Klazar, Siqhamo Yamkela Ntola and Paul Banoba.

Contributors: Nkululeko Conco, Nervious Himabala, Keletso Ramannya.

Reviewers: Gilbert Sendugwa, Bright Chizonde, Raymond Mutale, Maurice K. Nyambe.

Project Management: Selsa Dkhil.

<https://tizambia.org.zm/>

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TABLE OF CONTENTS

1. INTRODUCTION	1
1.1 Nexus between RTI and Anti-Corruption	1
1.2 Regional RTI Status and Key Obligations	1
1.3 Summary of Key Barriers	2
1.4 Overview of Key Recommendations	2
2. POLICY RECOMMENDATIONS	3
3. CONCLUSIONS	12

1. INTRODUCTION

1.1 NEXUS BETWEEN RTI AND ANTI-CORRUPTION

The Right to Information (RTI) is essential for good governance as it strengthens anti-corruption measures by reducing secrecy, increasing the risk of exposure, and enabling legal and political accountability. While corruption schemes exploit opaque procurement, fragmented oversight, and inaccessible records, RTI laws are intended to mitigate these corruption risks by making decision-making transparent for citizens, the media, and oversight institutions. Therefore, RTI measures such as mandatory disclosures and routine openness increase the likelihood that illicit transactions will be detected, thereby raising the expected cost of corrupt behaviour.¹ Furthermore, access rights empower citizens, civil society, journalists, auditors, and courts to demand explanations, initiate proceedings and obtain remedies. RTI also underpins transparent systems for procurement, budgeting, and asset declaration, thereby preventing corruption from becoming institutionalised.² Studies in Africa link stronger RTI regimes and implementation to reduced opportunities for the abuse of public power, although the effect depends on enforcement, institutional capacity, budget allocations, and civic mobilisation.³

1.2 REGIONAL RTI STATUS AND KEY OBLIGATIONS

Across the Southern African Development Community (SADC), constitutional and treaty obligations require States to ensure effective access to information. The United Nations Convention against Corruption (UNCAC), in Articles 10 and 13, provides for transparency, public reporting, and

efforts.⁴ Furthermore, the International Covenant on Civil and Political Rights, as interpreted in General Comment No. 34, recognises the right of access to information held by public bodies and requires disclosure procedures and independent review. Other African regional instruments, including the African Charter on Human and Peoples' Rights, the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa, the Model Law on Access to Information for Africa, the African Union Convention on Preventing and Combating Corruption, and the SADC Protocol Against Corruption, also reinforce obligations of maximum disclosure, proactive publication, whistleblower protection, and independent oversight.^{5 6 7 8} The United Nations Sustainable Development Goal 16 further embeds RTI within the global anti-corruption and governance agenda.

In domesticating these international treaties, several Southern African countries have adopted RTI laws. South Africa pioneered comprehensive RTI legislation with the Promotion of Access to Information Act 2 of 2000,⁹ while Zambia enacted the Access to Information Act No. 24 of 2023.¹⁰ Namibia and Botswana also passed RTI laws in 2022 and 2024, respectively. However, the adoption of RTI laws in Southern Africa has not been even. In Namibia, the law has not yet been brought into force, while public sources indicate that Botswana's commencement is pending.^{11 12} Furthermore, the majority of SADC member States still lack explicit RTI laws, and many existing laws do not fully incorporate proactive disclosure, machine-readable formats, or digital-era transparency obligations.

This policy brief draws on the comparative research report on South Africa and Zambia and translates its legal and implementation findings into policy recommendations for Southern Africa.¹³

1.3 SUMMARY OF KEY BARRIERS

Drawing on the comparative research report, this brief identifies four main recurring barriers across the two case studies.¹⁴ These barriers should not be read as the only RTI challenges across SADC, but rather as the most salient and policy-relevant patterns emerging from the South Africa-Zambia comparison. These barriers include the following:

