



August 5, 2021

## **Open letter to President Edgar Chagwa Lungu - keep the internet open and secure throughout the upcoming elections and thereafter.**

The President of the Republic of Zambia, H.E. President Edgar Chagwa Lungu

CC: H.E. Inonge Wina, Vice President; Mulenga Chisenga, Acting Director General, Zambia Information Communication Technology Authority (ZICTA); Mishek Lungu, Permanent Secretary, Ministry of Communication and Transport; Lukando Kalaluka, Attorney General of Zambia; Justice Esau Chulu, Chairperson of Electoral Commission of Zambia; The Director General - Zambia Security Intelligence Services; Kakoma Kanganja, Inspector General of Police; Josephine Mapoma, Director General Independent Broadcasting Authority; Mudford Z. Mwandega, Chairperson, Zambia Human Rights Commission; Bart Hofker, Chief Executive Officer, MTN Zambia; Apoorva Mehrotra, CEO & MD, Airtel Zambia PLC; Sydney Mupeta - CEO - Zamtel.

*Nations across Africa, and the world, are intentionally shutting down the internet when people need it the most — during elections and important national events. This election, we urge the Republic of Zambia to #KeepItOn.*

We, the undersigned organizations and members of the [#KeepItOn coalition](#) — a network that unites over 240 organizations from 105 countries that work to end internet shutdowns<sup>1</sup> globally — write to urgently **appeal to you, the President, to ensure that the internet, social media platforms, and all other communication channels remain open, secure, and accessible throughout the election period and thereafter, scheduled for August 12, in the Republic of Zambia.**

There have been unconfirmed reports of poor network connectivity to the internet in the past few months in Zambia, coupled with reports of internet disruptions in [2016](#) and [2020](#). As a result, Zambia remains on the #KeepItOn Coalition's radar, and the world is watching to ensure that the rights of the people are upheld during the upcoming elections and at all times.

The internet and social media platforms play a critical role in enhancing participatory governance in a democratic society. They provide space for communicating, public debate, seeking information on election processes and candidates, [reporting and documenting events and outcomes](#), and holding governments accountable for their actions — including their promises to the people. Journalists,

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<sup>1</sup> An internet shutdown is defined as an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information. See more at: <https://accessnow.org/keepiton>.



human rights defenders, election observers, civil society actors, and other relevant stakeholders count on the internet to monitor and report on elections, facilitating transparency, inclusiveness, and openness in the process.

### **Zambia's 's history of shutdowns**

Following the 2016 general elections, local media outlets reported at least [two days of internet shutdowns and slowdowns](#) in parts of Zambia, with mobile services being most affected. Notably, the government hit areas that were opposition strongholds. In 2020, Freedom House [reported another two-day shutdown](#). Government officials said the shutdown was due to heavy rains. However, officials of the United Party for National Development (UPND) [alleged](#) the government was responsible for the restriction. There have also been instances of targeted website blockings of media outlets operating in the country.

The recent introduction of laws including the Cyber Security and Cyber Crimes Act, 2021, the Data Protection Act, 2021, and the Electronic Communications and Transactions Act, 2021 in the lead up to the election is alarming as these laws contain vague provisions that could provide an avenue for the government to violate the fundamental rights of the people. For instance, Section 14 (2) of the [Cybersecurity and Cyber Crimes Act, 2021](#) states that any “person who fails to take any measure or comply with any requirement directed by the Minister (*under his sole discretion*) under Section 14 (1) commits an offense and is liable on conviction to a fine not exceeding one hundred penalty units or imprisonment for a term not exceeding three months or both.”

We are concerned that such provisions provide authorities and government officials a license to abuse their powers to infringe on people's fundamental rights to freedom of opinion and expression.

### **Internet shutdowns harm human rights, disrupt emergency services, and cripple economies**

Research shows that [internet shutdowns and violence](#) go hand in hand. Shutting down the internet during a [deadly pandemic](#) would add fuel to the fire. Internet shutdowns violate fundamental human rights such as freedom of expression and opinion, access to information, [press freedom](#), and freedom of peaceful assembly. By disrupting the free flow of information, shutdowns exacerbate existing tensions, and create space to conceal potential violence and human rights violations perpetrated by both state and non-state actors.

Internet shutdowns cut off access to vital, timely, and life-saving information, as well as to emergency services, plunging whole communities into fear and confusion. Internet shutdowns could spur a sense of insecurity, particularly among more vulnerable groups, and may instigate violence, and facilitate the spread of both misinformation and disinformation.



