

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

LESOTHO 2015





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Published by:

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ISBN

No.978-99945-77-24-8

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The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by fesmedia Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Saharan Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and – in SADC countries the Media Institute of Southern Africa (MISA) – only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.¹

By the end of 2013 the African Media Barometer had been held in 30 African countries, in some of them already for the fifth time.

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¹ Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 30 AMB Countries (2005-2015)

African Media Barometer

Lesotho 2015

Executive Summary

Lesotho has grappled with political tensions over the last few decades that range from conflict between the monarch and the government to coups, coup attempts, the banning of political parties, a constitutional crisis, civil wars, attacks on opposition members and discord between the police and army.

These internal political squabbles have subsided after the return to democratic rule in 1993 but only to sporadically re-appear in one way or the other. Over the last two years, the friction intensified between the army and the police, as well as a constitutional crisis, the prorogation of parliament, an alleged attack on the former Prime Minister which he described as a coup attempt, and the flight of opposition members to neighbouring South Africa.

It was strongly believed that the elections in 2012, which heralded the first ever three-party coalition government between the All Basotho Convention (ABC), the Lesotho Congress for Democracy (LCD) and the Basotho National Party (BNP), would ease these tensions and bring about lasting stability to the country's numerous challenges.

The hope for stability was thwarted as the fragile coalition, weighed down by numerous political challenges, was in danger of splintering. In May 2014, the LCD threatened to form a new coalition and the incumbent Prime Minister, Thomas Thabane responded, by proroguing Parliament, to avoid a motion that would have seen him ousted.

A few weeks after the prorogation of parliament, soldiers reputedly loyal to the opposition - attacked the police headquarters, looting weapons and killing an officer. Thabane described the attack as a coup although the military denied this and instead said they were disarming the police force, as they were trying to arm parties sympathetic to the Prime Minister. The former Prime Minister Thabane subsequently fled to neighbouring South Africa.

To resolve the crisis, the former Prime Minister returned to Lesotho under the protection of the South African police guard. Immediately after, a mediation team led by South African deputy president Cyril Ramaphosa encouraged the leadership to hold general elections in February 2015 – two years earlier than scheduled. This solution was expected to ease tension and resolve the political crisis.

It was a tightly contested election and the two major parties – the Democratic Congress (DC) and the All Basotho Convention (ABC) which garnered the most votes, decided against an alliance and instead, Prime Minister Mosisili's party, DC, formed a coalition with six smaller parties.

A few months after the elections, leaders of the opposition and some of their members fled to South Africa, claiming their lives were in danger. Tension in the country reached its peak when soldiers were abducted earlier this year. Attempts to get information on their whereabouts proved impossible, forcing family members of the missing soldiers to lodge a court application requesting a High Court order for the Lesotho Defence Force to produce them.

They were eventually brought to court, in shackles, accompanied by heavily armed soldiers wearing balaclavas.

Just a few weeks after the African Media Barometer meeting, the former commander of the Lesotho Army Lieutenant General Maaparankoe Mahao was shot and killed. Mahao, who was appointed army commander in August last year by former premier Thabane, was removed from office by the current Prime Minister, Pakalitha Mosisili. Mahao replaced Lieutenant General Tlali Kamoli but was unable to take control of the army after the latter rejected his dismissal.

This contest for power within the security sector and political leadership has had a rippling effect on the social and media landscape.

Intimidation has escalated to an extent that citizens have become cautious, while journalists avoid reporting on certain issues. When people decide to express their opinions they choose to hide their identity. Callers calling in to radio programmes prefer to remain anonymous while print media journalists will use pseudonyms or revert to using the byline of 'staff reporter' to avoid the potential ramifications of using their own name. Journalists have received threatening phone calls and members of the public have been arrested for commenting on certain issues.

There have been attempts by state authorities to clamp down on the media when they think they are in danger. Before the 2012 election, the acting Principal Secretary for the Ministry of Information, Communications, Science and Technology decided to switch off all the private radio stations for a few hours that day. This action was repeated on August 30th, 2014, when the chief engineer – under the instruction of the Lesotho Defense Force – shut down the radio stations.

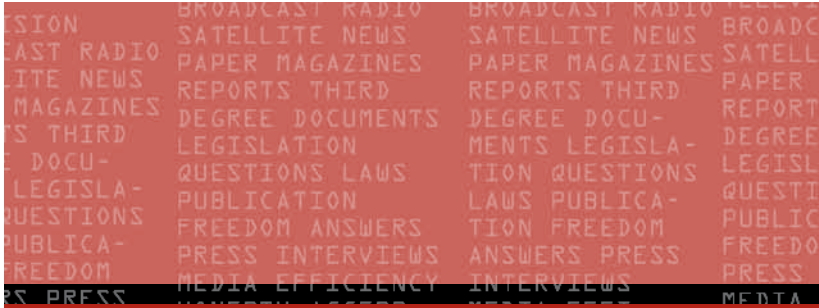
Ordinary people allege that interception of telephone calls and other communications is rife; information officers in government ministries and organisations are wary of releasing information that should be in the public sphere; fearing for their jobs. Civil servants are not heard expressing their personal views in public; while journalists – particularly those working in the state media – practice a high level of self-censorship. On the whole, when people are expressing themselves, they are doing so with a certain level of fear.

The conflict in the political arena has permeated through to the media with private radio stations taking positions: “You can wake up one morning, listening to a broadcaster talking alone in the studio, pitching one party against another, and even using vulgar language in vernacular.”

These divisions have hindered the media sector from being united and consolidating their position on critical issues and therefore, groups formed to advocate for media freedom are not sustainable. The level of consciousness of the public with respect to media policy issues is very limited, and the public “is not generally aware of the importance of media freedom.”

There is a paradox in terms of media whereby citizens have access to over 15 radio stations and it is the most broadly accessed and cheapest news medium in the lowlands around the capital Maseru. Lesotho does not have a national daily newspaper but there are a variety of weekly publications available throughout the country. Print publications tend to be confined to urban centres around the country and are primarily in English. The limited reach print publications and the emphasis on the dramatic events that have been taking place means very few social issues are covered unless they are of national interest.

The narrow reach and focus of news content have resulted in citizens being disconnected from critical issues directly affecting them. “For example, with the 2015 election, people had limited information on the process and why it was happening. But there may be an element of ‘negligence’ or apathy, as many people don’t even know who their leaders are.”



SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.



Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the Constitution and supported by other pieces of legislation.

Freedom of expression is guaranteed in Section 14(1) of Lesotho's Constitution, which reads:

(1) Every person shall be entitled to, and (except with his own consent) shall not be hindered in his enjoyment of, freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

However, this guarantee "doesn't go far" because of limitations set in other parts of the Constitution, which the state uses – supposedly for public interest, defence and security – to keep the citizens of Lesotho from fully exercising this freedom. These restrictions can be found in section 14(2) of the Constitution. It reads:

- (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -
 - a) in the interests of defence, public safety, public order, public morality or public health; or
 - b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television; or
 - c) for the purpose of imposing restrictions upon public officers.

While there is general consensus that the clause on freedom of expression extends to the media, it is not separately or explicitly spelled out; and there are no additional supporting laws specifically protecting media freedom. The Communications Act of 2012 speaks more to the regulation of the broadcasting industry and the

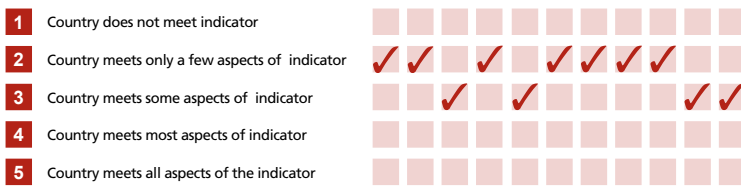
mechanisms of expressing oneself, and does not touch on the right to freedom of expression in itself.

Rather than legislation empowering people to express themselves freely, or the media to express itself, there are a plethora of laws that curtail freedom of expression. Amongst others, these include the Internal Security Act, the Penal Code, the Sedition Proclamation, and the Official Secrets Act.

Lesotho does not have a freedom of information act, and civil society is driving the creation of such a law more than government. "If you have this right (freedom of expression), then people should have information so that they can express this right."

Scores:

Individual scores:



Average score: 2.4 (2012 = 2.9; 2010 = 2.1; 2008 = 1.9; 2006 = 2.1)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Citizens very rarely express themselves freely, and when they do, they often do so anonymously.

During phone-in programmes, for example, "people fear to mention their names, while journalists avoid certain issues because they fear repercussions." Callers may give themselves nicknames in order to hide their identity – especially on political issues.

"There is self-censorship because of fear, and this is clear from the norm that people don't want to use their names. Some people have used their names with consequence."

Shortly before the February 28th elections, three callers on a radio programme were arrested for calling in to a programme, being in opposition, and discrediting the former Prime Minister. “They used their real names, and they were arrested.”

With the advent of social media, there is a sense that citizens are increasingly enjoying and practicing their freedom of expression. However, even on this platform, they do so anonymously or use a pseudonym particularly around certain electoral cycles, which are “an emotional affair”.

“The fact that you need to hide your identity means that you are not as free as you should be.”

Despite this fear, however, there are some outspoken commentators on social media – Makhaola Qalo and Motlatsi Mapetla, for example – who have been posting damning information and pictures on Facebook and other social media sites; and in the process, making themselves “the greatest enemies of government.”

Panellists observed that although Qalo’s information is sometimes questionable: “He is very powerful. If you see government having a direct response to things on social media, it shows that you’re having a direct impact.”