- **Legal sophistication coexists with implementation failure.** In South Africa, which has an advanced RTI and anti-corruption framework, implementation is undermined by widespread noncompliance, bureaucratic resistance, and inconsistent records management practices, making disclosure difficult even where legal obligations are clear.
- **Newer democratic regimes contend with institutional capacity constraints.** In Zambia, institutional capacity constraints are compounded by legacy secrecy laws such as the State Security Act 36 of 1969 and reinforced by newer legislation, including the NGO Bill of 2025 and the Cyber Security Act, of 2025, which may restrict public debate and limit criticism.
- **Legal uncertainty acts as a shield against disclosure.** Tensions between RTI statutes and secrecy, privacy, or security regimes allow officials to invoke legal uncertainty as a shield against disclosure, as seen in the friction between the Promotion of Access to Information Act, 2 of 2000 and the

Protection of Personal Information Act 4 of 2013 in South Africa, and the tension between RTI obligations and secrecy laws such as Zambia's State Security Act.¹⁵

- **RTI mechanisms are often exercised primarily by urban actors:** Structural inequalities, including the urban-rural digital divide, limited connectivity, and inadequate whistleblower protections, mean that RTI mechanisms are often exercised primarily by urban, digitally connected actors, while communities most affected by corruption, particularly in rural and resource-rich areas, remain effectively excluded.

These constraints, together with the risk of political inertia, could erode early gains if not actively managed. In politically sensitive sectors, particularly mining, natural resource governance, and public procurement, officials may also face heightened incentives to restrict disclosure due to the personal, economic and political stakes.

1.4 OVERVIEW OF KEY RECOMMENDATIONS

To address these problems, the brief advances four interlocking, cross-cutting recommendations to strengthen enforcement, legal coherence, proactive publication, and whistleblower protection.¹⁶ The following are the key recommendations:

- **Recommendation 1** proposes enforceable RTI compliance mechanisms, including sanctions, reporting duties, and practical tools for oversight bodies.
- **Recommendation 2** calls for systematic harmonisation of RTI with secrecy, privacy, and security laws to ensure that maximum disclosure prevails.

- **Recommendation 3** focuses on embedding proactive publication and usable transparency in high-risk sectors, supported by records management reform and inclusive access strategies.
- **Recommendation 4** addresses whistleblower protection and support ecosystems as indispensable to the functioning of RTI laws as an anti-corruption instrument.

2. POLICY RECOMMENDATIONS

RECOMMENDATION 1: ENFORCEABLE RTI COMPLIANCE AND CONSEQUENCES

National legislatures should review and, where necessary, amend RTI statutes and associated laws to ensure that sanctions for wilful non-compliance are clear, proportionate, and enforceable, and that oversight institutions have effective remedial powers and operational tools.

KEY ACTORS

- In South Africa, the Promotion of Access to Information Act 2 of 2000 already provides for certain criminal sanctions for wilful or grossly negligent non-compliance, and the Information Regulator has complaint-handling and enforcement-notice powers under the Act, allowing it to refer criminal complaints to the South African Police Service (SAPS) for non-compliance.¹⁷¹⁸ However, criminal complaints and litigation are slow to resolve, and unlike the Protection of Personal Information Act 4 of 2013, the Promotion of Access

to Information Act 2 of 2000 does not provide a routine administrative monetary penalty regime through fines.¹⁹ Parliament should therefore consider whether this RTI law should be amended to allow the Regulator to impose proportionate administrative fines in clearly defined cases of repeated or wilful non-compliance, alongside existing enforcement notices and criminal sanctions, for quicker accountability. Such a framework may include clear criteria for determining fines, explicit authority for the Regulator to impose fines, and powers to publicise sanctions in cases of wilful or repeated non-compliance. The Regulator should also issue guidance and develop reporting and compliance tools to support more consistent enforcement across public and private bodies.²⁰

- In Zambia, the Access to Information Act No. 24 of 2023 already provides for regulations, guidelines, and oversight by the Human Rights Commission (HRC), which is designated as the oversight body and appeal forum under the Act.²¹ The immediate priority is therefore not to invent a new oversight architecture, but to ensure that the existing framework is fully operational through detailed guidelines, rules governing appeals, administrative procedures, reporting requirements, case-management systems, and adequate staffing.²² The Act's sanctions for wilful obstruction should be supported by practical mechanisms that enable the HRC to monitor compliance and enforce the law systematically. If experience shows that the Commission's remedial powers are too weak in practice, Parliament should consider clarifying the enforceability of the Commission's decisions and strengthening follow-up mechanisms.

