



AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa



LESOTHO 2018





AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

LESOTHO 2018

Published by:

Friedrich-Ebert-Stiftung (FES)
fesmedia Africa
Windhoek, Namibia
Tel: +264 61 417523
E-mail: info@fesmedia.org
www.fesmedia-africa.org

© This work is licensed under the Creative Commons' Attribution-NonCommercial – ShareAlike 2.5 Licence.

ISBN: 978-99945-77-67-5

The sale or commercial use of all media published by the Friedrich-Ebert-Stiftung (FES) and Media Institute of Southern Africa (MISA) is prohibited without the written consent of the FES and MISA.

The findings, interpretations and conclusions expressed in this report do not reflect the views of *fesmedia* Africa of the Friedrich-Ebert-Stiftung (FES) or the Media Institute of Southern Africa (MISA). FES and MISA do not guarantee the accuracy of the data included in this work.

CONTENTS

| | |
|--|----|
| SUMMARY | 5 |
| SECTOR 1 Freedom of expression, including freedom of the media, is effectively protected and promoted | 8 |
| SECTOR 2 The media landscape, including new media, is characterised by diversity, independence and sustainability | 21 |
| SECTOR 3 Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster | 34 |
| SECTOR 4 The media practise high levels of professional standards | 42 |
| THE WAY FORWARD | 52 |

The African Media Barometer

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 such as 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 AMB 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 FES in sub-Saharan Africa and into the advocacy efforts of other local media organisations such as MISA.

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

In 2009 and again in 2013 some indicators were replaced to align with changes in the media landscape. Consequently, in some instances, the comparison of indicators of previous reports is not applicable (n/a), as the indicator is new or has been amended considerably.

The sum of all individual indicator scores is 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.

Outcome

The final, qualitative report summarises the general content of the discussion and provides the average score for each indicator. Panellists are not quoted by name in the report, in order to protect them from possible repercussions. The reports can be used as a tool for possible political discussion on media reform.

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

In facilitating the AMB, the FES (and MISA, in SADC countries), only serves 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.

By the end of 2018 the AMB had been held in 31 African countries, in some of them for the fifth time already.

Luckson Chipare
Regional Director
Media Institute of Southern
Africa (MISA)
Windhoek, Namibia

Sara-Nathalie Brombart
Director
fesmedia Africa
Friedrich-Ebert-Stiftung
Windhoek, Namibia



See above 31 AMB Countries (2005-2018)

African Media Barometer Lesotho 2018

Summary

Lesotho has seen its share of political turmoil in the last four years, with the government changing hands thrice during this time.

While the 2015 Lesotho African Media Barometer (AMB) was underway, Prime Minister Thomas Motsaahae Thabane had just fled into exile in South Africa, claiming threats on his life by the military under the new government of Prime Minister Pakalitha Mosisili. A few months prior, Thabane's party – the All Basotho Convention (ABC) – had lost the February 2015 election. However, there was no outright winner in this election: the Democratic Congress party won the greatest number of seats but fell short of an outright majority and teamed up with six other political parties – including the Lesotho Congress for Democracy led by Mosisili – to form a coalition.

However, at the time of the 2018 AMB, Thabane had returned to the country, winning the June 2017 election after an earlier parliamentary vote of no confidence in Mosisili. Notably, as in 2015, the 2017 elections also failed to produce an outright winner; however, the ABC won the most seats and established the third coalition government with two other political parties.

All these events transpired against a backdrop of simmering tensions that have seen the military become more involved in civic life. While incidences of violence have decreased, history has not been forgotten and continues to have an impact on how citizens and journalists practise their fundamental rights and freedoms. Soon after the 2018 AMB took place, a media alert was issued by the Committee to Protect Journalists with regards to threats made by the military against investigative journalist Pascalina Kabi of the *Lesotho Times*, following an article she had written about the Lesotho Defence Force.

Despite the general improvement in the political tensions experienced in recent times, the citizens of Lesotho – specifically the members of the media – still do not feel completely free to practise their right to freedom of expression and to assert these rights without fear. This is partly due to the violence that citizens and journalists have witnessed and experienced in the past when they challenged the powers that be; and on the other hand, the current extreme polarisation of the media.

