



Committee to Protect Journalists

February 12, 2025

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Dear Honorable Ministers,

**Subject: Request to withdraw and reform the Cyber Security Bill 2024 and the Cyber Crimes Bill 2024**

I am writing to you from the Committee to Protect Journalists (CPJ),<sup>1</sup> an independent, nonprofit organization advocating for press freedom worldwide, to express concern about the Cyber Security Bill 2024<sup>2</sup> and Cyber Crimes Bill 2024.<sup>3</sup> If enacted into law, these bills would pose a significant threat to journalism in Zambia. We urge you to withdraw both bills from the National Assembly and undertake a comprehensive review that aligns them with constitutional protections of freedom of the press in Zambia as well as regional and international standards on freedom of expression.

The Ministry of Science and Technology and the Ministry of Home Affairs and Internal Security tabled both cyber laws in Parliament in November 2024, and if enacted, they would replace the problematic<sup>4</sup> Cyber Security and Cyber Crimes Act of 2021.<sup>5</sup> We welcomed the National Assembly’s December decision to defer decision-making on

<sup>1</sup>More information about the Committee to Protect Journalists is available on the organization’s website: [www.cpj.org](http://www.cpj.org)

<sup>2</sup> National Assembly of Zambia, “The Cyber Security Bill N.A.B 29 OF 2024”, <https://www.parliament.gov.zm/node/12040>, (Accessed February 10, 2025).

<sup>3</sup>National Assembly of Zambia, “The Cyber Crimes Bill, 2024”, <https://www.parliament.gov.zm/node/12039> (Accessed February 10, 2025).

<sup>4</sup> Committee to Protect Journalists, “CPJ, Paradigm Initiative urge Zambian president Hakainde Hichilema to institute press freedom reforms”, November 2012, <https://cpj.org/2022/11/cpj-paradigm-initiative-urge-zambian-president-hakainde-hichilema-to-institute-press-freedom-reforms/>, (Accessed February 10, 2025).

<sup>5</sup> National Assembly of Zambia, “The Cyber Security and Cyber Crimes Act, 2021”, <https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%20of%202021the%20Cyber%20Security%20and%20Cyber%20Crimes.pdf>, (Accessed February 11, 2025).

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the two bills, following concerns<sup>6</sup> by civil society that they lacked adequate human rights safeguards. We were further encouraged to learn that President Hakainde Hichilema said he was open to further dialogue with civil society on the two bills.<sup>7</sup> We now urge you to withdraw the proposed laws, to pave the way for the envisioned consultations.

A CPJ review of the bills found that while they contained several important provisions, there were numerous others that could undermine freedom of expression. In particular, the cyber crime bill stipulation of prison terms for the dissemination of false information that “causes damage to the reputation of another person” or “subjects another person to public ridicule, contempt, hatred or embarrassment” could be weaponized against critical journalism and amount to criminalization of defamation. The African Commission on Human and Peoples’ Rights (ACHPR) has said “criminal defamation laws constitute a serious interference with freedom of expression” and that they undermine “the role of the media as a watchdog”.<sup>8</sup> The ACHPR has also called on states to repeal laws that criminalize publication of false news.<sup>9</sup> It is therefore, deeply disappointing that Zambia is considering enacting regressive laws, relative to regional standards on decriminalization of speech.

Further, provisions on the criminalization of “unauthorised disclosure” and possession of “critical information” do not contain adequate public interest safeguards. As “critical information” is defined broadly as data that “relates to public safety, public health, economic stability, national security, and international stability”, these provisions have the potential to undermine investigative journalism.

The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) and the Bloggers of Zambia have noted that both draft laws grant the state broad digital surveillance and search and seizure powers, without clear time limits, adequate judicial oversight or provisions requiring transparency for law enforcement action.<sup>10</sup> For instance, the bills would give law enforcement officers discretion to expand searches and seizures to computers and other devices not included in court warrants if they have “reasonable grounds to believe” that information they seek is

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<sup>6</sup>Diamond TV Zambia, “CSOs Rejects Cyber Crime and Security Bills, Cite Rights Concerns”, December 2024, <https://www.youtube.com/watch?v=pDKjxaZfcaA>, (Accessed February 11, 2025).

<sup>7</sup>Zambia Monitor, “Hichilema meets with CSOs, pledges to prioritise dialogue, consensus-building on all govt issues”, December 2024, <https://www.zambiamonitor.com/hichilema-meets-with-csos-pledges-to-prioritise-dialogue-consensus-building-on-all-govt-issues/>

<sup>8</sup>African Commission on Human and Peoples’ Rights, “Resolution on Repealing Criminal Defamation Laws in Africa - ACHPR/Res.169(XLVIII)10”, November 2010, <https://achpr.au.int/en/adopted-resolutions/169-resolution-repealing-criminal-defamation-laws-africa-achprres169xlvi>, (Accessed February 10, 2025).

<sup>9</sup>African Commission on Human and Peoples’ Rights, “Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019”, November 2019, <https://achpr.au.int/en/node/902>, (Accessed February 10, 2025).

<sup>10</sup>Collaboration for International ICT Policy for East and Southern Africa (CIPESA) and the Bloggers of Zambia, “Analysis of the Zambia Cyber Crimes Bill, 2024 and Cyber Security Bill, 2024,” December 2024, [https://cipesa.org/wp-content/files/Analysis\\_of\\_Zambia\\_Cyber\\_Bills\\_2024\\_Final.pdf](https://cipesa.org/wp-content/files/Analysis_of_Zambia_Cyber_Bills_2024_Final.pdf), (Accessed February 11, 2025).

stored in those devices. We echo concerns expressed by the Zambian civil society organization, Chapter One Foundation, in their parliamentary submission, that this could undermine constitutional rights to privacy.<sup>11</sup> It could also enable law enforcement to arbitrarily access sensitive information, including about sources, stored on journalists' devices. Protecting sources is the bedrock of journalism and an ethical imperative; without this protection, journalists cannot effectively fulfill their role.

President Hichilema has previously promised to reform Zambia's existing cyber crime legislation to ensure that the media operate freely and to protect the public.<sup>12</sup> The concerns outlined above in this letter, while not exhaustive, demonstrate that the current drafts of the Cyber Security Bill 2024 and Cyber Crimes Bill 2024 fall short of fulfilling President Hichilema's promises. Therefore, we respectfully urge that you withdraw the two bills from the National Assembly and to ensure that they are reviewed, in an inclusive consultative process, to protect rather than undermine freedom of expression and freedom of the press.

We are available for further discussions about Cyber Security Bill 2024 and Cyber Crimes Bill 2024 as well as any other press freedom concerns in Zambia.

Yours sincerely,



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**CC.**

Mr Patrick Kangwa, Secretary to the Cabinet  
Mr Roy Ngulube, Clerk of the National Assembly  
Dr. Pamela Sambo, Chairperson of the Human Rights Commission of Zambia  
Honorable Princess Kasune, Minister of Justice  
Honorable Cornelius Mweetwa, Minister of Information and Media

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<sup>11</sup> Chapter One Foundation, "Submissions By Chapter One Foundation On The Cyber Crimes Bill N.A.B No 30 Of 2024 To The Parliamentary Committee On National Security And Foreign Affairs", December 2024.

<sup>12</sup> ZNBC Today, "National Media conference", May 2022,  
<https://www.facebook.com/znbc today/videos/national-media-conference/401665091819062/>  
(Accessed February 11, 2025).