Other key actors should also take targeted actions to support reform.

- Legislatures should monitor implementation, review laws, and ensure that necessary amendments are promptly drafted, debated, and enacted. Supreme Audit Institutions (SAIs) should review agency compliance, assess records-management systems, and flag systemic governance gaps in their annual reports. In South Africa, existing entities, such as the Public Protector, Auditor-General, Special Investigating Unit and Information Regulator, should investigate maladministration and corruption linked to persistent non-compliance with RTI and publish their findings and corrective recommendations. Similarly, in Zambia, the Anti-Corruption Commission (ACC) and corresponding oversight bodies elsewhere should intervene when obstruction of RTI overlaps with concealment of corruption or abuse of office. Development partners should provide technical and financial support for training information officers, developing standard operating procedures, establishing digital request-tracking systems, and producing annual compliance-reporting templates.

EVIDENCE BASE: CURRENT STATUS VERSUS DESIRED STATUS

- South Africa's system illustrates a high level of legal sophistication, but weak enforcement undermines it, showing that strong laws alone do not guarantee effective transparency. The Information Regulator's 2023–2024 annual report noted that only 278 of 853 public bodies submitted mandatory annual reports, resulting in an overall compliance rate of about 33 per cent.²³ This low reporting

rate is concerning because Section 32 reporting is one of the main tools for monitoring how public bodies process access-to-information requests. The same annual report also recorded 340 complaints, including 214 against public bodies and 126 against private bodies, suggesting that access failures continue to arise in practice.²⁴ This pattern indicates that non-compliance still continues, potentially due to limited institutional cost.

- Although the Promotion of Access to Information Act 2 of 2000 empowers courts to order disclosure, litigation is slow and expensive. The absence of routine administrative monetary sanctions under the Act means that defaulting officials and institutions rarely face immediate consequences.^{25 26} Furthermore, oversight bodies publish findings online, but follow-up is often uneven and not consistently accompanied by strong remedial action.
- Zambia is at a different stage. The Access to Information Act No. 24 of 2023 provides mandatory timeframes, proactive disclosure duties, an appeal role for the Human Rights Commission (HRC), and sanctions for wilful obstruction. In 2025, Zambia also adopted RTI guidelines and general regulations to support implementation.²⁷ The challenge is therefore less the absence of a legal framework than the fact that implementation remains in its early stages and still depends on adequate staffing, records management systems, procedural clarity, and institutional backing. If these operational conditions are not met, the Act's safeguards, including the offence of wilful obstruction, may remain underused in practice.²⁸

- The desired status is a regime in which failure to submit RTI reports, unjustified refusals, or chronic delays predictably trigger enforcement action, including public naming, administrative penalties, and, where necessary, criminal prosecution.

BENEFITS, TRENDS, AND OPPORTUNITIES

- Effective sanctions offer at least three key benefits. First, they strengthen bureaucratic incentives by making non-compliance riskier than compliance. Second, they reinforce RTI's status as a mandatory obligation rather than a discretionary courtesy. Third, they give reform-minded officials the authority and leverage to hold peers accountable who might otherwise treat transparency as optional.
- Regional trends offer an important opportunity. Laws such as South Africa's Protection of Personal Information Act and other data protection frameworks already recognise both criminal penalties and administrative fines as legitimate means of safeguarding information rights.²⁹ Aligning RTI enforcement with these models can reduce political resistance by framing transparency obligations as equally important to secrecy and privacy protections. Both South Africa's and Zambia's RTI laws criminalise obstruction of access to information requests, demonstrating that violations of RTI duties constitute serious governance failures rather than minor procedural oversights.³⁰

FEASIBILITY AND RISKS

- Legally, the reforms are relatively straightforward, since they involve

amendments to existing statutes and clarification of oversight mandates. Institutionally, feasibility depends on resourcing oversight bodies, developing investigative and case-management capacity, and protecting them from political interference.

- Risks include political pushback from actors who benefit from secrecy and the possibility of institutional overload if new sanctions are introduced without adequate capacity. Mitigation requires a phased implementation, beginning with high-risk sectors and major departments, accompanied by clear performance indicators. Oversight bodies should publish annual transparency scorecards that compare institutional compliance and table these findings before Parliament to strengthen reputational pressure and legislative scrutiny.