This apprehension by journalists to freely express themselves has resulted in self-censorship in both the state and private media. In some respects, this is due to fear of losing advertising in a market that cannot adequately sustain all the media houses in the country.

Much remains to be done with respect to the legal framework. Lesotho has several laws on the statute books which unreasonably limit the functions of the media. The Media Institute of Southern Africa (MISA) Lesotho has highlighted 14 such laws. That said, in 2016 the Constitutional Court ruled that the criminal defamation law in the Penal Code was unconstitutional, and thereby repealed this law. Although additional media law reform remains critical in light of MISA's findings, the repeal of this law is promising as it presents important strides towards media freedoms.

Lesotho's media landscape is not very diverse, both in terms of content and organisation. The government does little to promote a more diverse and sustainable media, with small media houses finding it difficult to compete against more established houses who take the largest chunk of available advertising revenue.

While there is room for increased diversification in the landscape (for example, Lesotho does not have a daily newspaper), it is questionable as to whether the advertising market is large enough to sustain such diversity. Moreover, the government is known to use its power over the placement of advertisements in order to stifle those who are critical of it, making the sustainability of diverse and critical voices even more difficult.

In addition to the partiality in the use of its advertising budget, the government also maintains strict control over its broadcasting services. These are housed under the Ministry of Communications, Science and Technology and are answerable to the minister – as there is no board governing the Lesotho National Broadcasting Service (LNBS). It operates 'as an arm of the government'.

The autonomy and independence of the Lesotho Communications Authority (LCA) is questionable, although the 2012 LCA Act states that

...in the performance of its functions, [the] LCA shall be independent and not subject to control by any person or authority...

The LCA is both appointed and controlled by the political head of the ministry. One panellist noted, 'The licensing buck starts and ends with the minister.' The government seems uninterested in granting licences to persons or organisations who might oppose it.

Previous attempts to transform the LNBS into a public broadcaster have proven futile, with the 2004 Lesotho Broadcasting Bill remaining un-enacted, supposedly to ensure that state interests in broadcasting remain intact. Media law reform is desperately needed to ensure that the state broadcaster be transformed into a truly public broadcaster.

Furthermore, the state broadcaster is not sufficiently funded, with *LTV*, *Radio Lesotho* and *Ultimate FM* collectively receiving an allocation of only 11 million MaLoti (M) (795,000 USD) per annum. This heavily compromises their ability

(particularly at *LTV*) to ensure high quality and diverse programming in line with the requirements stated in the Communications Act.

The challenges that exist within Lesotho's media landscape are not restricted to the regulatory structures and much introspection is required of media practitioners themselves. Media practitioners in the state media face an identity crisis, in that they have to juggle their roles as journalists with their standing as civil servants. One panellist noted, 'There is some form of tension and conflict between their identity construction as civil servants, professional journalists or government mouth pieces. Sometimes, professional journalism standards are tainted due to the expectations of the minister controlling the Ministry of Communications at the time.'

Overall, panellists were of the opinion that there is room for improvement in the professional standards of Lesotho's state and private media. While it was agreed that the media is generally fair in its reporting, major concerns arose about the lack of accuracy in the media. These inaccuracies were said to stem from a range of factors, including the lack of training, lack of knowledge of specialised subject areas and the tendency of the media to focus on government officials as newsmakers. It has been observed of media (particularly in a highly polarised environment) to sensationalise news. Stories also 'get lost in translation', losing their context as they are translated from Sesotho to English. Furthermore, corruption is rife in the media and this transpires throughout all levels – from journalists, to editors, to owners.

There are few avenues available to the public to resolve issues that arise from inaccurate reporting, as Lesotho has no media ombudsman or media council. As such, members of the public often resort to the public court system; several court cases remain pending against Lesotho's media houses.¹

The working conditions for journalists leave much to be desired and members of the media lack the organisation to advocate for better conditions. Salaries in private media houses can be as low as 1,500 M (100 USD) for an entry-level journalist with a first degree and little – if anything – is provided in the way of additional benefits (e.g. medical aid, pension, security or transport). Some blame these poor conditions on corruption in media houses.