An example of information that made its way to Facebook with a great level of detail – even more than the coverage in mainstream media – was that regarding the arrests, or so-called abductions of certain individuals by members of the Lesotho Defence Force. It was noted that “some of these abductions are a direct result of social media happenings. They suspect that they are the ones leaking information onto social media.” The army has called on the public to help identify those responsible for leaking information, and there have already been cases in which civilians suspected of having information have been arrested, or asked to open their phones for information.

“The abductions are scary for civilians. People are abducted, arrested, brought before the High Court with shackles on their hands and feet with heavily armed soldiers with covered faces escorting them.”

Journalists also work in fear.

A panellist noted that members of the Lesotho Defence Force (LDF) told a photo journalist who attempted to take photographs of the scene described above that “if you take pictures, we will shoot you and you’ll be dead.”

“The army has strong influence and has been very intimidating. You go there as a journalist and think you’ll get a story, but with those kinds of threats, you become scared and lose focus.”

In print media, when seemingly controversial stories are published, some journalists revert to using the byline of 'staff reporter' to avoid the potential ramifications of using their own name.

One of the reasons for the increased fear of full expression was the arrest of an editor and a reporter at *Lesotho Times* in 2014, after the newspaper ran a story (with the byline of 'staff reporter') implicating a government official in the alleged coup on August 30th, 2014. Following their arrest, the paper's publisher went to reason with the police, and the two were released 6 hours after their arrest, when it became clear that the police had no specific charge.

"There was no specific law that they could use to charge them. This was an intimidation tactic, and it worked."

Panellists noted that it is very difficult for investigative journalists to get authoritative sources on sensitive issues, because people fear the implications of their names being mentioned.

Over the past year, the media have also increasingly been receiving threats from the army, through, for example, phone calls and SMSes. "They insult you, and tell you that if you run a certain story that they have found you're working on, then you will be in danger. But they don't specify what kind of danger." (It was noted that the army finds out about these stories through their public affairs office, which is the main contact point for journalists seeking information on army affairs.)

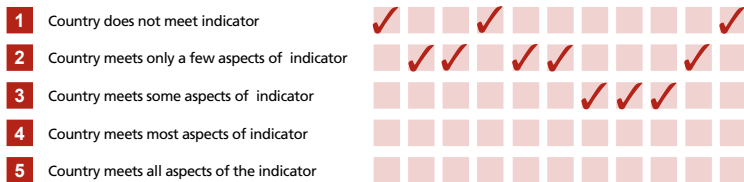
The station manager at a radio station in Maseru once read a message on air that one of the station's current affairs programmes had received. The message was warning the journalist not to mention the name of a specific person in the Lesotho Defence Force.

A panellist also noted an example in which the LDF sent a 3-page letter to a newspaper editor, discrediting the journalist professionally and accusing the journalist of pursuing a certain agenda.

The interception of telephone calls and other communications is deemed rife; (Please note, it is illegal to intercept one's communication without a court order, with reference to the Communications Act) information officers in government ministries and organisations fear releasing information that should be in the public sphere; fearing for their jobs. Civil servants are not heard expressing their personal views in public; while journalists – particularly those working in the state media – practice a high level of self-censorship. On the whole, where people are expressing themselves, they are doing so with a certain level of fear.

Scores:

Individual scores:



Average score:

2.0 (2012 = 2.7; 2010 = 2.7; 2008 = 2.8;
2006 = 1.1)

1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secrets, libel acts, legal requirements that restrict the entry into the journalistic profession or laws that unreasonably interfere with the functions of media.

There are several laws that restrict freedom of expression and which may unreasonably interfere with the execution of media functions. Examples include:

- The Official Secrets Act of 1967 (section 4), which makes it an offence for anyone to communicate information regarding prohibited places or prohibited information.
- The Code of Conduct for the Public Service, made pursuant to the Public Service Act of 2005, (in section 3(2) (i) prohibits civil servants from "*directly or indirectly revealing or using for private purposes, any information coming to his knowledge or acquired by him or her either in the course of his or her duties or in his or her capacity as a public officer, otherwise than improper discharge of his or her duties or as authorised by law or a competent authority.*"
- The Sedition Proclamation, which makes it an offence to publish seditious material. Newspapers have been dragged to court in the past based on this law.
- The Criminal Defamation Act of 1967
- The Obscene Publications Act of 1912
- The Internal Security Act of 1984
- The Penal Code

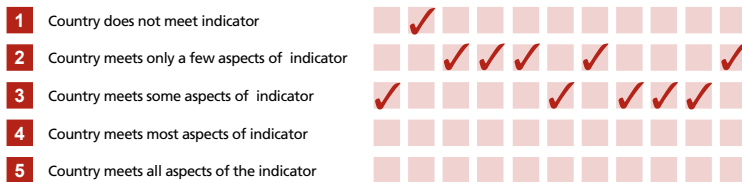
"These are old laws that were meant to protect the state, and need to be reviewed."

However, in terms of entry into the journalistic profession, there are no restrictions, and anyone may practice.

“It’s a free for all!”

Scores:

Individual scores:



Average score:

2.4 (2012 = n/a; 2010 = n/a; 2008 = n/a;
2006 = n/a)

1.4 The government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

“Lesotho is good at signing, but ratification is a problem.”

Lesotho has signed a number of regional and international instruments on freedom of expression and freedom of the media, but the domestication of these instruments is problematic.

“You find that these high-powered delegations to go out of the country, have a cup of coffee, sign, and come back. But what they sign is not domesticated. There are very few cases where international instruments are used in tandem with local law.”

“The public is told about them going, but they can’t even explain what they have signed when they return.”

Both the SADC Protocol on Information, Sports and Culture, and the African Union Declaration of Principles on Freedom of Expression have been signed by Lesotho, but neither instrument has been fully domesticated.

One panellist noted that in Lesotho, when an international law is ratified, a domestic law must be created in order for it to take effect locally; unlike in most

other countries in the region where the international law ratified automatically becomes part of the country's laws.

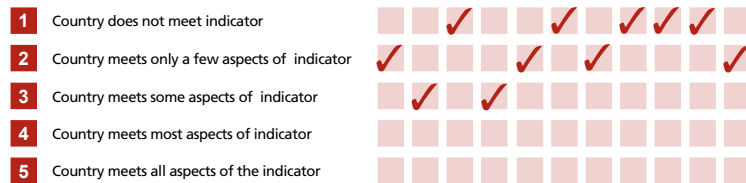
A motion was put before Parliament that prior to Government signing, "the legislature should be informed so as to domesticate the international instrument, so that when the country reports – e.g. on labour issues to ILO – domestication has taken place. But this motion was kicked out on the argument that the executive branch is part of parliament and should already know."

Additionally, although civil society is often involved at the beginning of the process in creating or driving certain protocols, when the time comes to sign these protocols, government comes in and signs, but leaves out those civil society organisations in ensuring domestication.

Furthermore, Government only signs some of these instruments when it serves certain interests, such as where donor funding is involved, or during the period of elections and the ruling party wants to show some form of political will. "But after elections, things go back to square one."

Scores:

Individual scores:



Average score:

1.7 (2012 = 2.1; 2010 = 1.0; 2008 = n/a; 2006 = n/a)

1.5 Print publications are not required to obtain permission to publish from state authorities.

Media houses are not required to obtain permission in order to start a print publication.

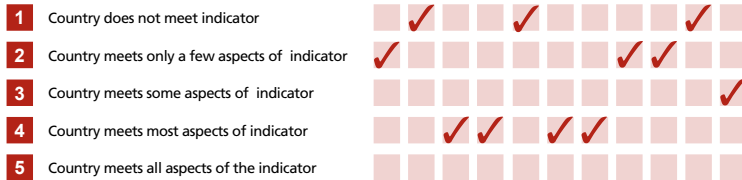
However, they do have to register their publication with the Registrar of Societies.

"A lawyer must craft Articles of Association, then the media house has to go to the Post Office and register with 200 Maloti (USD16.40). It's an easy process."

Section 7 of the Printing and Publishing Act of 1967 makes it an offence for publish print media without a certificate – of which the certificate number has to be exhibited on the front page of that print medium.

Scores:

Individual scores:



Average score:

**2.5 (2012 = 3.5; 2010 = 3.4; 2008 = n/a;
2006 = n/a)**

1.6 Confidential sources of information are protected by law and/or the courts.

The Communications Act of 2012 makes provision for the protection of sources of information.

Additionally, Rule 12(3) of the Broadcasting Rules of 2004, made pursuant to the Act, provides for confidentiality of sources to be protected. The rule states that: "Subject to the laws of Lesotho, the Journalists' Convention in relation to the protection of sources who require confidentiality shall be respected."

There have been cases in which the police have attempted to force journalists to disclose their sources. However, journalists have refused to concede.

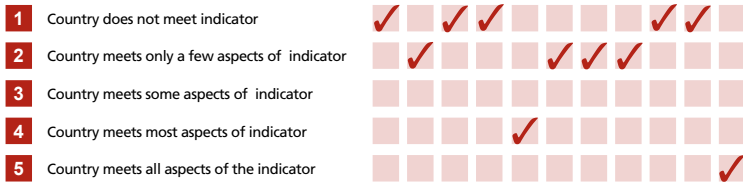
After publishing a story in the *Lesotho Times* in which a source was described as "a police source who spoke on condition of anonymity", the journalist was arrested, interrogated, and told to reveal who his source was. "He refused, and they eventually released him, but told him that 'it's not over'. And they continue to intimidate him."

There is some inconsistency between the Broadcasting Rules and the Internal Security Act, which, in Section 9, makes it an offence to not disclose information to the police that would be needed to follow up on a case.

Furthermore, the Official Secrets Act is often used in court to force journalists to reveal their sources.