POLICY RECOMMENDATION 2: HARMONISING RTI WITH SECRECY, PRIVACY, AND SECURITY LAWS

States should conduct systematic legal reviews, led by justice ministries and law reform commissions, to identify and amend or repeal provisions in secrecy, security, and privacy legislation that conflict with RTI obligations.

- States should establish clear interpretive rules that make maximum disclosure the default, allow exceptions only where there is a clearly demonstrable risk of real harm, and ensure that public-interest considerations always take precedence wherever disclosure would reveal corruption, maladministration, or other serious wrongdoing.³¹ This approach would provide officials and courts with a consistent framework,

reduce uncertainty, and reinforce the principle that transparency is the norm while secrecy remains strictly limited.

KEY ACTORS

- In South Africa, Parliament should enact legislative amendments to further harmonise the Promotion of Access to Information Act 2 of 2000, Protection of Personal Information Act 4 of 2013, and other secrecy legislation. The Information Regulator should issue authoritative interpretive guidance clarifying that the Protection of Personal Information Act must generally be accommodated through anonymisation, aggregation, redaction, and partial disclosure rather than by refusing access. These laws should be read together to create a presumption that non-identifiable or aggregate data are disclosable, and procurement confidentiality under the Public Procurement Act should be limited to information that clearly falls within the Promotion of Access to Information Act refusal grounds.³²
- In Zambia, a legal audit should identify all provisions of the State Security Act 36 of 1969 and related statutes that allow broad classification or criminalise disclosure of information that should be accessible under the Access to Information Act No. 24 of 2023. Those provisions should be amended or repealed, and the RTI law should be given explicit primacy in cases of conflict, subject to narrowly framed national security exemptions that are themselves subject to a public-interest test.³³
- Key actors, including justice ministries and law reform commissions, should lead legal audits, draft amendments,

and coordinate cross-sector harmonisation. Parliamentary bodies must review, debate, and enact necessary amendments, and monitor compliance and implementation. Security-sector institutions should review their classification practices and ensure compliance with harmonised RTI obligations, while the appointed Information Regulator should issue interpretive guidance, oversee enforcement, and provide training for officials. In conjunction with the Information Regulator, and premised on Section 32 of the Constitution, the Human Rights Commission plays a role in monitoring compliance, handling complaints, and promoting public awareness of RTI laws. Regional bodies and development partners can offer comparative best practices, technical support in drafting legislation, and capacity building to support effective implementation. A useful example in Africa is Kenya, where the Access to Information Act 2016 expressly amended Section 3 of the Official Secrets Act so that it applies subject to Article 35 of the Constitution and the law relating to access to information, thereby clarifying the primacy of RTI norms over secrecy claims.³⁴

EVIDENCE BASE: LEGAL CONFLICTS AS BUREAUCRATIC SHIELDS

- In South Africa, the unresolved interface between the Promotion of Access to Information Act 2 of 2000 and the Protection of Personal Information Act 4 of 2013 has contributed to a practical shield against disclosure.³⁵ Public bodies routinely claim that RTI requests cannot be fulfilled because records contain personal information, even where

partial disclosure through redaction or aggregation would satisfy both privacy and transparency obligations. Courts have not yet articulated a clear, general framework for balancing these laws across routine access disputes, leaving officials room to adopt risk-averse interpretations that prioritise secrecy over disclosure.

- In Zambia, the Access to Information Act No. 24 of 2023 is designed to enhance transparency, but its implementation may still be constrained by older secrecy laws drafted in a different constitutional and political context. The State Security Act 36 of 1969 confers broad secrecy protections and criminalises the disclosure of certain categories of state information.³⁶ Without explicit harmonisation, officials may default to the older statute, especially in politically sensitive sectors such as security, mining, and telecommunications. These conflicts do not arise from a deliberate legislative intent to nullify RTI, but from incremental law-making across different eras. The risk, however, is that the cumulative effect is to give officials multiple (and often misguided) legal justifications for refusing legitimate requests.

