



CONCEPT NOTE

STAKEHOLDER ENGAGEMENT AND CAPACITY BUILDING ON THE STATE OF INTERNET FREEDOM IN ZAMBIA

December 4-5, 2018

Venue: Intercontinental Hotel, Lusaka

BACKGROUND

Zambia has witnessed growth in the use of mobile phones, the internet, and other forms of Information and Communication Technologies (ICT), which have acted as enablers for citizens to advance their right to freedom of expression and access to information. As at the end of the first quarter of 2018, there were a reported 13.4 million mobile subscriptions and 7.9 million internet users.¹

Though internet use is on the rise with citizens and civil society organisations (CSOs) venturing into digital activism to demand for good governance, majority of Zambians remain without access to the internet, especially those in rural areas, due to the high costs of access and low literacy levels.²

With the rise in the numbers of netizens enjoying freedom of expression and access to information, there has been corresponding rising interest by the Zambia government in citizens' online activities. Cases of banning and blocking of websites critical of the state, internet disruptions, intimidation and arrest of journalists, online human rights activists and activists have been recorded.

During the August 2016 election period, the government was suspected of causing internet disruptions in opposition strongholds.³ In April 2017, opposition leader Chilufya Tayali was arrested and charged for libel over a post on Facebook critical of the police following the arrest of another opposition leader - Hakainde Hichilema.^{4 5} In January 2018, a medical doctor was sentenced to three years imprisonment for defaming the president on Facebook.⁶

¹ ZICTA, <http://onlinesystems.zicta.zm:8585/statsfinal/index.html>

² https://cipesa.org/?wpfb_dl=244

³ Zambian government suspected of causing internet shutdown following outage in opposition strongholds <https://bit.ly/2Q6laLt>

⁴ Zambia opposition leader Hakainde Hichilema released <https://www.bbc.com/news/world-africa-40945825>

⁵ Zambian opposition leader arrested over 'libelous' Facebook post <https://bit.ly/2xyuctG>

⁶ Mongu Doctor jailed for three years for insulting President Lungu on Facebook <https://bit.ly/2xMwSTJ>

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In December 2017, the government announced that it would introduce new laws to curb social media “abuse”.^{7 8} The government cited proliferation of cybercrimes, pornography, identity theft, hate speech, insults, and fraud as justifications for the prospective new laws. Efforts by civil society to engage on developing the proposed legislation were thwarted as the government continues to draft the legislation in a closed and non-participatory manner.

More recently in August 2018, the government of Zambia introduced a daily levy of 30 Ngwee (USD 0.03) on internet voice calls. In a [press statement](#) issued after a cabinet meeting on August 12, 2018, the government spokesperson said internet calls through platforms such as Viber, WhatsApp and Skype “threaten the telecommunications industry and jobs” in licensed telecom companies such as Zamtel, Airtel and MTN.

Accordingly, the cabinet approved the issuance of a Statutory Instrument to “facilitate the introduction of the tariff to be charged through mobile phone operators and internet providers.” In justifying the introduction of the levy, the government spokesperson cited research which showed that “80 percent of the citizens are using WhatsApp, skype, and Viber to make phone calls.”

At the time, the Zambian cabinet also approved the introduction of the Cyber Security and Cyber Crimes Bill that will repeal and amend provisions of the Electronic Communications and Transactions Act No. 21 of 2009. The bill will purportedly “promote an increased cybersecurity posture, facilitate intelligence gathering, investigation, prosecution and judicial processes in respect of preventing and addressing cybercrimes, cyber terrorism and cyber warfare.”

Meanwhile, the mandatory SIM card registration for all phone users, which started in 2012, is also viewed with suspicion as information and data collected from this exercise may be used by the government to undermine citizens’ rights given the absence of a comprehensive law on privacy and data protection.⁹

In view of the prevailing context, there is need for action to inform stakeholder input/engagement on proposed bills and existing legislation, as well as advocacy and sensitisation activities on human rights online.

OBJECTIVES

⁷ Mushimba explains 5 social media bills <https://bit.ly/2ld0b6V>

⁸ Kampyongo warns of stern action against individuals abusing social media <https://bit.ly/2pxWfFd>

⁹ https://cipesa.org/?wpfb_dl=244

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CIPESA will hold a two days engagement and capacity building workshop in partnership with **Bloggers of Zambia, Zambia Police Service** and **Revolt for Her** aimed at:

- Increasing awareness and understanding among stakeholders of the policy and practice environment around access and use of the internet to uphold human rights in Zambia.
- Strengthening the capacity of CSOs, media and activists to engage in advocacy for progressive cyber laws in Zambia.
- Strengthening the capacity of specialised law enforcement units in the Zambia Police Service in internet freedom.