The various professional bodies that exist are either defunct or dysfunctional; and it was of popular opinion amongst panellists that aside from MISA-Lesotho, others cannot be fully relied upon to represent the interests of their members.

On the whole, it was found that a number of gaps exist in Lesotho's media landscape in terms of the policy and legislative environment, as well as in terms of the professional standards of Lesotho's public and private media houses. While there has been improvement since the 2015 AMB, greater advocacy is required on the issues of media law reform, as well as in reviving Lesotho's journalism unions and professional media bodies.

¹ Many of these cases have not yet been dealt with due to a shortage of judicial staff.

SECTOR 1:

**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

The constitution of Lesotho came into existence after the publication of the Commencement Order in 1993. According to Section 2, the constitution is the supreme law of Lesotho and if any other law is inconsistent with its provisions, such other law shall to the extent of the inconsistency be void. The constitution guarantees several civil rights, including freedom of expression provided in Section 14. Section 14 (1) states:

Everyone 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 communicate 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.

The right to freedom of expression is three-pronged: the right to hold opinions; to receive ideas and information; and lastly to communicate without interference. Although freedom of the media is not specifically guaranteed in the constitution, journalists in Lesotho do enjoy relative freedom. However, the right to freedom of expression has its limitations. Sections 14 (2) and (3) set out the basis upon which the right to freedom of expression may be limited. These limitations are justifiable and are based on the grounds of security, public health and morality.

The problem, however, is that freedom of expression is supported by common law and not parliamentary legislation. Therefore, legal rules and principles are decided on a case-by-case basis, rather than on legislative law.

‘The constitutional provisions on freedom of expression are adequate, but what is lacking is the implementation law.’

Panellists were in general agreement that Lesotho needs a media law that encompasses and supports the freedom of expression guaranteed in the constitution, although the country still has several laws that can erode it. Laws such as the Sedition Proclamation (No. 44 of 1938) and the Internal Security (General) Act of 1984, prohibit criticism of the government, provide penalties for seditious libel and endanger reporters’ ability to protect the confidentiality of their sources. The 1967 Official Secrets Act and the 2005 Public Service Act prohibit civil servants from disclosing information, thus not only insulating government institutions from scrutiny but also making it difficult for journalists to conduct investigations.

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:

2.8 (2015: 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

'Largely citizens in Lesotho do exercise their rights to freedom of expression.'

'Basotho are not limited regarding culture at all. They even criticise chiefs and the king.'

'There is some fear, but it is so institutionalised that you don't even see it.'

There was consensus among the panellists that Lesotho does enjoy freedom of expression to a certain degree, which is mainly evident on radio. The country has 16 radio stations and people are able to express themselves freely.

'I go to *TV Lesotho* and I hammer the president and nothing happens to me...at least in this present regime.'

Lesotho has a highly polarised media environment and people only 'speak their minds' when they are sure of the ideological stance of the radio station. For example, people calling on *Radio Lesotho*, the main government radio station, speak in a more cautious way or risk being cut off by the presenter if it is felt that they are 'crossing the line'. It is believed that the majority of people who go on the radio and choose to remain anonymous by using fake names are most likely government employees; otherwise, most people are not afraid to mention their names.

The practise of the right to freedom of expression by both citizens and journalists has seen its good and bad times in recent years. 'In Lesotho, we have a special situation in that the state of media freedom depends on the government in power. Over the last years since the last African Media Barometer [in 2015], we have had three governments and the situation has been shifting. In the same three years, there was a government that threatened the media and then another that was supportive of media.' Government media are now publishing critical stories, which was not possible before.

Media houses themselves determine their editorial lines, some of which enforce censorship. The level and source of this self-censorship seems to largely depend on whether they are private or public entities. Journalists who work for government media ‘cannot bite the hand that feeds them’ and so they generally stay away from stories that criticise the government. It is thought that self-censorship in the private media is more likely to be emanating from the fear of losing advertising revenue than from pressure from the state. That said, the government of Lesotho is the biggest advertiser in print media. In most cases, journalists in the private media do not operate freely because the media rely on the government as their main source of funding, which makes it difficult for them to criticise the government. For instance, the *Public Eye*, one of the biggest private newspapers in Lesotho, closed down due to the government’s withdrawal of advertising. They have since re-opened and have become pro-government.