BENEFITS, TRENDS, AND OPPORTUNITIES

- Harmonisation of laws would have several benefits. It would make it easier for officials to comply with legal obligations by reducing conflicting rules. It would also help courts and oversight bodies create consistent guidance in which maximum disclosure and the public interest are the default starting points. Clear rules could ensure that privacy and security concerns are

handled in the least restrictive way, through measures such as redacting sensitive information, limiting the duration of classification, and allowing independent review of secrecy decisions, so that secrecy becomes the exception, not the norm. Regionally, the African Model Law on Access to Information and the Declaration of Principles already offer an authoritative template for such harmonisation.³⁷ Aligning domestic frameworks with these instruments would strengthen States' compliance with the African Union Convention on Preventing and Combating Corruption (AUCPCC) and Southern African Development Community (SADC) obligations and facilitate peer learning.³⁸ The current spread of RTI legislation across SADC creates a window of opportunity for harmonisation before restrictive administrative practices become entrenched.

FEASIBILITY AND RISKS

- Legislative amendment is legally and technically feasible, but politically sensitive, particularly where security institutions resist external scrutiny. Reform packages should emphasise that legitimate security and privacy concerns remain protected, but that indiscriminate classification and blanket refusals are incompatible with constitutional and treaty obligations.³⁹
- Risks include pushback from security agencies and the possibility that harmonisation remains superficial, with vague language that does not sufficiently constrain discretion. Mitigation requires detailed drafting, including precise definitions of national

security interests, explicit time limits for classification, clear public-interest override provisions, and mandatory independent review mechanisms. Civil society and academic actors should be involved in consultations to ensure that reforms are not hollowed out during the legislative process.

POLICY RECOMMENDATION 3: PROACTIVE PUBLICATION AND USABLE TRANSPARENCY IN HIGH- RISK SECTORS

Governments should institutionalise regular and proactive publication of key data and documents in high-risk sectors, supported by robust records management, open-data standards, and inclusive dissemination strategies that improve accessibility for marginalised communities.⁴⁰

- In both South Africa and Zambia, this should include mandatory online publication of budgets, procurement plans, tender notices, bid evaluations, awarded contracts, contract amendments, beneficial ownership information, audit reports, RTI statistics, and asset declaration summaries, alongside accessible non-digital channels such as community radio, local newspapers, noticeboards, libraries, local government offices, and community meetings.⁴¹ Certain government sectors and functions are especially vulnerable to corruption because they combine large financial flows, high administrative discretion, politically sensitive decisions, and complex contracting chains. This includes public procurement, which is widely recognised as one of the

government functions most vulnerable to corruption, while health sector financing and purchasing, and extractive-sector licensing and contracting also present heightened corruption risks.

KEY ACTORS

- Key actors include line ministries (finance, health, public infrastructure enterprises and natural resources), procurement authorities, Supreme Audit Institutions (SAIs), Information Regulators, local government structures, civil society organisations, and development partners. Line ministries should routinely publish sector budgets, project pipelines, procurement plans, and implementation updates in open and standardised formats. Procurement Authorities should disclose tender notices, bid evaluations, awarded contracts, contract amendments, and beneficial ownership information in line with open contracting principles and international anti-money laundering standards.
- Supreme Audit Institutions should ensure the timely publication of audit reports and follow-up actions. At the same time, Information Regulators should monitor compliance with proactive disclosure obligations and publish RTI performance statistics. Local governments should expand access through offline channels such as noticeboards, community meetings, libraries, and local radio to reach communities with limited digital access. Civil society and investigative media can strengthen oversight by analysing published data and facilitating community engagement. Development partners should support these efforts

through investments in digital infrastructure, records management systems, open-data platforms, and civic technology. These reforms should also be supported by centralised digital portals and simplified request-tracking systems that make information easier to access, follow, and use in practice

EVIDENCE BASE: CURRENT PRACTICE AND ITS LIMITATIONS

- Current practice in South Africa and Zambia remains heavily reactive. Individuals or organisations must submit RTI requests for records that could and should be routinely available. This request-driven model is particularly constraining for marginalised communities that lack resources, knowledge, technology or trust to engage with the bureaucratic system.
- The most corruption-prone sectors illustrate the cost of reactive transparency. In South Africa, public procurement has been a major area of corruption risk, as illustrated by the Judicial Commission of Inquiry into State Capture's findings on procurement vulnerabilities, with as much as R57 billion in state spending tainted by state capture-linked corruption.⁴² Corruption has also been particularly costly in health and infrastructure, as demonstrated by the Special Investigating Unit's findings on unlawful COVID-19 PPE procurement to the value of R14.8 billion.⁴³ While the Public Procurement Act 28 of 2024 creates a framework for future procurement reform, its provisions are not yet in force, and current procurement transparency remains uneven in practice.⁴⁴
- In Zambia, the e-Government