Scores:

Individual scores:



Average score:

2.0 (2012 = 1.5; 2010 = 1.2; 2008 = 1.0;
2006 = 1.6)

1.7 Public information is easily accessible, guaranteed by law, to all citizens.

Section 14 of the Constitution speaks to each citizens right to “receive ideas and information without interference”, but it does not speak directly to the access of public information.

Lesotho has no Access to Information law, although the Law Reform Commission drafted an Access to and Receipt of Information Bill in 2002 that was not tabled in Parliament.

Accessing public information is difficult for both citizens and the media. “Even simple information is hard to get.” “We have information officers in different ministries; but why do we have them if, when we need to get information, they ask us to write letters to the CEO to provide them with permission?”

“They are there, but they are inactive.”

Panellists noted that in the Ministry of Public Service’s Information Dissemination Strategy, only Principal Secretaries may provide authorisation for information disclosure to the public. “So even in the Bill there are limitations. Information officers can’t freely provide information.”

A media practitioner on the panel noted an example, whereby an interview was conducted with a Senior Education Officer in a district, where, after the Junior Certificate exams, it had been discovered that some exam papers had been leaked and some children had cheated. The Officer provided extensive information during the interview such as the names of the schools implicated, and so forth. However, before the story could be publicised, she called and asked for a retraction, fearing that she would face negative consequences for speaking to the media. “Even the Principal Secretary can’t go on air without consulting the Minister.”

Accessing detailed information on the national budget is also difficult.

“The Ministry of Information in the budget speech, said that government would build eight bridges during the financial year. We asked for information on where these bridges are being built, but were told that they could not disclose this, because it would cause infighting between the parties. They do not want to be accountable.”

“Also, Ministries are supposed to report to the Portfolio Committees every quarter, but no reporting is done.”

Panellists felt that government officials are only open with information “when they want to prove their mandate and want to lie to the public”

Another access issue for citizens is language.

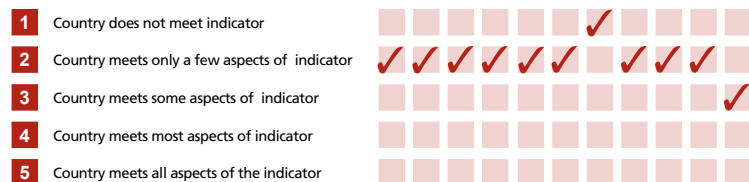
Most public official documents are written in English, and although literacy rates in Lesotho are relatively high, it is at a very basic level. Exacerbating this fact, Lesotho’s reading culture is weak, and “our people sometimes are not very interested in reading these documents, even when they are accessible.”

While government has done well in making speeches available on its websites (albeit occasionally late), sometimes there is a cost to accessing information. “If you want information from the Government Gazette, you have to pay. And sometimes it is out of print.” The Hansards are available for free, but can only be accessed at Parliament.

The Lesotho Legal Information Institute also makes a great deal of law-related information available on its website.

Scores:

Individual scores:



Average score:

**2.0 (2012 = 1.3; 2010 = 1.3; 2008 = 1.4;
2006 = 1.2)**

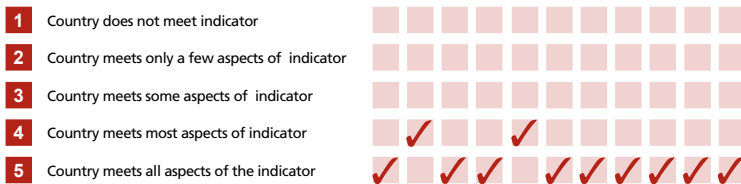
1.8 Websites, blogs and other digital platforms are not required to register with, or obtain permission, from state authorities.

Website, blogs and other digital platforms do not have to obtain permission or register with state authorities in order to operate. The Lesotho ICT policy makes no mention of having to register these online information platforms.

The Communications Act of 2012, however, notes in Clause 38 (2) that “Audio, video or any content distributed through the internet may be licenced or regulated as broadcasting”.

Scores:

Individual scores:



Average score:

4.8 (2012 = 4.5; 2010 = 4.7; 2008 = n/a; 2006 = n/a)

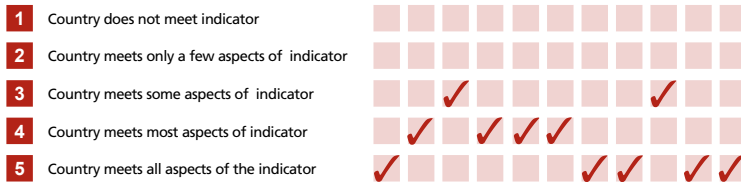
1.9 The state does not seek to block or filter Internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts.

“Even if the state wanted to (block or filter internet content), it doesn’t have the technical capacity to do so.”

No laws have been used or created to block or filter internet content; “although there has been an attempt by the LDF in the past to seek ‘security-related’ information from telecoms providers, and to regulate such content.”

Scores:

Individual scores:



Average score:

**4.3 (2012 = 4.8; 2010 = 3.2; 2008 = n/a;
2006 = n/a)**

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

MISA Lesotho is the most active media organisation in Lesotho, and it often collaborates with civil society on platforms where media issues are discussed.

The Transformation Resource Centre is also very active, has a clear position on media freedom issues, and a dedicated media programme that is part of its core activities. The TRC has supported MISA on campaigns such as Press Freedom Day and Access to Information.

The Basotho Media Women's Association (BMWA) – made up of women leaders in different media houses – engages in activities aimed at empowering women in media, discussing women's issues and enhancing media coverage of women. It is currently working on developing a charter on women in media.

Aside from these three organisations, civil society groups are not very active on issues around media freedom. The Editors Forum and the Journalists Association are no longer active.

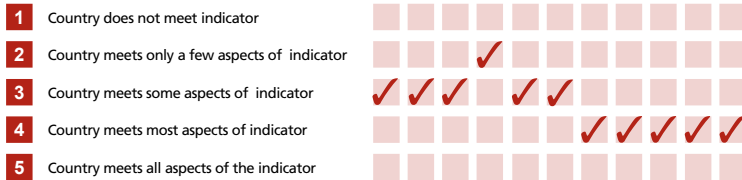
Moreover, the media fraternity is polarised (along political party lines), and therefore, groups formed to advocate for media freedom are not sustainable. "The cause is lost because of this fragmentation."

The level of consciousness of the public with respect to media policy issues is very limited, and the public "is not generally aware of the importance of media freedom".

"People do not link the media freedom issues to their own situation as citizens."

Scores:

Individual scores:



Average score:

3.4 (2012 = 1.4; 2010 = 2.9; 2008 = 2.0;
2006 = 3.6)

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Public consultation, in general, is not a usual practice in Lesotho. "In this country, laws are just passed without consultation".

MISA makes a conscious effort to engage government on media issues, but this collaboration is never initiated from government's side.

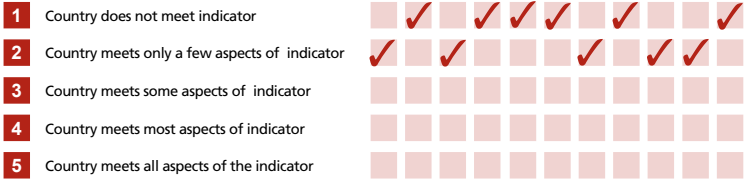
Where consultation does take place, for example with the Media Policy, inputs are not taken on board and/or reflected in the policy document. "They invite you, but don't take on the considerations that you have made. They legitimise the process by calling you there, but don't use your submission. It is window dressing."

"We made a direct presentation to Lesotho Communications Authority on the Media Policy and Communications Policy, but don't see our views contained."

Panellists noted that despite these frustrations, the process with regards to public participation is still evolving, and parliamentary sub-committees are beginning to understand their roles. "The executive frustrates the process because it doesn't provide committees with resources to undertake their work, including consultation. The fact that we don't have a definition on public participation is a problem in itself."

Scores:

Individual scores:



Average score:

1.5 (2012 = 1.4; 2010 = 1.6; 2008 = n/a; 2006 = n/a)

Average score for sector 1:

2.6

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

Print:

Lesotho does not have private or state daily newspapers, but several private weekly print publications exist. These include *Public Eye*, *The Lesotho Times*, *The Sunday Express*, *The Post*, *Informative*, *Mosotho* and *The Investor* (a business news weekly).

Moeletsi-oa-Basotho, *Mololi*, and *Leselinyana*, also weeklies, are published in the local vernacular - Sesotho.

On average, the cost of a newspaper is 5 Maloti (US\$0.41). The *Informative* is distributed free of charge (and is therefore widely read), while the *Public Eye* costs 6.50 Maloti (US\$0.53), and the *Investor* costs 7 Maloti (US\$0.57). For comparative purposes, a loaf of bread costs about 6.80 Maloti (US\$0.56). "Newspapers are not affordable for ordinary citizens, and when sold in remote areas, the price is increased, so that it is higher than the cover price."

None of the country's newspapers have their circulation figures audited, and there are no surveys or ratings on readership. Some panellists stated that distribution figures are kept secret. Distribution of the *Lesotho Times* is believed to be approximately 10,000 copies per week.

Newspapers are distributed primarily in urban areas. "So they might reach all ten districts, but only in their urban centres, not in the rural areas."

Occasionally, members of parliament buy *Moeletsi* (2 Maloti each (US\$ 0.16)) in bulk to distribute in their constituencies, "if there are stories that suit their interests." As such, this paper is sometimes found in very remote areas.

Most newspapers are in English, and panellists noted that the language is not always 'user friendly'. "It seems most papers are targeted at elites."

