

ZAMBIA 2005

AFRICAN MEDIA BAROMETER ZAMBIA

Sector 1: Freedom of expression, including freedom of the media, are effectively protected and promoted.

1.1 *Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.*

ANALYSIS:

Freedom of expression is enshrined and broadly protected in the Republican Constitution under Article 20 (1). Article 20 (2) guarantees freedom of the press. It states: "...no law shall make any provision that derogates from freedom of the press." However, the guarantee of media freedom in the constitution is conditional. Article 20 (3) states that laws restricting freedom of expression may be passed if they are – among others - "reasonably required in the interests of defense, public safety, public order, public morality or public health". It is up to the powers-that-be to define these broad interests at any given time. Laws restricting freedom of the media are also permitted if they are "required for the purpose of protection, rights and freedoms of other persons ...". Thus, the right to protect the reputation of an individual overrides freedom of the media.

SCORES:

Individual scores: 2, 2, 2, 2, 2, 2, 2, 2, 2

Average score: 2

1.2 *The right to freedom of expression is enforced and citizens, including journalists, are not prejudiced when using this right.*

ANALYSIS:

Enforcement of the right to freedom of expression presupposes an enlightened citizenry with the inclination to demand and exercise it, and a certain level of sophistication and financial means if it is to be realised through litigation. Citizens can only fully enjoy this right if they have access to information. In Zambia the majority of people have no such access which would enable them to fully exercise their right to freedom of expression.

Tolerance of freedom of expression by the state depends on who is exercising it. The state will tolerate critical statements from people without influence but react in a heavy-handed manner if those making the criticism happen to command power and influence in society. For example, *Radio Phoenix* was shut down after airing a programme where callers questioned the capability of the ruling party's then presidential candidate Levy Mwanawasa, now the republican president.

Prejudice is evident in the case of the public media where top managers, who are state appointees eager to protect their jobs, often "doctor" or stifle stories critical of government, in contrast with their juniors who genuinely desire to work professionally.

The community media appear to be making healthy progress in this regard, attracting audiences away from mainstream media. But they, too, are becoming objects of intimidation and harassment by the government. A case in point was the government's threat to withdraw the licence of *Radio Icengelo* when it featured opposition politician Michael Sata, a harsh critic of the ruling party and the government.

SCORES:

Individual scores: 3, 2, 3, 2, 3, 2, 2, 2, 2

Average score: **2.3**

- 1.3 *There are no laws restricting freedom of expression, such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.*

ANALYSIS:

Freedom of expression and media practice are severely inhibited by restrictive laws, some of which have been in existence since 1911. The Penal Code, Cap 87 of the Laws of Zambia, is one piece of legislation with various provisions imposing restraints on media practice. In force since 1930, it empowers the President to ban publications deemed to be against the public interest (Section 53), criminalises publication of "false news with intent to cause fear and alarm to the public" (Section 67). The Penal Code and its law on sedition and related practices proscribe public debate on issues and publication of information deemed likely to arouse popular disaffection against the state. Section 177 (1) of the Penal Code criminalises obscenity (imprisonment up to five years) without defining what constitutes obscene matter. Section 4 of the State Security Act makes it an offence (punishable with up to 25 years imprisonment) to retain or communicate to other persons any information obtained as a result of one's present or former employment with government. Sections 57 (1) and 60 (1) of the Penal Code prohibit sedition (jail term of seven years) and exactly define "seditious intention" among others as "intention ... to excite disaffection against the government" or "to raise discontent or disaffection among

the people of Zambia”.

Section 69 of the Penal Code deals with defamation of the president and provides that “any person who, with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter ... is guilty of an offence and is liable on conviction to imprisonment for up to three years”, without the option of a fine.

Parliament enjoys special ‘protection’ under Section 19 of the National Assembly Act. To “show disrespect in speech or manner towards the Speaker” or to “commit any other act of intentional disrespect with reference to the proceedings of the Assembly” is an offence liable to a fine or to imprisonment with or without hard labour for a period not exceeding three months.

The broadcasting law and the Communications Act permit the termination of a broadcast deemed inimical to state security.

These restrictive laws are increasingly – and successfully – being challenged in the courts.