It is also critical to acknowledge the threats levelled against media practitioners, and although this takes place to a lesser degree today than in previous years, it still impacts on their practise of freedom of expression. In July 2016, *Lesotho Times* editor Lloyd Mutungamiri was attacked at his home in Maseru two weeks after being summoned to a police station along with journalist Keiso Mohloboli, who had written a front-page story about an ‘exit strategy’ for Lieutenant General Tlali Kamoli of the Lesotho Defence Force (LDF).

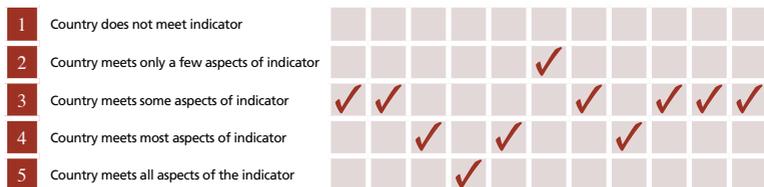
Journalists have also been threatened by supporters of different political parties. A good example relates to journalist Nthakoana Ngatane, who was forced to flee the country in 2017 after threats were made on her life (including threats of rape) during her coverage of the political unrest taking place in the country.

Another challenge comes from journalists aligning themselves to certain political agendas, a trend which is in line with the extreme polarisation of the media.

‘We can conclude that in Lesotho, on the side of citizens there is great freedom, but on the side of journalists there are some challenges.’

Scores:

Individual scores:



Average score:

3.4 (2015: 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 secret, libel acts, legal requirements that restrict the entry into the journalistic profession or laws that unreasonably interfere with the functions of media

MISA-Lesotho has identified 14 laws that impact on media freedoms and freedom of expression. One of these laws included the Penal Code on Criminal Defamation (Section 104), which was recently repealed.

In May 2018, three judges in the high court's constitutional division found that criminal defamation, long used as a threat against journalists and the media, was unconstitutional. The case was brought to the court by Basildon Peta, the owner and publisher of the *Lesotho Times*, after he was charged with the offence of criminal defamation following the newspaper's 2016 publication of a satirical column (*The Scrutator*) relating to the then Lieutenant General of the LDF, Tlali Kamoli.

Beyond the now-repealed criminal defamation law, Lesotho has several other laws that impinge on media freedom and freedom of expression, as summarised below:

The Printing and Publishing Act of 1967: Section 10 (1) of the Printing and Publishing Act makes it an offence to import, print, publish, sell, offer for sale, distribute, or reproduce a statement which poses a danger to, among others, 'public safety' and 'public order'. This can be broadly interpreted.

The Official Secrets Act of 1967: Section 4 of the Official Secrets Act makes it an offence for any person to communicate any information regarding a prohibited place or that is in contravention of the Official Secrets Act and if found guilty, such person is liable to a period of imprisonment.

The Internal Security (General) Act of 1984: Section 34 of the Internal Security Act makes it an offence to, among others, publish words that might reasonably be expected to result in the commission of public violence and the offence is punishable by a fine, imprisonment or both.

The Sedition Proclamation 44 of 1938: The Sedition Proclamation makes it an offence to print, publish, sell, distribute or import any seditious publication: the offence is punishable by a fine, a period of imprisonment or both. The definition of sedition is very broad and includes inciting 'disaffection against the Government' and promoting 'feelings of ill-will and hostility' between different classes of the population.

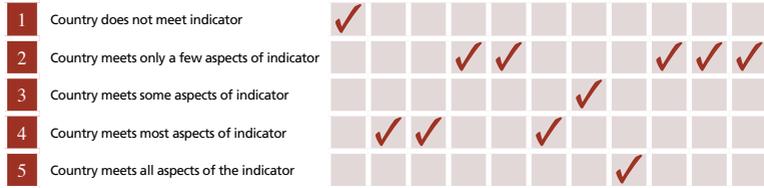
The Obscene Publications Act of 2012: The right of privacy law in the constitution prohibits the operations of the media, in that contradictions and tensions exist between the right to privacy and the right of dignity. There is a need for legislation to resolve this tension.