Radio

There are close to 20 radio stations in Lesotho, and this is the most broadly accessed and cheapest news medium. Stations include:

Public/State: *Radio Lesotho and Ultimate Radio*

Private: *Spes Nostra (Catholic), Peoples Choice FM (PCFM), MoAfrika, Harvest, Tsenolo, Thaha Khube, Onyx 357, Jesu ke Karabo and KEL Radio*

Community: *Dope, Motjoli, Mafeteng, Moeling*

With regards to coverage, Radio Lesotho is ahead of the pack, covering the entire country. The state broadcaster is followed by *MoAfrika FM*, with about 70% coverage; and then by *PCFM*.

Television

Lesotho Television – the state-run broadcaster, is available across the country, and is free-to-air. However, although there was a perception amongst panellists that a high number of households own television sets (one panellist stated 90%), by 2012, only 15% of households owned a TV set¹.

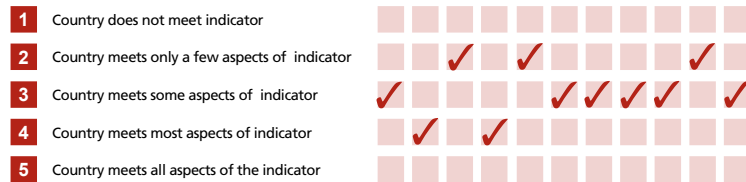
Aside from Lesotho Television’s free channels, those who can afford it also access DSTV.

Internet

Most newspapers in Lesotho have an online presence, and publish their papers on the internet. However, the internet is mostly accessible in urban centers, and can be quite expensive for the average Basotho, at 5 Maloti for 30 minutes at an internet café. More people are accessing internet on their phones, with data package prices being comparable to costs in South Africa.

Scores:

Individual scores:



Average score:

2.9 (2012 = 2.6; 2010 = 3.6; 2008 = 1.8; 2006 = 2.5)

¹ [http://www.afri-dev.info/sites/default/files/Africa-Governance%20Capacity%20%26%20Reach%20Pre%202015%20Scorecard%20\(Literacy_CRVS_TV_Electricity_LGA-Fin.LRes_.pdf](http://www.afri-dev.info/sites/default/files/Africa-Governance%20Capacity%20%26%20Reach%20Pre%202015%20Scorecard%20(Literacy_CRVS_TV_Electricity_LGA-Fin.LRes_.pdf)

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

Citizens' access to international media is not restricted, and South African radio stations such as Metro FM, Lesedi FM, SA FM, and most SABC radio stations can be accessed in Lesotho.

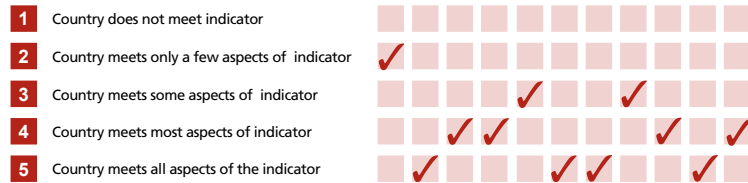
There have, however, been attempts by state authorities to restrict radio signals when they think they are in danger. Before the 2012 election, for example, when media houses were "fuelling political talk and getting out of control", the "one day PS" acting for the PS of the Ministry of Information who was away, decided to switch off all the private radio stations for a few hours that day.

Again, on August 30th, 2014, the chief engineer – under the instruction of the Lesotho Defence Force – shut down the radio stations.

To allow for the facilitation of the digital migration process, all radio stations – including state media – were shut down during the week of June 1st, 2015.

Scores:

Individual scores:



Average score:

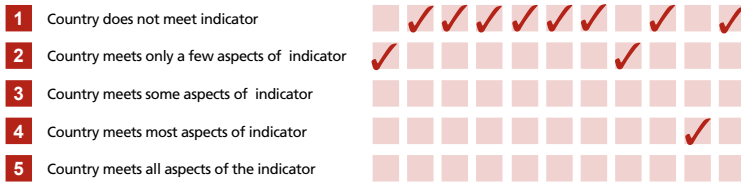
4.0 (2012 = 4.9; 2010 = 4.8; 2008 = 3.5; 2006 = 5.0)

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

In Lesotho, the state no longer publishes a print publication, since closing Lesotho Today in March 2014. Panellists believed, however, that if the paper was still in existence, it would face a great deal of political interference.

Scores:

Individual scores:



Average score:

1.5 (2012 = 1.9; 2010 = 1.4; 2008 = 1.0;
2006 = 1.0)

2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

Ownership of media houses in both print and broadcasting is transparent. In both cases, media houses that are set up as formal businesses have to register with the OBFC, and information on registered/licenced businesses is readily available on the OBFC website.

Beyond this, in broadcasting, before a station is issued with a licence, it has to undergo a public consultation process, whereby intent to broadcast is announced in print media, so that anyone opposed to the station may contest its set-up. "But this is not part of any legislation, it's just part of the process."

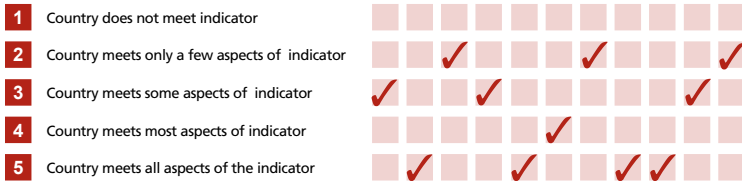
Following this public consultation process, the LCA Board decides on whether or not to grant the broadcasting licence. If an objection is raised, however, the application is referred to the Registrar.

In print, there are no laws requiring transparency of ownership. However, in most papers, the names of the owners are stated in the publication. Owners are also generally known in public, particularly those involved in public outreach – such as *Public Eye* and *Lesotho Times*.

Overall, there are no apparent attempts to hide media ownership.

Scores:

Individual scores:



Average score:

3.5 (2012 = n/a; 2010 = n/a; 2008 = n/a;
2006 = n/a)

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

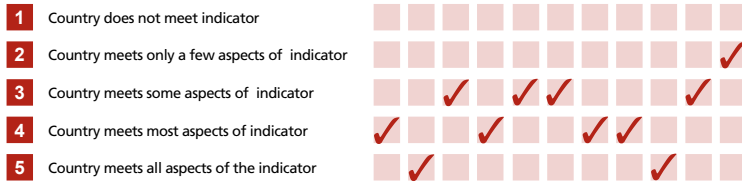
There is no overarching competition legislation, and a Bill called the Competition Law (2008), which would've addressed competition matters, has not been enacted.

However, Part 6 of the Communications' Act directly addresses competition management, and empowers the Lesotho Communications Authority to regulate competition in the broadcast sector. Amongst other things, this section of the Act addresses the classification of dominant licensees, sets in place competitive safeguards, outlines what would be the abuse of a dominant position by a player in the media industry, prohibits licensees from entering into agreements that would restrict competition 'in any communications market', and prohibits unfair trade practices.

There are no restrictions with regards to cross ownership of different media, and this type of ownership exists in Lesotho. For example, *Harvest FM* and *Faith* magazine have the same owner; and BAM Media owns the *Informative* newspaper and *Achiever* and *Finite* magazines. *Public Eye* and *Mosotho* newspapers are also under the same ownership.

Scores:

Individual scores:



Average score:

**3.6 (2012 = 2.7; 2010 = 1.0; 2008 = 1.5;
2006 = 1.1)**

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

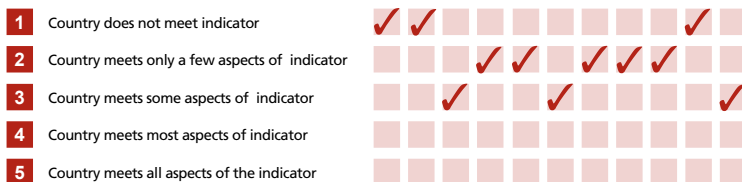
Government does not provide any concessions for media, and regards the media industry as any other business sector.

Further, no visible efforts are made to protect small media houses and improve their prospects for sustainability – even in terms of providing government advertising.

“Print media need to dance to government’s tune in order to get advertising/economic benefits.”

Scores:

Individual scores:



Average score:

**2.0 (2012 = 2.4; 2010 = 1.4; 2008 = n/a;
2006 = n/a)**

2.7 All media fairly represent the voices of both women and men.

There are several female practitioners in the media sector, but issues on women are not well covered; and the media are not particular about the effect of certain events on women.

“On the issue of water rights, for example, if there is no water, it has a stronger impact on women than men. Women have to walk long distances; if they’re pregnant there are adverse effects, etc. But media don’t cover these issues. Men are less affected, but media will just refer to the community.”

Some panellists, however, felt that both men and women are fairly represented in the media, as there are programmes on radio and television that attempt to represent both sexes. “It differs from one media house to another, but most radio stations have programme for women.”

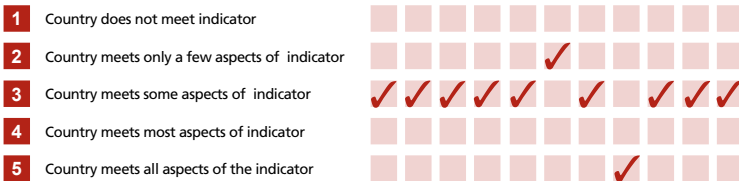
Both men and women are interviewed as sources in the media, but the extent to which their voices are heard depends on the issue at hand.

“Generally, politics dominates news content, and the tendency is that men are more likely to be interviewed and to come to the fore on these issues. Women are more reserved and not as likely,” and their veracity as sources is often questioned.

Even on issues where the playing field is more equal, panellists noted that women are less likely to accept or seek interviews. “Men are more confident than women with respect to having their voices heard in media.”