Procurement system is a significant step towards leveraging technology for greater procurement transparency, including the online publication of procurement plans, notices, tenders, and related information.⁴⁵ However, local-level procurement decisions and broader implementation quality remain uneven, especially where digital access and institutional capacity are lacking.

- Natural resource management, including mining and forestry, remains particularly opaque in both countries, with limited disclosure of contracts, environmental obligations, beneficial ownership and revenue flows. Additionally, oversight bodies may publish reports online without active dissemination, meaning that documents are technically public but do not reliably reach the communities, journalists, or civic actors most able to use them for accountability. Zambia has begun to address the lack of transparency in this sector through the launch of the Zambia Mining Information System (ZIMIS) in February 2025, aimed at enhancing transparency in licensing and ownership. However, the rollout of the system was plagued by technical failures, leading to its shutdown. Although it was restored in June 2025, uptake has been slow, with many mining companies yet to disclose their beneficial ownership.⁴⁶

BENEFITS, TRENDS, AND OPPORTUNITIES

- Proactive disclosure reduces transaction costs for both the State and requesters. When records are routinely available in formats accessible to all sectors of society, the number of individual RTI requests declines, and the

administrative burden of processing them decreases. For anti-corruption purposes, proactive publication of procurement and budget data enables real-time or near-real-time monitoring, which is more effective than retrospective scrutiny.⁴⁷

- Proactive transparency also facilitates the work of journalists, researchers, and civil society organisations, which can analyse datasets for suspicious patterns, such as concentration of contracts among politically connected firms or unexplained cost escalations. Citizen-friendly versions of complex documents can expand public understanding of public finance and service delivery, thereby strengthening political accountability.
- Technological trends favour such approaches. Open data standards, interoperability frameworks, and relatively low-cost digital tools enable governments to publish information in usable formats. Donor-funded initiatives can support capacity building and infrastructure investment, particularly in rural areas.

FEASIBILITY AND RISKS

- Proactive transparency requires investment in records management systems, digital infrastructure, staff training, and records digitisation. These investments may initially be perceived as costs, but they should be framed as governance assets that improve efficiency and reduce corruption-related losses.
- Risks include producing data that are technically public but practically unusable because they are incomplete, outdated, published in non-machine-readable formats or only available at a

cost to the user. There is also a risk that digital-only strategies will deepen the exclusion of marginalised communities. Mitigation requires legally mandated open-data formats, publication schedules, quality standards, and explicit requirements for parallel non-digital dissemination. Civil society and independent technologists can assist in designing user-friendly portals and formats.

POLICY RECOMMENDATION 4: WHISTLEBLOWER PROTECTION AND SUPPORT ECOSYSTEMS

States should build comprehensive whistleblower protection and support ecosystems that combine strong legal safeguards with practical operational measures, including confidential reporting channels, psychosocial support, relocation assistance, legal advice, and, where necessary, integration with witness-protection arrangements.

KEY ACTORS

- In South Africa, this requires reform of the Protected Disclosures Act 26 of 2000 to expand coverage, strengthen remedies, criminalise retaliation, and align whistleblower protections with the broader witness-protection framework.⁴⁸ Dedicated whistleblower support units should be established within or alongside the Information Regulator, the Public Protector, or a specialised independent body. The support units should also provide interim financial and psychological assistance where appropriate. Public and private institutions should, where possible, go beyond minimum statutory

protections by adopting internal safeguards tailored to their operational context. The Protected Disclosures Act 26 of 2000 already protects workers against occupational detriment, but remains largely a labour-law remedy and does not, on its own, provide a full whistleblower ecosystem.