SCORES:

Individual scores: 2, 1, 1, 1, 2, 1, 1, 1, 2

Average score: **1.3**

1.4 *Entry into and practice of the journalistic profession is unrestricted.*

ANALYSIS:

There are no restrictions to entry into and practice of the journalistic profession. An attempt to introduce compulsory registration through a statutory Media Council by way of a Media Council Bill in 1997 was thrown out by the High Court of Zambia.

SCORES:

Individual scores: 4, 5, 5, 5, 5, 4, 4, 4, 5

Average score: **4.6**

1.5 *Protection of confidential sources of information is guaranteed by law.*

ANALYSIS:

There is no law in Zambia to protect confidential sources of information (or whistleblowers). The absence of such a law undermines mutual confidence between journalists and their sources and thus freedom of expression as it inhibits sources from disclosing information for fear of being named.

The Prohibition and Prevention of Money Laundering Act of 2001 imposes an obligation on anyone reasonably expected to know that someone is involved in money laundering to report such person to the authorities. This obligation extends to a journalist who acquires

such knowledge in the course of story sourcing and, in effect, undermines the principle of source confidentiality.

The media fraternity has made a submission to the Constitution Review Commission for the legal protection of sources.

SCORES:

Individual scores: 1, 1, 1, 1, 2, 1, 2, 1, 1

Average score: **1.2**

1.6 *Public information is easily accessible, guaranteed by law, to all citizens, including journalists.*

ANALYSIS:

Zambia has not yet enacted a freedom of information law. What is still in effect is the State Security Act which prohibits disclosure of government-held information. As a result government operations are, for the most part, shrouded in secrecy. Access to government-held information is not seen as a right but as a privilege. Government's policy is still based on the principle of need-to-know. Unorthodox means of information gathering put journalists in danger of violating the law: an impediment to investigative journalism. A Freedom of Information Bill was tabled in parliament but later withdrawn by government in December 2001 citing the events of 9/11 as a reason and promising further consultations.

A campaign is under way by the media fraternity and civil society to force the government to re-introduce the bill for enactment by parliament.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1**

1.7 *Civil society in general and media lobby groups actively advance the cause of media freedom.*

ANALYSIS:

Civil society efforts have played a major role in the achievements made so far in advancing the cause of media freedom. The government's tabling of the Independent

Broadcasting Authority (IBA) and the Zambia National Broadcasting Corporation (Amendment) Acts was largely instigated by civil society. The government was prompted to introduce the two bills to avoid being upstaged by civil society who had planned to table them before parliament through private members' motions. In these – and previous – attempts to reform media legislation the government has always been a reluctant actor at best, and was more of a hindrance than a driving force.

The civil society-media partnership, however, is not completely harmonious. In the media's view, civil society seeks partnership as a way of promoting its own pointed and often partisan agendas. On its part, civil society resents what it perceives as the media's selfish quest for special privileges which would, in effect, make it a class above others. As civil society sees it, the media agenda has been compressed to emphasise only media interests to the exclusion of those of civil society and the public in general.

Media lobby groups have not done sufficient work in launching sustained campaigns. There has been talk about media reform since 1992. Now the media fraternity is too preoccupied with the implementation of the two broadcasting acts and unwilling or unable to test other waters such as the necessary repeal of oppressive security and other laws.

Clearly, there is need for focused co-ordination, collaboration and closer linkages between civil society and the media on issues of common concern.

SCORES:

Individual scores: 3, 5, 4, 4, 3, 3, 4, 4, 5

Average score: **3.9**

Overall score for sector 1:

2.3

Sector 2: The media landscape is characterised by diversity, independence and sustainability.

2.1 *A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.*

ANALYSIS:

There is a wide range of information sources available: print, broadcast, and the internet. But there is a problem with distribution and affordability. Major strides have been made in the area of broadcasting which has seen the mushrooming of radio stations in recent years. Radio is by far the most widespread medium in the country. The state broadcaster's radio signal reaches all parts of Zambia. All but one of the country's nine provinces each have one or two commercial or community radio stations. But most community radio stations have been set up in the rural districts. The donor-sponsored Media Trust Fund commits up to 60% of its funds to rural community radio stations and plans to open at least two new such stations every year. Presently, 15 radio stations are licensed and a further 39 are "testing". Community radio broadcasts in both English and local languages, affording rural audiences access to information in their mother tongues.