EXPECTED OUTCOMES

- Informed stakeholder debate and participation in policy processes to safeguard citizens' rights online.
- Wider understanding by state and non-state actors of the Zambia internet policy environment vis a vis constitutional rights.

TARGET BENEFICIARIES

Up to 30 participants representing:

- Law enforcement officials
- Ministry of Transport and Communications
- Ministry of Justice
- Ministry of Information and Broadcasting Services
- Smart Zambia Secretariat
- Zambia Information Communication and Technology Agency
- Media – bloggers, social media enthusiasts, journalists, etc.
- Activists and human rights defenders
- Private sector/ Business community

OUTPUTS

Knowledge and skills building sessions with relevant actors

Feature stories (news/radio/television)

Stakeholder advocacy and action plans

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AGENDA

Day 1	
<i>Time</i>	<i>Session</i>
8.30-8.45	Arrival and registration of participants
8.45-9.00	Welcome and opening remarks
9.00-9.45	Overview of ICT, Human Rights and Democracy Ashnah Kalemera, CIPESA
9.45-10.30	The state of internet freedom in Zambia – case studies on free speech/media freedom, access and affordability, privacy and data protection Susan Mwape, Zambian Bloggers Network (ZBN)
10.30-10.45	Q&A
10.45-11.00	Tea break
11.00-11.45	<i>Fighting cybercrime while upholding free expression and privacy</i> This session will explore human rights implications in law enforcement, with a focus on cyber security and cyber crime legislation Zambia Police Service: Michael Ilishebo (Cyber Security Department), Chipo Kaitisha (Communications), Rae Hamoonga (Spokesperson) Moderator: Johan Buyoya, Diamon TV
11.45-12.00	Q&A
12.00-12.45	<i>Panel: The impact of VOIP Tax on Access, Innovation and Affordability</i> Dialogue on the impact of the proposed taxes on inclusion, the knowledge society and

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	<p>economic, social and political rights</p> <p><i>Simunza Muyangana, Bongo Hive Ethel Mbewe, Asikina Network Peter Mwanangombe, Bloggers of Zambia Ashnah Kalemera (Moderator)</i></p>
12.45-13.00	Q&A
13.00-14.00	Lunch
14.00-14.45	<p><i>Introduction to policy advocacy – issue mapping, avenues/approaches</i></p> <p>This session will explore how human rights organisations, social media enthusiasts, media and other actors can get involved in advocating for a free, open and secure internet by integrating internet freedom advocacy within existing work/programmes</p> <p><i>Ashnah Kalemera, CIPESA</i></p>
14.45-15.30	<p><i>Group session A</i></p> <p><i>Group 1: Developing an internet freedom advocacy strategy</i></p> <p>Participants will begin work to develop strategies to overcome/change identified/existing internet freedom challenges through influencing policy, attitudes, behaviours, perceptions, practices and demanding transparency and accountability</p> <p><i>Facilitator: Bloggers of Zambia</i></p> <p><i>Group 2: Developing action plans for cyber law enforcement</i></p> <p>Participants will begin work to develop action plans for ensuring a secure and inclusive cyberspace</p> <p><i>Facilitator: Zambia Police Service</i></p>
15.30-16.00	Tea break
16.00-16:45	<p><i>Panel: Understanding gender-based violence online</i></p> <p>This session will aim to help participants understand gender in general and gender in the context of its dynamics in the internet ecosystem. Participants will work together to identify the challenges and opportunities online platforms present and unpack the policies, practices and proportionality of gender based violence online. The session will propose practical ways to challenge, combat, prevent and counter dominant cultural narratives and stereotypes based on gender in Zambia.</p>

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	<i>Linda Kasonde, Lawyer Whitney Mulobela, NGOCC Situmbeko Wambulawae, Feminist Martha Chilongoshi, Revolt for Her (Moderator)</i>
16:45-17:00	Q&A
17.00-17.15	Recap and close of day 1
Day 2	
8.30-8.45	Arrival and registration
8.45-9.00	Quiz
9.00-9.45	Proposed Internet Regulations and how they will uphold privacy, data protection and freedom of Expression ZICTA
9.45-10.00	Q&A
10.00-11.00	<i>Creativity for Internet Freedom</i> Understanding visualisation, documentation and story telling for effective communication and advocacy work <i>Ngosa Chungu</i>
11.00-11.30	Tea break
11.30-13.00	<i>Group session B</i> Finalisation of advocacy strategies and cyber law enforcement action plans
13.00-14.00	Lunch
14.00-15.00	Group presentations and feedback
15.00-15.30	Certificates and closing

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