Entry into the profession of journalism is free. ‘Too free in fact, that journalists complain that too many people enter the field without qualification,’ one panellist noted.

Journalists are required to register to obtain press cards – this is often just a formality.

Scores:

Individual scores:



Average score:

2.8 (2015: 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 ratified the Universal Declaration of Human Rights in 1992 and is a signatory to other international and regional instruments to protect freedom of expression and human rights, such as the African Charter on Human and Peoples’ Rights (1981), the International Covenant of Political and Civil Rights (1966) and the African Declaration of Principles for Freedom of Expression (2002). While the government has ratified these declarations, the challenge lies in how these are applied domestically.

‘Our government is very good at ratifying [international instruments] but does not domesticate [them].’

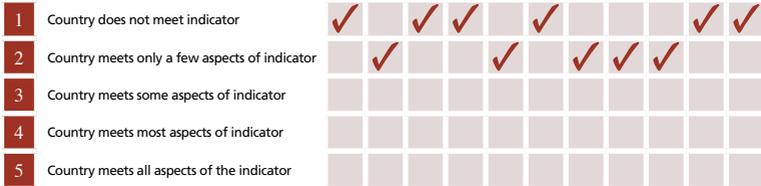
Many people in the country are not aware of which treaties and declarations Lesotho’s government has signed. In addition, there is no monitoring of how signed treaties are implemented.

‘Reporting on treaties is very poor. The systems are very loose, and the citizens don’t make our executives accountable.’

‘These treaties are not subjected to parliamentary processes as done in South Africa.’

Scores:

Individual scores:



Average score:

1.5 (2015: 1.7, 2012: 2.1, 2010: 1.0, 2008: n/a, 2006: n/a)

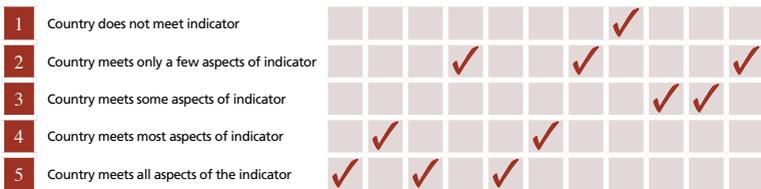
1.5 Print publications are not required to obtain permission to publish from state authorities

Media companies are not required to register to be permitted to publish, but they are required to register as any other business in terms of the Register of Societies Act. What distinguishes media companies from other businesses is that they are required to register with the General Post Office, however, this registration is only a formality and permission cannot be denied.

Certain sections of the Printing and Publishing Act of 1967 may be seen to be ‘out of step’ with international best practices. Section 7 of the Act prohibits a person from printing or publishing a newspaper without having previously obtained a certificate of registration from the Registrar General and paying the prescribed fee.

Scores:

Individual scores:



Average score:

3.3 (2015: 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

Neither the constitution nor common law make any pronouncements on confidential sources of information.

There have been cases when journalists have been forced to reveal their sources; a prominent example being in 2007, when a journalist from *Public Eye* was forced by a judge to reveal their sources. More recently in 2016, Keiso Mohloboli and Lloyd Mutungamiri, the editors of the *Sunday Express* and *Lesotho Times* newspapers respectively, were questioned by police and ordered to reveal their sources. A panellist noted that so far none of the journalists hounded to reveal their sources in recent years have done so. 'Keiso and Marafaele skipped [fled] the country to avoid this.'