All the commercial radio stations operating thus far are urban-based. Television is also largely an urban medium, although the state-owned *ZNBC-TV* signal is available in all provincial centers. The internet is readily available and relatively affordable in the urban areas at a cost of 100 kwacha per minute in Internet cafés (in rural areas 6000 kwacha per minute). There are three daily and a variety of weekly and fortnightly newspapers in Zambia. But their combined total circulation is less than 100,000.

This diversity of media does not, however, mean universal access to information. For example, at the cost of K3,000 (\$0.65) per copy, newspapers are far beyond the reach of the great majority in a country where 80% of the population live on less than one United States dollar a day. In an environment characterised by high levels of poverty and illiteracy, accessing information is still difficult even in view of the availability of radio on a wide scale. (*ZNBC* claims that radio reaches 5 million people – the overall population is 10 million.) Access to radio programmes for rural women, however, is widely restricted as it is generally the man in the family who decides on the choice of programmes.

SCORES:

Individual scores: 2, 2, 3, 3, 2, 3, 3, 3

Average score: **2.6**

2.2 *Citizens' access to domestic and international media sources is not restricted by state authorities.*

ANALYSIS:

Citizens' access to international media is not restricted by the state, although some radio stations have been prohibited from relaying programmes by international broadcasters

because of limitations in the terms and conditions governing their licenses. The restriction of television to urban areas is purely due to economic and cost factors and not government policy. The relatively rich can access international television channels via subscription television providers, such as *M-Net* and *DSTV*.

SCORES:

Individual scores: 2, 3, 4, 4, 4, 4, 4, 4

Average score: **3.6**

2.3 *Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.*

ANALYSIS:

Although the newspapers are a predominantly urban medium, the three dailies make efforts to deliver a limited amount of copies to rural areas as well. The privately-owned *Post* uses its own courier service to deliver copies daily to all provincial centers and accessible districts. The state-run *Daily Mail* and the *Times of Zambia* use public service buses to distribute theirs to provincial centers and rural towns.

SCORES:

Individual scores: 2, 2, 3, 3, 3, 5, 2, 2

Average score: **2.8**

2.4 *Broadcasting legislation has been passed and is implemented providing for a conducive environment for public and commercial broadcasting.*

ANALYSIS:

The relevant laws, the Zambia National Broadcasting Corporation (Amendment) Act and the Independent Broadcasting Authority Act, were passed by parliament in 2002 and are in force. It would seem, therefore, that there is a conducive environment for public and commercial broadcasting. However, enforcement or administration of the laws has been partial only, causing a legal limbo in this field.

In the case of the ZNBC (Amendment) Act, the television license fee clause has been effected, permitting the state broadcaster to collect fees from viewers. This was obviously in the interest of the state which seeks to cut down on its budgetary subsidies to *ZNBC*. The more important parts of both new acts – the transfer of controlling powers from the state to independent boards – have not been implemented. Appointment committees –

consisting mainly of civil society representatives – have duly appointed the members of the boards, but the Minister of Information and Broadcasting Services refuses to pass on the names to parliament for ratification. The case is currently in the courts. Until the case is resolved, the Independent Broadcasting Authority (IBA) cannot be established and the ZNBC is still controlled by a government appointed board.

SCORES:

Individual scores: 2, 2, 2, 2, 2, 2, 3, 2

Average score: **2.1**

2.5 *Community broadcasting enjoys special promotion, given its potential to broaden access by poor and rural communities.*

ANALYSIS:

The growing number of new stations is evidence of the support and attention given to community broadcasting in Zambia. Radio Mazabuka is an example of a community station born out of collaboration between UNESCO and the Zambian government. The Media Trust Fund actively supports the establishment of new stations and provides support for programming content. It is planning to assist in the start of 5 new community radio stations over the next 4 years.

SCORES:

Individual scores: 3, 4, 4, 4, 4, 4, 5, 4

Average score: **4**

2.6 *The editorial independence of print media published by a public authority is protected adequately against undue political interference.*

ANALYSIS:

There is a discrepancy between the ownership structure and the directing authority. Whereas the ownership of the *Zambia Daily Mail* and the *Times of Zambia* is vested in the Minister of Finance on behalf of the government, the boards of the two organisations are appointed by and answerable to the Minister of Information and Broadcasting Services, and the ministry's permanent secretary sits on both boards. This exerts undue government influence and facilitates the ruling party's interference with the editorial independence of the two institutions.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1**

2.7 *Independent news agencies gather and distribute information for all media.*

ANALYSIS:

The *Zambia News Agency (ZANA)* is wholly owned and funded by government; it is not independent. *Palesa*, the only privately-owned and independent agency is a specialised operation producing mainly features for a select few media organisations.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 2

Average score: **1.3**

2.8 *Media diversity is promoted through adequate competition regulation/legislation.*

ANALYSIS:

In theory, the Fair Practices Act which is enforced by the Zambia Competition Commission provides for adequate competition and proscribes monopoly when it disadvantages existing competitors. However, the Competition Commission lacks the capacity to deal with the issue of media diversity as effectively as the Independent Broadcasting Authority Act does for broadcasting. The current law does not provide any guidelines on ownership structures and promotion of media diversity.

SCORES:

Individual scores: 1, 2, 2, 3, 2, 3, 2, 2

Average score: **2.1**

2.9 *Government promotes a political and economic environment which allows a diverse media landscape.*

ANALYSIS:

One view is that government has the political will making for an environment which allows for a diverse media landscape. This is substantiated by government's recent reduction in duty on computers and the fact that it places no obstacles to private investment in the media industry. Further, the government, through the Ministry of Communications, has provided office space and technical expertise to the RANET (Radio & Internet) programme which the government, local and international NGOs use to procure and distribute communication equipment to up-coming community radio stations and local communities. The government has provided RANET with premises at the Meteorological Department in Lusaka. The fact that there are no legal obstacles to establishing print media was cited as another sign of good will, while some said that the

unhindered use of fundamental rights was a matter of course and not promotion of a diverse media landscape.

The counter view is that there is no true political will on the part of government. For example, it has rejected past media representations to reduce the duty on newsprint and other consumables for the print media sector as well as import duties for broadcasting equipment.. The government's wavering stance on the IBA and ZNBC Boards is further proof of this lack of political will. This explains why, although the advent of political pluralism opened the potential for media plurality and diversity, the process has stalled. Attempts at media reforms have repeatedly fizzled out, or been slowed down by government.

SCORES:

Individual scores: 1, 1, 2, 2, 2, 1, 2, 1

Average score: **1.5**

2.10 *Private media outlets operate as efficient and professional businesses.*

ANALYSIS:

Most of the newspapers which emerged in the 1990s with the return to multi-party politics had a very short lifespan and have since collapsed. Only the *Post* has succeeded where most have fallen. The fact that commercial radio stations such as *Phoenix* have survived indicates that they have been managed professionally.

SCORES:

Individual scores: 1, 2, 3, 2, 2, 2, 2, 2

Average score: **2**

2.11 *State print media are not subsidised with tax payers' money.*

ANALYSIS:

There is no direct government subvention to the state print media. Neither the *Zambia Daily Mail* nor the *Times of Zambia* receive a subsidy from government. The government may, however, occasionally source donor funding for, or help in the settlement of financial disputes involving the two institutions, as it did in 2001 when it intervened to restrain the Zambia Revenue Authority from collecting the full tax due from the *Zambia Daily Mail*, the *Times of Zambia*, and ZNBC, which might have disrupted operations at the three institutions.

SCORES:

Individual scores: 1, 2, 3, 4, 2, 2, 4, 2

Average score: **2.5**

2.12 *Government does not use its power over the placement of advertisements as a means to interfere with media content.*

ANALYSIS:

As recently as 2002, the Secretary to the Cabinet issued a directive as to which media outlets could receive government advertising money. Those viewed as anti-government could not. Today, the *Post* newspaper, in spite of its history of acrimonious relations with the state, enjoys more advertising support from the government than the state media because it is now seen as a partner in the anti-corruption fight. Clearly, the government places advertisements according to its political agenda and, therefore, uses the power of its advertising budget to influence media content. However, this is not as overt and pronounced as was the case under the Kaunda regime.

SCORES:

Individual scores: 2, 2, 3, 1, 2, 3, 1, 2

Average score: **2**

2.13 *The advertising market is large enough to maintain a diversity of media outlets.*

ANALYSIS:

There is consensus that even with the economic constraints plaguing the country, the advertising market seems to be large enough to support the existing number of media houses. Evidence of that is the amount of advertising in the three dailies. The agencies clearly go for maximum impact and place their ads in the *Post*, *Times* and *Mail*. Smaller or emerging publications thus have little chance of profiting from the overall ad spend.