Scores:

Individual scores:



Average score:

3.1 (2012 = 1.5; 2010 = 2.8; 2008 = n/a; 2006 = n/a)

2.8 All media fairly represent the voices of society and its minorities in its ethnic, linguistic, religious diversity.

Linguistically, although English and Basotho are well covered as the main languages in Lesotho, not all the languages spoken are represented in the media. Xhosa, for example, is only covered by MoAfrika, and minimally at that.

Lesotho TV, however, provides sign language coverage.

Ethnically, there is a group in the south of Lesotho called the Baphuthi, who are marginalised (to the extent that they see themselves as separate from other parts of Lesotho), and whose stories are not documented in Lesotho media. The Xhosa and Ndebele people of Lesotho also do not receive much media coverage, and resort to tuning in to South African media instead.

Sexual minorities are not represented in the media.

Religiously, although the majority of Basotho identify as Christians, other religions hardly feature in the media. "Muslims are not represented at all."

With respect to age diversity, although children's issues are covered to some extent, they are not represented very well because the focus is on the negative – 'to sell their content'. "Issues affecting the boy or girl child only come out when the negative is happening. But on positive issues, there is very little coverage. The media's focus is on the negative, and people are attracted to buying or listening to such things."

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Average score:

2.0 (2012 = 2.0; 2010 = 2.2; 2008 = n/a; 2006 = n/a)

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories.

Politics is the dominant subject across all media platforms.

Economics is covered in a very limited way in both print and broadcast media. *The Investor* covers business topics, but the publication is still very new.

Social issues are only covered to a certain extent, and usually relate to women’s issues. Youth – and particularly children’s – issues are not covered in their entirety, and usually feature in negative reporting.

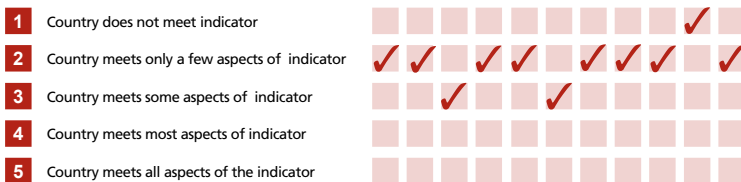
For the most part, the perspectives covered in the media are national topics. “We don’t get stories on voices from the ground in different cities or villages.” Furthermore, information appears not to reach the grassroots, as people at the local level are not fully informed or seem to be unaware about national activities.

“When you ask people at the local level, many of them don’t even understand the issues. For example, with the 2015 election, people had limited information on the process and why it was happening. But there may be an element of ‘negligence’ or apathy, as many people don’t even know who their leaders are.”

Less than five journalists in the country focus on investigative stories, and media houses lack capacity, security, and resources in this regard. This heavily compromises the standard of investigative journalism.

Scores:

Individual scores:



Average score:

2.1 (2012 = 1.5; 2010 = 3.7; 2008 = 2.0; 2006 = 4.0)

2.10 Private broadcasters deliver a minimum of quality public interest programmes.

For the most part, private broadcasters are not delivering on this mandate because:

- They have taken political sides and are not objective,
- They do not cover or promote the development agenda, and
- They have resorted to tabloid-type coverage that “is damaging to the social fabric”.

“Private radio stations are taking political positions, and often make it obvious which party they are aligned to. For example, you can wake up one morning, listening to a broadcaster talking alone in the studio, pitching one party against another, and even using vulgar language in vernacular.”

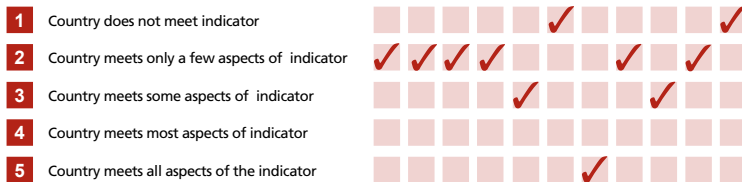
Panellists felt that the media no longer promote peace and stability. “It is only those who are level-headed that can draw distinctions between what is quality media and what is not. At the moment, the media are encouraging conflict.”

“We are getting a lot of sensation and vitriol on a daily basis, and this is damaging to the social fabric.”

“The media are supposed to be agenda-setters, but they’re setting the wrong agenda.”

Scores:

Individual scores:



Average score:

2.3 (2012 = n/a; 2010 = n/a; 2008 = n/a; 2006 = n/a)

2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

Lesotho has a formal ICT policy, but its effectiveness has not yet been tested, and the extent to which it has been implemented is unclear.

“It is there, but the test has not been done to interrogate it.”

Amongst other things, the policy is “intended to unite Government, industry, civil society and the general public in the achievement of its national development goals”. It promotes the use of mobile telephones, seeks to reduce the digital divide, and aims to secure Lesotho’s place in the information economy, etc. However, various structures that are meant to promote its implementation – for example, rural electrification, school resources, e-government infrastructure, etc. – are not yet in place.

Although many people have access to mobile telephones, the adoption of internet is slow – mainly because of the high price of internet.

Furthermore, with only 30% of Lesotho being electrified and the rural electrification programme far behind schedule, the introduction of ICTs in rural areas has yielded very mixed results thus far.

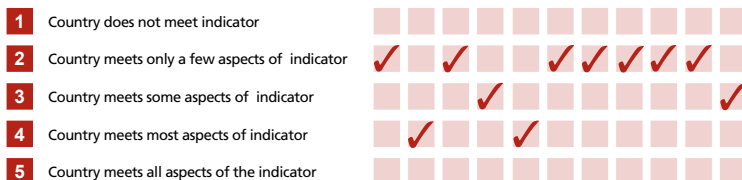
“Taking these issues in their totality, the concern is not only to provide facilities, but also to undertake research and monitoring. It is only in higher education where we find greater access. But in primary and secondary education, ICT use is low. The obstacles lie in implementation.”

“There is a lack of political will, especially since the budget is there. If a certain project won’t benefit certain individuals, it won’t see the light of day.”

With regards to digital migration, Lesotho is partly ready, and should be done preparing for this by October 2015.

Scores:

Individual scores:



Average score:

2.5 (2012 = 1.2; 2010 = 2.4; 2008 = n/a;
2006 = n/a)

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

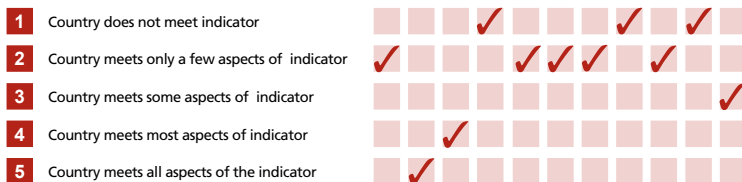
Government has used its advertising power to punish media who have been deemed to be critical – specifically *Public Eye* newspaper and the radio station *Harvest FM*.

The government does not make use of an advertising agency, and deals directly with the media, with no clear policy or procedure mandating how it advertises. As such, it uses its own discretion to decide with whom to advertise.

Some media have changed their own positions to reflect a certain bias as a means of securing advertising.

Scores:

Individual scores:



Average score:

2.3 (2012 = 1.7; 2010 = 1.1; 2008 = 1.9;
2006 = 1.1)

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

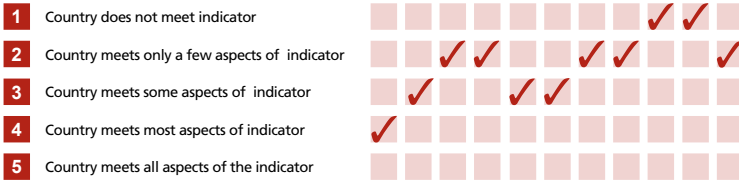
The advertising market is small, and media houses struggle to sustain themselves as they rely on this small market for their survival.

The main advertisers in the country – for both print and broadcast – are government, Vodacom, the banks, and some South African based companies/franchises. Government advertisements usually comprise tenders, project notices and vacancies.

Local companies spend very little on advertising, and locally-generated ads on radio are primarily for traditional medicines or traditional healing services.

Scores:

Individual scores:



Average score:

2.3 (2012 = 1.8; 2010 = 1.8; 2008 = 1.1; 2006 = 1.5)

Average score for sector 2:

2.6

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

The Communications Act was enacted in April, 2012, and has been partially implemented to date.

Clause 38(1) (a) of the Act provides for four categories of broadcasting media; noting that “in granting licences for the provision of broadcasting services, the Authority shall seek to ensure that the public has access to:

- i. public broadcasting services
- ii. private broadcasting services
- iii. commercial broadcasting services and
- iv. community broadcasting services.”

The cost of accessing a broadcasting licence from the LCA is lower for community radio stations (M2,500.00 (US\$ 205)) than commercial stations (M10,000(US\$ 820)).

At one point, government sought to privatise Radio Lesotho, but there have been no efforts towards implementing this idea. “Government uses public radio as its mouthpiece, so privatisation would mean the loss of this propoganda machine.”

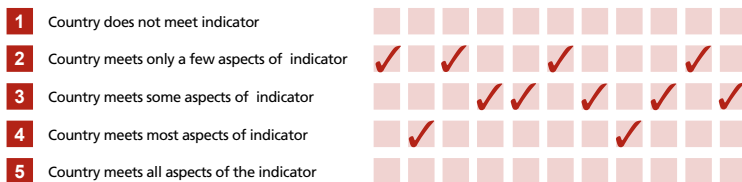
Overall, panellists felt that the enactment of the Communications Act of 2012 has not contributed to significant change in the broadcasting landscape, and that the government lacks political will to fully implement all its contents.

