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## **PRESS RELEASE**

**February 10, 2025**

### **ON FREEDOM OF EXPRESSION AND OPINION**

Following a 10-day tour of Zambia, the United Nations' (UN) Special Rapporteur, Irene Khan, issued a press statement on the right to freedom of expression and opinion. She assessed the state of freedom of expression and opinion in Zambia "in line with its international human rights obligations," identified and analyzed the challenges and opportunities concerning this right, and made some recommendations to the Government and other stakeholders on the way forward to encourage democracy and development.

Madam Khan observed that human rights are at a crossroads in Zambia in the lead to the 2026 general elections "amidst major economic challenges, rising political tensions and polarization along ethnic regional lines." Notably, the United Party for National Development (UPND)-led Government "came to power on a platform for change, promising to uphold human rights, reform laws and institutions, and ensure economic development and open, effective governance." These promises did not only generate high expectations among the people of Zambia but also sparked "a collective hope of an end to the repressive practices of the past."

Under the previous Patriotic Front (PF)-led Government (2011–2021), human rights violations were widespread, with freedom of expression being a primary casualty. Opposition leaders, activists, human rights defenders, and journalists "were attacked, jailed, or killed [with two media outlets shut down], and civic space severely restricted." President Hakainde Hichilema, then an opposition leader, was also a victim of such human rights abuses.

The current Government has made some notable reforms in an attempt to uphold the right to freedom of expression and opinion, such as "the adoption of the Access to Information Act and the abolition of the offense of defamation of the President." Access to information, an essential component of freedom of expression, is crucial for "exposing and combating corruption, tax

evasion, and illegal activities,” among other benefits. However, freedom of expression still faces significant challenges, including the slow pace of reforms, the revival of oppressive tools and tactics once used by the PF Government to suppress criticism, and growing intolerance towards political dissent. Other concerns include the weaponization of the legal system to prosecute and silence critics, the selective application of laws against political opponents, and the abduction and torture of government critics. Furthermore, the disruption of religious gatherings and the temporary closure of some churches infringe upon freedom of conscience, a fundamental aspect of democracy and human rights as enshrined in Article 21 of the Zambian Constitution.<sup>1</sup> Indeed, these glitches not only significantly challenge and threaten freedom of expression but also democracy and development.

## **JCTR’s Position and Recommendations**

JCTR considers freedom of expression a cornerstone of democracy, as it encompasses the right to express religious and political views, access information, and engage with diverse opinions through various media. In light of this, the Jesuit Centre for Theological Reflection concurs with Khan’s assessment and proposes the following measures to advance democracy and national development:

### **1. Legal Reforms and Institutional Accountability**

Zambia requires legal reforms accompanied by clear policies to ensure professionalism among law enforcement and prosecutorial authorities. The fair and non-discriminatory application of laws would encourage equal political participation, uphold the right to religious and political assembly, and foster public trust by reducing suspicions of political persecution and ethnic bias. This political environment aligns with Zambia’s constitutional declaration as a Christian nation and a pluralistic society, where civil society plays a crucial role in providing checks and balances on political authority and social institutions.

### **2. Alignment with International Human Rights Standards**

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<sup>1</sup> <https://www.mofnp.gov.zm/wp-content/uploads/2022/09/Constitution.pdf>

Legal reforms concerning freedom of expression should be aligned with Zambia's international obligations, such as the United Nations Charter on Human Rights and the African Union Charter on Human and Peoples' Rights. While the decriminalization of presidential defamation is commendable, other laws still hinder free expression. These include "criminal libel, insult, seditious practices, and hate speech," which often carry excessively harsh penalties that have a chilling effect on freedom of expression. Additionally, the **Public Order Act** has long been used to curb political activities, while the **Cyber Security and Cybercrimes Act** imposes undue restrictions on online content. Revising or repealing these laws in accordance with international human rights standards would help prevent political intimidation and foster transparency and accountability.

### 3. **Effective Implementation of the Access to Information Act**

As Khan rightly noted, the right to information is integral to freedom of expression and democracy. While the UPND Government's adoption of the **Access to Information Act** is a step in the right direction, the law has yet to be fully implemented. Its success depends on the full operationalization of the **Human Rights Commission**, which is responsible for overseeing its enforcement and handling related complaints. To function effectively, the Commission must be adequately staffed, funded, and allowed to operate independently. Additionally, the Government should ensure that all state entities adopt clear disclosure policies and establish proper systems for managing and proactively sharing information. These measures would empower citizens and promote a culture of accountability and transparency.

### 4. **Strengthening Democratic Institutions**

There is an urgent need to strengthen democratic institutions such as the **judiciary, the Human Rights Commission, and the Electoral Commission** to safeguard freedom of expression. These institutions should operate under the principle of decentralization or **subsidiarity**, as emphasized in Catholic Social Teaching (CST), which discourages undue interference from more powerful entities in matters that can be handled at lower levels. Currently, as Khan observed, the President's authority to appoint and dismiss members of the judiciary and key commissions compromises their independence and impartiality. Constitutional reforms should therefore prioritize decentralization and institutional

autonomy. Additionally, an enabling **NGO Act** would empower civil society organizations (CSOs), religious groups, and other stakeholders to function effectively and collaborate with the Government in promoting human rights, including freedom of expression.

CSOs play a critical role in upholding democratic values through advocacy, awareness-raising, and capacity-building initiatives among citizens. Their active participation is essential in ensuring that freedom of expression remains protected, and that Zambia's democratic principles continue to evolve.

## **Conclusion**

JCTR urges the Zambian Government to take concrete steps to safeguard freedom of expression and opinion. Upholding this fundamental right is crucial not only for the protection of human dignity but also for fostering a democratic society that thrives on open dialogue, transparency, and inclusivity.

*Issued by Rev. Dr. Boyd Kapyunga Nyirenda, S.J – Deputy Director, JCTR*

For further clarifications, contact the Jesuit Centre for Theological Reflection (JCTR) on 260955295881 or 260954755319, or email [media.information@jctr.org.zm](mailto:media.information@jctr.org.zm).

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2025-02-10

# Press Statement: On Freedom of Expression and Opinion

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