SCORES:

Individual scores: 1, 1, 2, 4, 3, 3, 2, 4

Average score: **2.5**

Overall score for sector 2:

2.3

Sector 3: Broadcasting regulation is transparent and independent, the state broadcaster is transformed into a truly public broadcaster.

3.1 *Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.*

ANALYSIS:

Despite the fact that the law provides for an independent regulatory body, the Independent Broadcasting Authority (IBA), the regulator is not in place yet because the Ministry of Information and Broadcasting refuses to pass on the names of board members selected by the Appointment Committee to parliament for ratification. The dispute is currently before the courts.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1**

3.2 *The appointments procedure for members of the regulatory body is open and transparent and involves civil society.*

ANALYSIS:

The Appointment Committee appointed members of the board of the Independent Broadcasting Authority in an open and transparent manner, involving civil society. However, there is a dispute regarding the role, if any, of the Minister of Information and Broadcasting Services in the process. The case is still in the courts.

SCORES:

Individual scores: 4, 5, 4, 3, 3, 4, 5, 5

Average score: **4.1**

3.3 *The body regulates broadcasting in the public interest and ensures fairness and a diversity of views broadly representing society at large.*

ANALYSIS:

Because of the legal limbo the body envisaged by the legislation is not functional yet.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1**

3.4 *The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.*

ANALYSIS:

Because the body is not in place yet, a broadcasting policy has not been developed.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1**

3.5 *The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.*

ANALYSIS:

The *Zambia National Broadcasting Corporation (ZNBC)* is still being run by a board appointed by the Minister of Information and Broadcasting and whose tenure was effectively nullified by the Statutory Instrument which introduced the ZNBC (Amendment) Act. The current board is illegal since it was appointed by the minister and not the IBA as stipulated by the new law. The term of office of the present board expires in August 2005. If the dispute is not resolved by then, ZNBC will be in deep trouble.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1**

3.6 *Persons who have vested interests of a political or commercial nature are excluded from possible membership of the board, i.e., office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.*

ANALYSIS:

There are some state and ruling party office holders sitting on the current board of the ZNBC, namely, the permanent secretary in the Ministry of Information and Broadcasting

Services (MIBS) and a ward chairman of the ruling Movement for Multi-party Democracy (MMD) who is also an aspiring candidate for the post of party vice-president. This is contrary to the provisions of the new law, which excludes such persons from membership of the board.

SCORES:

Individual scores: 1, 1, 1, 2, 1, 1, 1, 1

Average score: **1.1**

3.7 *The editorial independence of the public broadcaster is guaranteed by law and practiced.*

ANALYSIS:

The new law guarantees the editorial independence of ZNBC. However, this independence is not being practiced because the law has not yet been implemented pending resolution of the legal dispute currently in the courts.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 1

Average score: **1.1**

3.8 *The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.*

ANALYSIS:

ZNBC revenues come from television license fees, advertising, and government subvention. The license fees are collected through the Zambia Electricity Supply Corporation (ZESCO) customer billing system and the Residents' Development Committees in townships. Television license fees have contributed substantially to the recent improvement in ZNBC's financial position. Government support becomes more pronounced in the run-up to general elections when the government and the ruling party put their propaganda and campaign machinery in motion.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 1

Average score: **1.1**

3.9 *The public broadcaster is accessible in the entire country.*

ANALYSIS:

ZNBC radio broadcasts reach all parts of the country while television is accessible only along the urban line of rail and at the provincial administrative centres.

SCORES:

Individual scores: 4, 3, 2, 2, 4, 3, 3, 3

Average score: **3**

3.10 *The public broadcaster is independent from commercial pressure and political influence.*

ANALYSIS:

Because of *ZNBC*'s dominant position in terms of audience figures and geographic reach, both *ZNBC* Radio and *ZNBC-TV* enjoy considerable advertising and programme sponsorship support. They can, therefore, be said to be free from commercial pressure. The ruling party, however, exercises decisive political influence over *ZNBC*.