## **Internet shutdowns contravene international human rights laws and standards**

The Government of Zambia has ratified regional and international frameworks such as the legally binding [International Covenant on Civil and Political Rights \(ICCPR\)](#) and [the African Charter on Human and People's Rights](#), which provide for the protection and promotion of the rights of freedom of opinion and expression, assembly, and access to information, both offline and online.

The African Commission on Human and Peoples' Rights (ACHPR) Resolution from 2016 recognizes the "importance of the internet in advancing human and people's rights in Africa, particularly the right to freedom of information and expression." The [ACHPR/Res. 362 \(LIX\) 2016](#) also condemns the "emerging practice of State Parties interrupting or limiting access to telecommunication services such as the internet, social media, and messaging services." Additionally, [U.N. experts and high-level officials](#) —including the U.N. Secretary-General — formally affirm that, "blanket Internet shutdowns and generic blocking and filtering of services are considered by United Nations human rights mechanisms to be in violation of international human rights law."

## **Telecom companies must respect human rights**

Telecom companies and businesses have a responsibility under the [U.N. Guiding Principles on Business and Human Rights](#) and the *OECD Guidelines for Multinational Enterprises* to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to. It outlines, "states should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State."

Furthermore, MTN, Airtel and Zamtel, which are the main telecom and internet service providers operating in Zambia, have a responsibility to uphold and respect human rights by providing quality, open, and secure access to the internet and digital communication tools throughout the elections and beyond. Internet shutdowns — whether in Zambia or other countries — must never be allowed to become the new normal, and we encourage Zambian enterprises to integrate these practices for responding to censorship and network disruptions.

## **Recommendations**

As organizations that believe in the power of the internet as an enabler of all other human rights, we are confident that access to the internet, social media, news websites and mobile money platforms during the elections in Zambia has the potential to foster transparency and inclusivity in the upcoming elections, and ensure active citizen and other stakeholder participation.

We respectfully request that you use the important positions of your offices to:

# #KeepItOn

Fighting Internet Shutdowns around the World

- Ensure full internet access nationwide and refrain from arbitrarily blocking access to social media platforms such as Twitter, WhatsApp, Telegram, and Facebook, and websites of media outlets throughout the election period and thereafter;
- Publicly assure the people of Zambia that the internet and all other digital communication platforms, will remain open, accessible, inclusive, and secure across Zambia throughout the election and thereafter;
- Order all internet service providers in Zambia to provide everyone with high-quality, secure, inclusive, and unrestricted internet access throughout the election period and thereafter; and
- Order all internet service providers, to inform internet users of any potential disruptions, and to take all reasonable steps to fix any identified disruptions likely to impact the quality of service they receive.

Kindly let us know in what ways we can assist.

Sincerely,

Access Now

ADISI-Cameroun

Advocacy Initiative for Development (AID)

African Freedom of Expression Exchange (AFEX)

Africa Interactive Media

AfricTivistes

Bloggers of Zambia

Change Tanzania movement

Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

Common Cause Zambia

Committee to Protect Journalists (CPJ)

Digital Rights Kashmir

Governance Elections Advocacy Research (GEARS) Initiative

Global Voices

Kijiji Yeetu, Kenya

Last Mile4D

International Press Centre (IPC)

Internet Sans frontières

Iraqi Network for Social Media - INSMnetwork

Media Diversity Institute - Armenia

Media Foundation for West Africa (MFWA)

# #KeepItOn

Fighting Internet Shutdowns around the World

Media Institute of Southern Africa (MISA Zimbabwe)  
Namibia Media Trust (NMT)  
National Women's Lobby  
OpenNet Africa  
Operation Young Vote (OYV)  
Organization of the Justice Campaign  
Paradigm Initiative (PIN)  
PEN America  
Ranking Digital Rights  
Sassoufit Collective  
Software Freedom Law Centre, India (SFLC.in)  
Tonse Alliance Zambia  
Ubunteam  
Unwanted Witness Uganda  
VE sin Filtro  
Wikimedia Community User Group Uganda  
Women of Uganda Network (WOUGNET)  
Women ICT Advocacy Group (WIAG)  
Youths and Environmental Advocacy Centre (YEAC), Nigeria.  
Zaina Foundation  
Zambian Bloggers Network