“Even if there are sections being implemented, I haven’t seen any change – not even a slight change – in the broadcasting sector.”

“What I see now is not much different from what I saw prior to 2012. You can’t ascribe any growth in the sector to that particular Act.”

Scores:

Individual scores:



Average score:

2.8 (2012 = 4.4; 2010 = 1.1; 2008 = 2.0;
2006 = 2.1)

3.2 Broadcasting is regulated by an independent body that is adequately protected by law against interference and whose board is not dominated by any particular political party and is appointed – in an open way – involving civil society and not dominated by any particular political party.

Broadcasting is regulated by the Lesotho Communications Authority (LCA) – as established by the Lesotho Communications Act of 2000 and perpetuated by the 2012 Act – which, in theory, is supposed to be “independent and not subject to control by any person or authority”.

However, the appointment of the LCA Board’s members – comprising a chairperson and five other members – is left to the Minister responsible for communications. Although the Act provides for an open process in terms of applications to the Board in that “prior to making an appointment to the Board, the Minister shall cause to be published, in a manner calculated to be readily accessible to potential candidates, an invitation to submit recommendations or expressions of interest for appointment”, the Minister has the final say, and does not have to explain his/her selection. It is also at the Minister’s complete discretion to reappoint a member for an additional term.

The Act does not provide for civil society involvement in the appointment of board members. Furthermore, although the Act states that Board members should “represent a diverse range of relevant professional skills, experience and views relevant to the communications sector”, it doesn’t make specific mention of having a civil society representative amongst those appointed.

“You find that members are appointed, without applying, and you question what qualifications they have.”

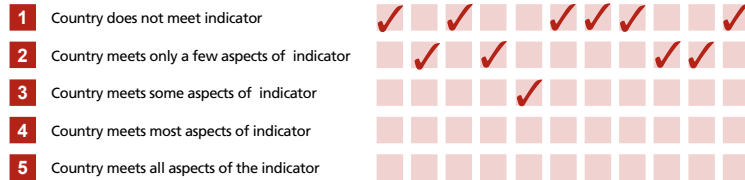
“There was a board – probably around 2007 – that was very controversial. One member was the sister of the Deputy Minister, another board was the Principal Secretary’s wife, another member was the brother of a Principal Secretary of another and there was a lawyer known to be loyal to the ruling party.”

“The whole structure caused public disdain, and created a negative perception of LCA at the time. Even current board members can be associated with certain political parties, and you can tell the political affiliation of the board.”

“The legislation gives power to the Minister – even to make new regulations (as per Section 55 of the Act) – and you can’t question how he may have gone about it.”

Scores:

Individual scores:



Average score:

1.5 (2012 = 1.5; 2010 = 1.4; 2008 = n/a; 2006 = n/a)

3.3 The body, which regulates broadcasting services and licences, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Although the Communications Act of 2012 seeks to serve the public interest, a number of issues keep the LCA from effectively carrying out its mandate in an open and fair way, representing diverse views.

The principal problem is the structure of the LCA, and how its board members are selected. “The body is not structured in such a way that illustrates that the board is representative of the sector.”

Additionally, the LCA is not proactive, and does not investigate how the media it regulates is performing. “The LCA waits for complaints, so it is not really keeping in mind the public interest, and often hides behind the absence of political

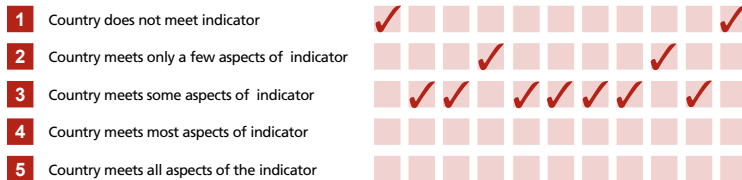
complaints to take action.” “What about my grandmother sitting in the village, unhappy about how radio is being run? Do they expect her to go to Maseru to issue a complaint?”

The LCA – like many parastatals in Lesotho – does not have sufficient resources to expand, and this impacts on its decisions and its ability to implement the Act.

However, despite the above, one way in which the LCA safeguards the public interest is that every 10 years, the body gives the public a chance to write in and state whether or not a radio licence should be renewed.

Scores:

Individual scores:



Average score:

2.5 (2012 = 1.7; 2010 = 2.0; 2008 = 1.1;
2006 = 1.0)

3.4 The state/public broadcaster is accountable to the public through an independent board which is representative of society at large and selected in an independent, open and transparent manner.

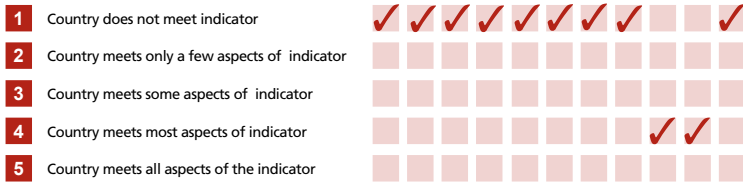
The state/public broadcaster is not governed by a board, and falls directly under the jurisdiction of the Ministry of Communications, Science and Technology.

This is problematic even in terms of financial controls, as financials are mingled within the budget of the Ministry, and are not accounted for or audited separately.

Additionally, structural problems exist with regard to how the influence of the LCA extends to the public broadcaster (which, notably, does not pay fees to the LCA).

Scores:

Individual scores:



Average score:

1.5 (2012 = 1.0; 2010 = 1.0; 2008 = 1.0; 2006 = 1.0)

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes.

There is no legislation guaranteeing the independence of Lesotho TV or Lesotho Radio, or protecting them from state interference. Furthermore, the public broadcaster has no editorial policy.

“The Ministry of Communications treats and understands the state broadcaster to be the government’s mouthpiece or propaganda machinery.”

“The Minister gives directives to the newsroom to say what it can and can’t broadcast,” and in the past, stories that were ready and about to air, and which had come to the attention of the Minister and did not meet his approval, could be called off at a moment’s notice.

At the end of May, 2014, a press conference held by the Transformative Resource Centre, to condemn the abductions of soldiers in the army was covered during the 7:30pm (Sesotho) news broadcast, but was removed from the 9pm (English) News. “Usually, there is the exact same content on the two news services.”

Controversial issues are watered down as much as possible if they are to appear in the state media, self-censorship is rife at the public broadcaster, and issues related to national security are often omitted altogether.

“It is public knowledge that Lesotho TV and Radio are not editorially independent.”

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Country meets only a few aspects of indicator																			
3	Country meets some aspects of indicator																			
4	Country meets most aspects of indicator									✓									✓	
5	Country meets all aspects of the indicator																			

Average score:

1.5 (2012 = n/a; 2010 = n/a; 2008 = n/a;
2006 = n/a)

3.6 The state/public broadcaster is adequately funded in a manner that protects it from political interference through its budget and from commercial pressure.

As noted in Indicator 3.5, the state broadcaster is not protected from political interference, and its funding structure – whether adequate or not – does not ensure its editorial independence.

Funding for the operations of the state broadcaster comes directly from the Ministry of Communications, and from part of the Ministry's annual budget. Salaries of staff at Lesotho TV and Radio, for example, are paid from the Ministry's payroll.

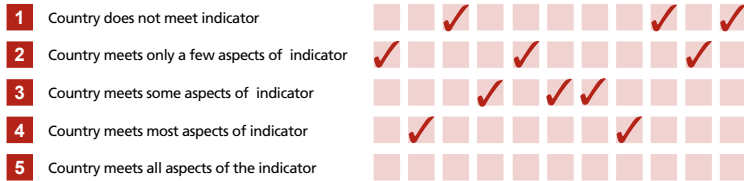
For election coverage, however, the Independent Electoral Commission allocates a certain amount of funding for broadcast coverage.

Requests are made directly to the Ministry of Communications in instances where the state broadcaster needs additional funding for special programmes.

Income to the broadcaster is not supplemented with licence fees for radio or TV; and while it does source advertising, the broadcaster “does not really pursue commercial advertising because it doesn't have commercial pressure.”

Scores:

Individual scores:



Average score:

2.4 (2012 = 1.5; 2010 = 1.8; 2008 = n/a;
2006 = n/a)

3.7 The state/public broadcaster offers diverse programming formats for all interests including local content and quality public interest programmes.

Most panellists agreed that there is diversity of programming; including political, youth, women's, church, agriculture and local government programming, amongst others.

Lesotho TV only has one channel. Current affairs programmes tend to have similar formats; and live coverage is also conducted – even on political issues.

Ninety percent of broadcasting is in Sesotho, and the other 10% in English (mainly for news coverage).

The quality of outsourced programmes (mainly in the form of series or local dramas) is not particularly good. This can be attributed to the lack of training, the questionable standards, and to out-dated equipment.

The state broadcaster also airs international news programmes (e.g. Al Jazeera) and international soapiers or telenovelas. International content makes up about 10-20% of overall content.

Scores:

Individual scores:

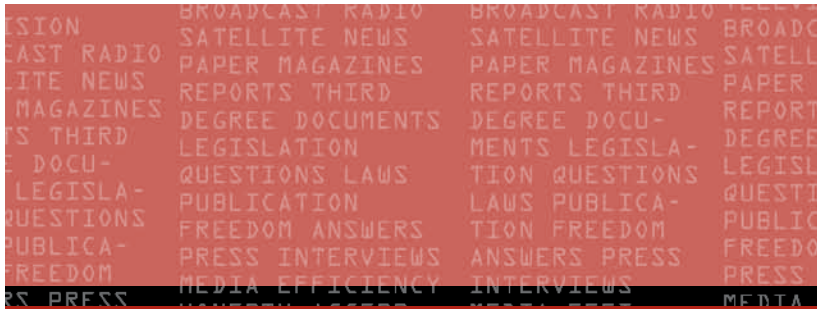
1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.6 (2012 = n/a; 2010 = n/a; 2008 = n/a;
2006 = n/a)

Average score for sector 3:

2.1



SECTOR 4:

The media practise high levels of professional standards.