SCORES:

Individual scores: 1, 2, 2, 1, 1, 1, 1, 1

Average score: **1.3**

3.11 *The public broadcaster offers diverse programming for all interests as well as balanced and fair information reflecting the full spectrum of diverse views and opinions.*

ANALYSIS:

Although *ZNBC* programming is generally diverse, coverage of news and current affairs is heavily skewed toward government and the ruling party, with the president dominating air time. Whereas opposition political parties are made to pay for air time, the government is given free time for its "Government Forum" programme, in addition to the preponderant coverage it already enjoys. News is packaged around prominent personalities (especially government politicians according to rank) rather than the events and issues involved. Coverage of civil society functions depends on whether the first lady or a government minister officiates as the guest of honour. Live talk shows are allowed only when they deal with what the government perceives as "soft" or "safe" topics. Otherwise, panelists are warned to steer clear of certain "sensitive" issues, and, on phone-in discussion programmes, telephone lines have occasionally been known to suddenly develop "technical faults", thus blacking out voices who might have "negative" contributions to make. There is no fair or balanced coverage, especially at election time.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1

Average score: 1

3.12 *The public broadcaster offers as much local content as economically achievable.*

ANALYSIS:

ZNBC offers a great deal of local content in its programming, both on radio and television. Its news contains a lot of local content, perhaps due to its dependence on stories generated by *ZANA* and the *Zambia Information Services*, both of which are government units. *ZNBC-TV* has recently allocated time to vernacular broadcasts in addition to the news in local languages which has been running for a long time now. *Radio One* is wholly dedicated to programmes in seven local languages. *Radio Two* is an English service channel which also runs a few programmes in two local languages. *Radio Four* is a predominantly music channel which, along with *Radios One* and *Two*, has done a lot to promote and popularise *Zambian* music.

SCORES:

Individual scores: 4, 2, 2, 4, 3, 3, 3, 4

Average score: 3.1

Overall score for sector 3:

1.7

Sector 4: The media practice high levels of professional standards.

4.1 *The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies.*

ANALYSIS:

There exists a Code of Ethics, formulated and enforced by the Media Council of Zambia (MECOZ) established as a self-regulatory body by the media fraternity in July, 2003. The membership of MECOZ is both individual and institutional. With the exception of the *Post* newspaper, all major media institutions now subscribe to MECOZ, having accepted the Code and its principles. MECOZ has engaged in on-going discussions with the *Post* in an effort to persuade the latter to join.

As a self-regulatory body, MECOZ's major strength lies in the fact that it is a "court of honour" rather than a court of law. It is, however, too early to gauge its performance in enforcing adherence to the Code as its existence, ideals and procedures are still largely unknown to its stakeholders and the public in general. Some panelists from the media had learnt about the Council through television and newspapers only, not through direct communication. The Council's chief executive has not yet been recruited. MECOZ needs wide publicity to promote itself and the ideal of self-regulation for which it was created. In this regard, other institutional members could emulate the *National Mirror* newspaper which publishes alerts to people with complaints against the paper's editorial content to address them to MECOZ. Despite the Council's slow start, there have been a number of rulings, among them one against the *Sunday Mail*.

SCORES:

Individual scores: 3, 4, 2, 4, 3, 4, 2, 4

Average score: **3.3**

4.2 *The standard of reporting follows the basic principles of accuracy and fairness.*

ANALYSIS:

The general perception is that ownership structures and stakeholder considerations influence the degree of accuracy and fairness exercised. Different media have their own "sacred cows" never to be reported on negatively. The state media, especially, seem to have structural problems that impinge on their editorial independence and to be on a special mission. Their *raison d'être* seems to be to serve the agenda of the executive branch of government and the ruling party, and this has implications for accuracy and fairness. They may occasionally fabricate a story, distort the facts, or completely ignore a

major event, giving rise to the perception that they are manipulated. In a nutshell, the state print media was described as 80 % accurate but as grossly unfair.

Generally speaking, the distortions and inaccuracies (in both private and state dailies) are sometimes reflective of activities behind the scenes by forces wishing to manipulate public opinion. In pursuit of accuracy, some reporters now use tape recorders to document statements by unreliable sources.

SCORES:

Individual scores: 3, 2, 2, 3, 4, 2, 2, 2

Average score: **2.5**

4.3 *The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.*

ANALYSIS:

Media coverage tends to be predominantly political, elitist, and personality-centered. Issue-based stories rarely get lead-story treatment. This is especially true of the front pages and news bulletins of the mainstream media. Grassroots activities, women and elders get hardly any coverage. The community media's performance is better in this respect. They go out of their way to cover business, economic, cultural and other issues of relevance to their respective local communities.

Restrictive media laws, harsh economic realities and the political climate have combined forces to create an environment that effectively inhibits investigative reporting and keeps it off the agenda of the media in Zambia.