- In Zambia, the Public Interest Disclosure (Protection of Whistleblowers) Act 2010 should be amended to make explicit that disclosures are protected where the reporting person acted in good faith and had reasonable grounds to believe the information disclosed was true at the time of reporting, even if some allegations are later found not to be substantiated.⁴⁹ The law should also narrow offences relating to frivolous or false reporting so that they cannot be weaponised against genuine whistleblowers, which currently acts as a significant deterrent to those wishing to report wrongdoing. Practical support services must be institutionalised, not left to ad hoc donor-funded projects.
- Relevant actors include justice ministries, labour and public service ministries, oversight bodies, law enforcement agencies, witness protection programmes, trade unions, professional associations, and civil society organisations with expertise in psychosocial support and legal aid.

EVIDENCE BASE: CENTRALITY AND VULNERABILITY OF WHISTLEBLOWERS

- Whistleblowers are often the only source of inside information necessary to expose complex corruption schemes, particularly in procurement and decentralised service delivery. However, regional experience shows that they

face severe retaliation, including a number of assassinations of public officials who reported procurement irregularities, illustrating the extreme risks that whistleblowers may face and the failure of current mechanisms to provide timely protection.⁵⁰ Other whistleblowers have reported dismissal, harassment, blacklisting, and psychological harm. In Zambia, the formal legal framework provides meaningful protections on paper, but penalties for disclosures deemed frivolous, together with underdeveloped support services, may still create a suppressive effect.⁵¹ Officials may rationally decide that remaining silent is safer than reporting, even where they are aware of serious wrongdoing.

- Without credible protection, RTI regimes lose a crucial enforcement mechanism.

BENEFITS, TRENDS, AND OPPORTUNITIES

- Strengthening whistleblower protection has several benefits. It increases the likelihood that corruption will be detected, deters corrupt actors who fear exposure, and signals institutional commitment to integrity. It also supports the psychological and physical well-being of individuals who perform a public service at significant personal risk.
- Comparative international best practice, as reflected in instruments such as the Council of Europe's Recommendation CM/Rec(2014)7 and Directive (EU) 2019/1937, supports broad coverage, accessible reporting channels, the reversal of the burden of proof in retaliation cases, and comprehensive remedies, including reinstatement,

compensation, and protection of identity.⁵²

- Aligning domestic frameworks with these emerging standards would enhance compliance with regional and international anti-corruption obligations and improve public trust.

FEASIBILITY AND RISKS

- Legal reform is feasible but politically and fiscally sensitive. Comprehensive protection and support programmes require sustained funding, specialised staff, and coordination between oversight bodies, law enforcement, and security agencies. There is a risk that under-resourced programmes will create an illusion of protection without delivering real safety, thereby exposing whistleblowers to increased danger.
- Mitigation requires realistic budgeting and phased implementation, concentrating first on high-risk sectors such as health, procurement and public finance. Partnerships with civil society organisations experienced in witness support and trauma counselling can supplement state capacity. Furthermore, public campaigns reframing whistleblowing as a legitimate public service can counteract stigma and encourage use of protected channels.

South Africa demonstrates that even sophisticated legal and institutional architecture can falter without enforcement, harmonisation, and a culture of openness. On the other hand, Zambia shows that political reform momentum can establish promising frameworks, but that these may nevertheless falter if legal conflicts, capacity deficits, and political vulnerabilities are not addressed.

Taken together, the four recommendations articulated in this policy brief specify a pathway from formal transparency to enforceable, participatory accountability. Enforceable compliance mechanisms recalibrate bureaucratic incentives, while harmonisation with secrecy, privacy, and security laws closes doctrinal escape routes. Furthermore, proactive publication and usable transparency embed openness in routine governance, particularly in corruption-prone sectors. It has also been articulated that whistleblower protection and support ecosystems ensure that information about wrongdoing reaches institutions capable of acting on it. If implemented, these reforms would not only reduce opportunities for corruption but would also deepen democratic participation, improve service delivery, and strengthen public trust in state institutions across Southern Africa.

3. CONCLUSION

The comparative experience of South Africa and Zambia confirms that RTI's anti-corruption potential is not realised by legislation alone.

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<https://tizambia.org.zm>



info@tizambia.org.zm



+260 211 293 649
+260 973 683 431
+260 955 504 535



128 Mufufuma Road,
Jesmondine, Lusaka,
Zambia