The media practise high levels of professional standards.

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

In general, the standard of reporting in Lesotho leaves much to be desired, though some media houses do try to oppose the current downward trend.

“The principles of respecting human beings is lacking in some of the media institutions. The expression of words are not respectful, you hear vulgar language on some of the stations, and some reporting is more sensational or exploitative, and you see that principles are not respected at all.”

The lack of media ethics and professionalism can be seen, for example, in reports on children. “Some media houses just don’t respect the Child and Welfare Act, and do not look out for the interests of the child when reporting.”

Some of the issues to which panellists attributed the low standards of reporting included:

- the lack of intensive training programmes in journalism, which therefore impact on the quality of reporting;
- the absence of a universal code of conduct policies;
- the absence of regulatory mechanisms to ensure compliance to certain professional codes/standards;
- the absence of basic entry requirements into the journalistic profession. “Anyone without a job can one day wake up and become a journalist. Some radio stations take people that haven’t even completed their education. Media houses are careless about this issue.”
- the absence of a media policy – media houses rely on universal policies, but no one can hold media to account;
- the lack of knowledge by media houses themselves, about their own stand, their objectives, target market, circulation, etc; and the absence of ratings and data about the industry, that advertisers can use in selecting in which media to place advertisements.

In print media, journalists are not always accurate, and “what I’ve said to them is not what is printed.”

“Journalists are also often selective about what they choose to publish, and try to sensationalise issues by “taking the juicy pieces without providing the context” for why certain comments were made. The fact that so many corrections have to be published in each newspaper is testimony to the lack of accuracy in writing news stories. Further, when corrections are made, they do not receive the same prominence as the story in which the mistake was made.”

In terms of broadcasting, while panellists noted that the state broadcaster and PCFM can generally be relied upon to provide well researched pieces, for the most part, this media sector also lacks professionalism.

“If you listen to two stations on the very same issue, you’ll hear two very different stories, almost as if they were at different press conferences.” The political polarisation of media exacerbates this issue, as different stations often seek to push a certain agenda, and/or reflect their bias in their reporting.

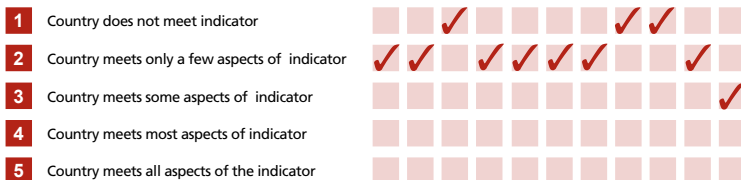
Additionally, because many radio stations hire people without the necessary skills, professionalism is often compromised. “They bring people on air, who are then rewarded with free advertising. For example, someone with a poultry business can be hired as a presenter on the radio, so that they can advertise their poultry business and more people will come for eggs and chickens.”

“One would think that if the standards are not up to standard, it is because the training is not there. But the issue is that local media don’t even hire these professionals, so those with training in media seek alternative of employment.”

MISA Lesotho has made significant efforts to increase the professional standards of media professionals and media houses in the country, but the will (of media houses) to address this problem is lacking. “Media are aware about the low standards in the industry, and we have an Editors Forum, but editors themselves do not attend these meetings, and it seems that there is a deliberate attempt to undermine professional standards, so much so that some say ‘we don’t eat ethics’, and won’t follow ethics because they are not good for business.”

Scores:

Individual scores:



Average score:

1.8 (2012 = 1.4; 2010 = 3.2; 2008 = 2.1; 2006 = 1.2)

4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public.

In the print sector, there is no formal complaints mechanism, and aside from the voluntary (regional) MISA media code of ethics, there is no set of professional standards to which the media adhere. Moreover, most media houses do not have in-house editorial policies, leaving professionalism and ethics to the discretion of individual journalists.

The Editors Forum has sent a proposal to UNESCO to establish a self regulatory body made up of a Media Ombudsman and a Media Council, but a response on this is still pending. MISA has made a commitment to fast-track media policies.

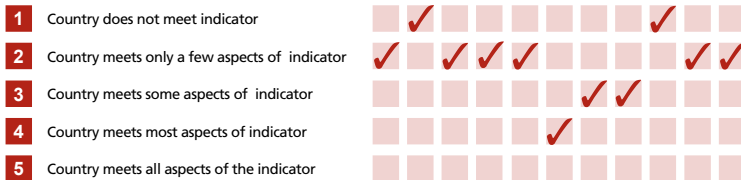
In the broadcast sector, the Broadcasting Disputes Resolution Panel was set up in July 2013 within the scope of the Communications' Act of 2012 to, amongst other things, "review and seek to resolve all disputes regarding broadcast content". The Panel is made up of 5 members, appointed by the Minister. (Currently, the Panel only has three members, as one recently became a Member of Parliament, and another passed away).

To date, the Panel has dealt with no more than 20 complaints since its establishment. The public is, generally, well aware of this complaints mechanism. A notable challenge for the Panel is that the filing procedure for complaints is difficult and tedious; and oftentimes, the only recourse for the complainant is a right of reply.

The Panel is also tasked with preparing a broadcasting code of conduct to update/replace the current broadcasting rules, but nothing has been done on this yet.

Scores:

Individual scores:



Average score:

2.2 (2012 = 1.4; 2010 = 1.6; 2008 = 1.1; 2006 = 1.0)

4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners are adequate.

Entry-level salaries differ from one media house to another, and are also commensurate to the qualifications and work experience of the journalist/media practitioner.

In print media, salaries might range from M2,200 (US\$ 180.4) (entry level, probation period) to around M10,700 (US\$ 8877.4) (senior journalist). Depending on the media house, senior journalists might receive a housing allowance in addition to their salary, as well as electronic gadgets such as cellphones and notebooks to facilitate their work. *Public Eye*, for example, also provides its senior journalists with M400 (US\$ 32.8) airtime each month.

For comparative purposes, rent for a basic two-roomed space costs approximately M500 (US\$ 41) to M1,500 (US\$ 123), depending on location; while a bachelor's flat sets one back about M1800.

Salaries at private radio stations also vary but are, in general, "shameful". Media practitioners are, for the most part, treated as volunteers who only receive a commission when they source advertising. "They have no contracts, no job security and no safety measures." Some earn as little as M800 (US\$ 65.6) per month, with no other benefits. Station managers in private radio station earn around M 6,000 (US\$ 492) to 7,000 (US\$ 574).

At the state broadcaster (television and radio), media practitioners are treated as civil servants. Entry level journalists/practitioners (note that entry level employees should have a first degree) earn around M8,000 (US\$ 656), and this salary increases every year by a specified notch, or based on promotion. Performance appraisals are also conducted, but these are not effective and do not affect salary increases. Staff in management positions at the state broadcaster earn around M25,000 (US\$ 2050) to M26,000 (US\$ 2132). Directors also receive a government vehicle, cellphone, and a government house with all utilities covered, and with a negligible rent cost of around M200.

Working hours for media practitioners are long, and journalists – particularly at the weekly paper – have to deal with an intense workload. At private stations, hours vary depending on the arrangement with the stations 'volunteers'.

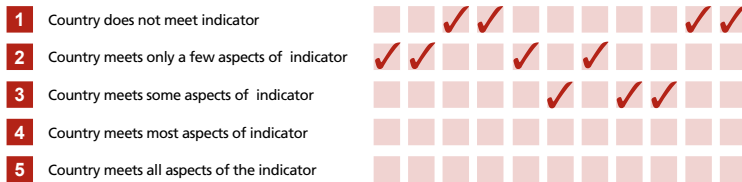
At state institutions, employees work in shifts (e.g. 8am to 4:30pm), making working hours more manageable. However, this depends on the level of responsibility given to the staff member. In TV, for example, sometimes one person is assigned work that, in a normal situation, would be accorded to a number of people. "There aren't the structures that are in place in a normal newsroom setting."

Safety continues to be an issue for working journalists, and most private media houses have no protective mechanisms, and no insurance with regard to safety. Journalists are also not given protective gear when covering potentially violent conditions, as was the case with an *Informative* reporter who was injured when shot with rubber bullets during a strike in 2008/9.

However, legal protection is generally provided at media houses.

Scores:

Individual scores:



Average score:

1.9 (2012 = 1.6; 2010 = 2.4; 2008 = n/a; 2006 = n/a)

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

There are a handful of professional associations into which media practitioners have organised themselves, but the high level of fragmentation between media houses has compromised the effectiveness of these associations.

The Journalists Association of Lesotho (JAL), which was set up in 2004 and is affiliated to the Southern African Journalists Association, is no longer effective due to infighting for positions and resources, as well as frustrated membership due to the lack of financial accountability and alleged corrupt activity. The association had been set up to represent media practitioners’ interests. At one point, MISA was hosting the trouble-filled organisation, but JAL moved out of the office and its current status is unknown. Panellists felt that MISA could step in to provide some leadership in reviving JAL and getting it back on track.

Aside from the infighting, the failure of JAL and the lack of cohesion among media practitioners can also be blamed on the polarisation of media houses along political party lines.

“The problem, I realised, is that there is disunity amongst journalists – a polarisation of journalists and media houses. This creates a serious problem...It needs strong leadership that will rise above these political issues.”

Panellists identified this fragmentation as twofold. Firstly, proprietors do not foster unity amongst journalists from different media houses; and secondly, there is a rivalry formed by the scramble for advertising.