SCORES:

Individual scores: 2, 4, 2, 3, 3, 2, 2, 2

Average score: **2.5**

4.4 *Journalists and editors do not practice self-censorship.*

ANALYSIS:

Self-censorship remains an unwritten rule even if it is not expressly stated in the media's editorial policies. Journalists and editors deny it, but self-censorship is reflected in the tone and text of stories, especially sensitive ones. Structural and ownership realities dictate the operating parameters. Both journalists and editors are aware of what is expected of them, wary of the consequences of deviation and exercise "due care", a euphemism for self-censorship.

SCORES:

Individual scores: 1, 2, 1, 2, 2, 1, 1, 1

Average score: **1.4**

4.5 *Owners do not interfere with editorial independence.*

ANALYSIS:

Ownership structures determine the nature and degree of interference with the editorial independence of different media. It is not possible for the various media to promote views contrary to those of their owners. Both the government and private owners meddle in the editorial decisions and coverage preferences of their respective media. The ownership and administrative structure at the *Post* newspaper where the majority shareholder is also the Managing Director and Editor-in-Chief, places him in a uniquely powerful position to dictate editorial policy, content and coverage preferences.

SCORES:

Individual scores: 1, 2, 2, 2, 1, 1, 1, 1

Average score: **1.4**

4.6 *Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption.*

ANALYSIS:

Salaries are very low and working conditions generally poor. Average monthly salaries after tax are around K800,000 (US \$170) for junior reporters and K1,000,000 (US \$213) for senior reporters. The salary of a senior reporter barely covers the cost of the food basket estimated at K1,200,000 (US \$255) for a family of six. Any additional income is, therefore, readily welcome.

The poverty of journalists exposes them to offers of various forms of gratification by sources in return for favourable coverage and promotion of private agendas. It is not unusual for reporters to shun “poor” sources and lackluster events and flock to well-to-do newsmakers and lavish events where they can expect some of their “needs” to be met. This is particularly evident concerning coverage of candidates at election time.

SCORES:

Individual scores: 1, 1, 1, 2, 2, 1, 1, 1

Average score: **1.3**

4.7 *Training facilities provide programmes for journalists to upgrade their skills or acquire new skills.*

ANALYSIS:

Journalism training is tenable at three major institutions, namely, the Evelyn Hone College (EHC), Zambia Institute of Mass Communication (ZAMCOM) Trust, and the Department of Mass Communication at the University of Zambia, as well as a number of less-known private institutions. EHC has a one-year certificate course and a three-year diploma course. The Department of Mass Communication offers a four-year professional Bachelor of Mass Communication (BMC) degree. In addition, it has two masters programmes: the Master of Mass Communication (MMC) and the Master of Communication for Development (MCD), which take two years and a year and a half, respectively. In-service training for practicing journalists is obtainable at the ZAMCOM Trust which has recently added a diploma programme to its course offerings.

Taken together with numerous *ad hoc* seminars and workshops, these institutions provide facilities and opportunities for journalists to upgrade their skills and acquire new ones. The *Post* has recently started in-house training for its staff.

SCORES:

Individual scores: 3, 2, 3, 2, 2, 4, 3, 2

Average score: **2.6**

4.8 *Journalists and other media practitioners are organised in professional unions and associations.*

ANALYSIS:

The majority of Zambian journalists and other media practitioners, with the exception of those working for the *Post*, are organised into professional associations, such as MISA-Zambia, The Press Association of Zambia (PAZA), and the Zambia Media Women's Association (ZAMWA). They are also members of either the Zambia Union of Journalists (ZUJ) or the Commonwealth Press Union (CPU) Zambia chapter.

SCORES:

Individual scores: 5, 5, 4, 5, 5, 4, 4, 4

Average score: **4.5**

4.9 *Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.*

ANALYSIS:

Positive steps have been taken and significant advances have been made with regard to gender mainstreaming and the promotion of equal participation of both sexes in the production process. No statistics are available. But there appear to be more women than men working in the Zambian media today. The ZNBC-TV Controller is a woman, and women make up the great majority of newscasters and writers in the ZNBC newsroom. At the *Zambia Daily Mail*, the Editor-in-Chief is a woman, in addition to the four who now sit on the 9-member editorial board, compared to 1999 when there were only three women in top positions.

SCORES:

Individual scores: 3, 3, 3, 4, 3, 2, 3, 3

Average score: **3**

4.10 *Gender mainstreaming is reflected in the editorial content of the media.*

ANALYSIS:

Although women now occupy top positions and more women have been brought into newsrooms, their effect on content appears cosmetic. Coverage does not reflect the wider issues of concern to women. It tends to concentrate on high-profile females, such as ministers and civil society activists. Women sources are generally absent from media content. Apparently, reporters prefer to quote “knowledgeable” sources, who are usually seen as being men, and ignore women, most of whom are regarded as not being sufficiently knowledgeable or enlightened. This state of affairs is aggravated by the fact that most media are biased towards political stories and most political sources are perceived to be male.

Failure by editors to provide leadership to journalists may explain the latter’s inability to generate content that reflects the dynamics of the gender question and the reality on the ground. But progress is slowly taking place, as can be seen at the *Zambia Daily Mail*, which devotes two pages to gender and female news each week. In addition, the paper has a dedicated gender editor who is not only the advisor on gender issues but is also the editorial monitor and gate-keeper of gender-related stories.

SCORES:

Individual scores: 3, 2, 2, 3, 2, 2, 3, 2

Average rate **2.4**

Overall score for sector 4:

2.5

The panel meeting took place at the Protea Safari Lodge, Lusaka, 5 to 7 May 2005.

The Panel:

Dr. Fackson Banda, Media Consultant; Mr. Amos Chanda, Journalist; Ms Elizabeth Chanda, Mass Communication Lecturer; Ms Margaret Chimanse, Journalist; Mr. Kellys Kaunda, Journalist; Mr. Kenny Makungo, Mass Communication Lecturer; Ms Susane Matala, Theologian/Gender expert; Mr. Patrick Matibini, Lawyer; Ms Emelda Libanga Musonda, Journalist; Mr. Ngande Mwanajiti, Lecturer/Researcher

The Rapporteur:

Mr. Leonard Kantumoya

The Facilitator:

Mr. Hendrik Bussiek

Sector 1 Freedom of expression, including freedom of the media, are effectively protected and promoted

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.	
1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.	
1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.	
1.4 Entry into and practise of the journalistic profession is legally unrestricted.	
1.5 Protection of confidential sources of information is guaranteed by law.	
1.6 Public information is easily accessible, guaranteed by law, to all citizens, including journalists.	

1.7 Civil society in general and media lobby groups actively advance the cause of media freedom.	
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**Sector 2 The media landscape is characterised
by diversity, independence and sustainability**

2.1 A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.	
2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.	
2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.	
2.4 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.	
2.5 Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.	
2.6 The editorial independence of print media published by a public authority is protected adequately against undue political interference.	
2.7 Local or regional independent news agencies gather and distribute information for all media	
2.8 Media diversity is promoted through adequate competition regulation/legislation.	
2.9 Government promotes a political and economic environment which allows a diverse media landscape.	
2.10 Private media outlets operate as efficient and professional businesses.	
2.11 State print media are not subsidised with tax payers' money	
2.12 Government does not use its power over the placement of advertisements as a means to interfere with media content.	
2.13 The advertising market is large enough to maintain a diversity of media outlets.	

**Sector 3 Broadcasting regulation is transparent and independent,
the state broadcaster is transformed into a
truly public broadcaster**

3.1 Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.	
3.2 The appointments procedure for members of the regulatory body is open and transparent and involves civil society.	

3.3 The body regulates broadcasting in the public interest and ensures fairness and a diversity of views broadly representing society at large.	
3.4 The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.	
3.5 The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.	
3.6 Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.	
3.7 The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practised.	
3.8 The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.	
3.9 The public broadcaster is technically accessible in the entire country.	
3.10 The public broadcaster offers diverse programming for all interests.	
3.11 The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.	
3.12 The public broadcaster offers as much diverse and creative local content as economically achievable.	

Sector 4 The media practice high levels of professional standards

4.1 The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies	
4.2 The standard of reporting follows the basic principles of accuracy and fairness.	
4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories	
4.4. Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.	
4.5 Gender mainstreaming is reflected in the editorial content.	
4.6 Journalists and editors do not practise self-censorship	
4.7 Owners of private media do not interfere with editorial independence	
4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption	
4.9 Training facilities offer formal qualification programmes for journalists as	

well as opportunities to upgrade their skills.	
4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.	