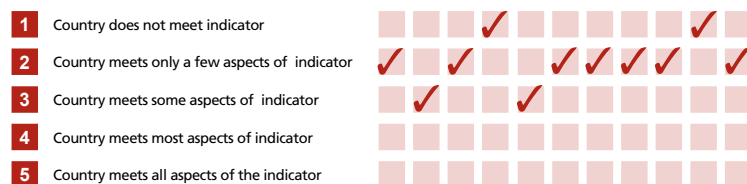
“There is no unity amongst us. We are in groups. There are different groups amongst us.” “We need to find common ground in order not to be fragmented.”

Aside from JAL, however, there is the Basotho Media Women’s Association (BMWA), which was set up in early 2015 as a platform for women in media. The organisation is made up of “women from various media houses, but only those who hold leadership positions because they would be in a better position of influence”.

Another association is the Editors’ Forum, formed in April 2013, as a forum for editors from all media to confer on issues of ethics, regulations, etc, as well as for editors to meet with government. It is affiliated to SAEF and TAEF. However, the Forum faces financial constraints and “has no financial muscle”.

Scores:

Individual scores:



Average score:

2.0 (2012 = 1.4; 2010 = 2.0; 2008 = 1.5; 2006 = 1.9)

4.5 Journalists and media houses have integrity and are not corrupt.

There was consensus amongst panellists that “very much” corruption takes place – in the media. Further, both editors and journalists lack integrity in that they “are being used by the politicians” to push various political agendas.

“It is known that some journalists are aligned with certain political parties that will give them certain incentives to push their agenda.”

“Even if the journalist isn’t given an incentive by a politician, there are media owners who will sit down with politicians. Some come with briefcases of money. Some stories get spiked, but they don’t explain why the story was killed. You will just hear rumours that the boss was given a certain incentive.”

The practice does not only happen in political circles, but amongst businessmen too.

A journalist once ran a story about a Chinese businessman selling expired food that could have placed people’s health at risk. The businessman approached the journalist and offered her M10,000 (US\$ 820) to destroy the footage. In this case, however, the journalist refused the bribe and went ahead with the story.

In another example, at a local radio station, a journalist was working on a story about a truck owner involved in a corruption scandal at the Ministry of Agriculture, whereby the waybill was manipulated so that he could claim money back. The owner came to the station and wanted to see the editor, who referred him to the proprietor, to whom he offered money in order to keep the story back. “Later, the proprietor ordered the newsroom not to run the story.”

Several more examples exist, with diverging outcomes.

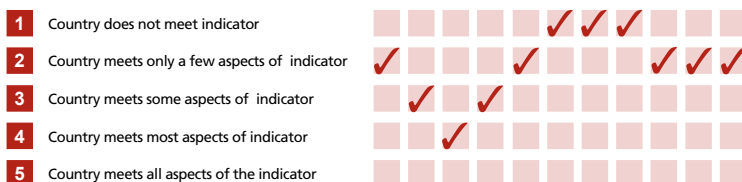
Some panellists posited that corruption in the media takes place due to the low salaries earned in the industry. “Some journalists are so poor that they’re willing to take anything to make their lives easier.” Even when journalists are provided with transport money by their media houses, some opt to “negotiate lifts from politicians or those hosting the events, to save the money that has been given for this purpose”, thereby compromising integrity and the quality of the report.

Others countered this argument, stating that even with high salaries, some media professionals are still corrupt. “The problem is lack of standards and monitoring systems. If the systems are in place, this would help to minimise the incidence of corruption.”

Most media houses do not have in-house policies on corruption; with very few of them requiring the declaration of freebies.

Scores:

Individual scores:



Average score:

**2.1 (2012 = 1.1; 2010 = 2.6; 2008 = n/a;
2006 = n/a)**

4.6 Journalists and editors do not practise self-censorship in in the private broadcasting and print media.

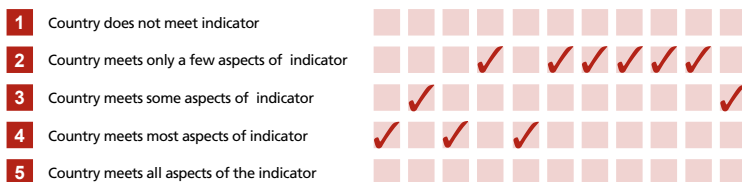
Journalists and editors do practice self-censorship, spiking or twisting stories in pursuit of advertising, or based on their political affiliation.

“There are journalists who will align their stories in a certain way in order to please proprietors.” “If you can’t subscribe to what they want, you quit.”

Beyond self-censorship, as has happened at *MoAfrika*, “the proprietor is at liberty to chip in in the middle of a program – on air – if he feels the journalist is in the wrong.”

Scores:

Individual scores:



Average score:

**2.7 (2012 = 1.6; 2010 = 2.8; 2008 = 1.3;
2006 = 1.2)**

4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

In terms of ethnicity, Lesotho is not very diverse, and is made up almost entirely – over 99 percent – of the Basotho people. As such, ethnic diversity is a “non-issue”.

With regards to sex, the proportion of men and women represented in the organisational structure differs from one media house to the next. At *Lesotho TV* and *Lesotho Times*, for example, decision-making positions are held mostly by men. Even where the numbers are a little more equal, however, often men are sent on certain stories, “and the women are only considered when those men come back empty-handed.”

In terms of sexual orientation, however, “we don’t see people from the LGBTI community” participating as media practitioners.

With respect to providing equal opportunities to people with disabilities, media houses in Lesotho appear to be non-discriminatory, and panellists easily cited examples. *Mo’Afrika*, for example, employs three people with disabilities, Radio Molisa ea *Molemo* employs one, and *Lesotho Times* has an award-winning photographer with a disability in its employ.

In terms of religious diversity, most media houses are not picky (90 percent of Basotho identify as Christian). However, there are stations that are established along religious lines that only employ people from that religious perspective. Radio Molisa ea *Molemo* – a Christian radio station – is a case in point in this regard.

Age-wise, the media fraternity has lost a number of senior journalists, and lacks seasoned media professionals “who are able to transfer skills to younger journalists.” One panellist noted that “there is a new crop of young journalists who are simply craving celebrity”, while another lamented that, “these young ones are just out of order.” However, opportunities are open to all, and there has been no known instance of age discrimination.

“My boss always says that as long as someone is productive and delivering, he/she should be given a chance.”

MoAfrika has hired an older, seasoned journalist from *Lesotho Radio* to assist in the training of younger journalists.

Scores:

Individual scores:



Average score:

2.8 (2012 = 1.8; 2010 = 4.2; 2008 = n/a;
2006 = n/a)

Average score for sector 4:

2.2

The way forward

1. What were the developments in the media environment the last 3-4 years since the last AMB panel discussion?

Positive

- Increased civil society action taking place
- An increase in the number of radio stations and newspapers
- Improvement in the number of women in leadership in media houses, although this can be improved further
- Citizens are vocal despite the fear factor having increased. Even though people are scared to reveal their names, they are still expressing themselves robustly.
- Greater access to social media
- The creation of the Broadcasting Dispute Resolution Panel, through the Lesotho Communications Authority and its supporting Act
- Improved parliamentary reporting

Negative

- (The perception of) the practise of the right to freedom of expression has declined
- Fragmentation/polarisation of media along on political lines
- Increased intimidation of journalists, particularly by defence forces
- The decline in the professional standards of the media
- Lack of safety measures for media practitioners, especially in light of the increased incidences of intimidation
- Lack of focus by the media on the development agenda
- Corruption within the media fraternity
- Limited training opportunities for media practitioners to upgrade their skills
- Increased exploitation of media staff by the owners of media houses
- Limited transformation of the state broadcaster, despite the legislation that exists
- Lack of implementation with respect to the ICT policy

2. What kinds of activities are needed over the next 3-4 years?

Panellists agreed that moving forward, the following activities would be helpful in enhancing the media environment in Lesotho:

- The establishment of a union for journalists
- The creation of an association that looks at media issues
- A special event or awards ceremony that recognises excellence in parliamentary and/or political reporting.
- A means of showcasing the successes and duplicating the format of MISA's political reporting project conducted during the elections - both on the political and media platform.
- An exercise that brings various media stakeholders together to help media houses map out strategic plans or visions
- Revive JAL (or create another body that would be respected by the various media houses) to address media issues. If JAL is revived, finance and accountability problems need to be addressed thoroughly. MISA could, perhaps, assist with managing finances in this regard.
- Carry out a training programme on child reporting (this could be organised by MISA and JAL (or other relevant media body), alongside civil society programmes working with children or on children's rights).

The panel discussion took place from the 12th to the 14th of June 2015, at Mphahlele, Lesotho.

Panellists:

Media:

- | | |
|--------------------------|-------------------------------|
| 1. Keiso Mohloboli | Journalist |
| 2. John Ramane | Broadcaster |
| 3. Liteboho Mahula | Editor |
| 4. Mzimkhulu Sithetho | Media Lecturer |
| 5. Ts'iu Ts'iu | Telecommunications Specialist |
| 6. 'Mapitso Sekete Ts'iu | Broadcaster – Head of News |

Civil Society:

- | | |
|----------------------|-------------------------------|
| 7. Shale Shale | Lawyer |
| 8. Thabo Qhesi | Private Sector Representative |
| 9. Tsikoane Peshoane | Human Rights Activist |
| 10. Mankhatho Selepe | Researcher/Activist |
| 11. Lydia 'Muso | Children's Rights Activist |

Rapporteur:

Nangula Shejavali

Moderator:

Reyhana Masters

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ISBN No. 978-99945-77-24-8