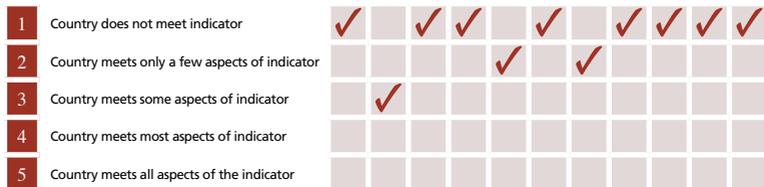
One panellist mentioned that the Internal Security Act states that if anyone refuses to reveal their sources, they can be prosecuted. Section 9 (1) of the Internal Security Act makes it an offence to fail to disclose any information to a member of the police force that might be of material assistance in preventing 'subversive activity' or in securing the apprehension, prosecution or conviction of a person for an offence involving subversive activity.

Although the information has to do with security matters, the law can be abused by adopting a broad definition of 'subversive activity' and this puts a chilling effect on the freedom of expression.

'There have been cases where the military has forced some journalists to reveal their sources, but the journalists have refused.'

Scores:

Individual scores:



Average score:

1.4 (2015: 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

There is no access to information law in Lesotho. Sections 14 and Section 20 of the constitution (read together) implicitly provide a right to some form of government information, but this provides freedom to information and not the right to receive public information. The constitution does not guarantee direct access to information.

In 2000, there was an attempt to legislate access to information when the Access and Receipt of Information Bill of 2000 was drafted. However, 18 years after its drafting, the Bill has not been passed into an Act of Parliament, despite several campaigns by civil society organisations (CSOs) – such as MISA-Lesotho – that have petitioned for its passing into law.

Accessing public information in the country is very difficult. In most cases, public information remains secret and the ability to access it depends on the willingness of officials working in public institutions.

‘The situation of accessing public information is so bad that the government will not even provide you with policies.’

One panellist recounted an incident when they requested a policy on mental well-being from the Ministry of Health – the request was denied.

Every government office, ministry and agency have a public information office designated to assist the public with accessing information, however, this is often not done. In addition, panellists noted that most information officers do not fully understand their work roles (e.g. the webpages of most government offices are not updated).

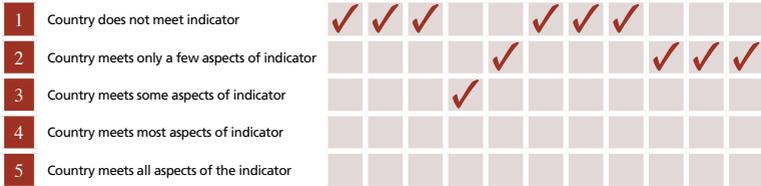
‘The attitude of these information or public relations officers is terrible, to say the least.’

Even if public information was easy to access, most of it is written in English, thus making it inaccessible to the majority of citizens in the country.

Another panellist noted that civil servants are required to sign an oath under the public service code not to share information. In light of this, and coupled with the Official Secrets Act and the public service code, accessing information from public institutions is almost impossible.

Scores:

Individual scores:



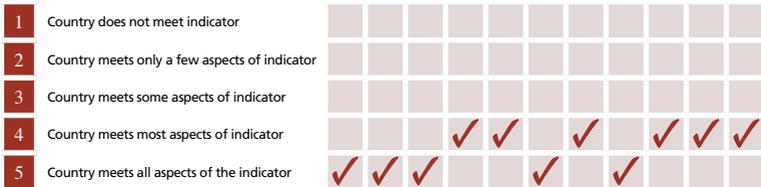
Average score: 1.5 (2015: 2.0, 2012: 1.3, 2010: 1.3, 2008: 1.4, 2006: 1.2)

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

Permission is not required to start or operate websites and other online platforms. Anyone can start a blog or website without seeking permission from the state.

Scores:

Individual scores:



Average score: 4.5 (2015: 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 for a democratic society, and which are applied by independent courts

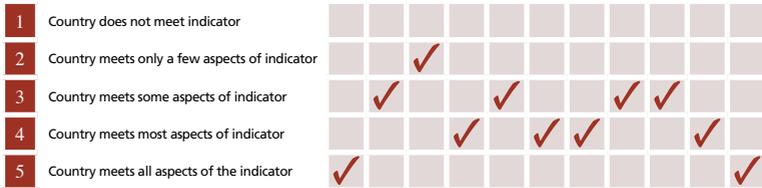
‘The government in Lesotho does not have the know-how to filter internet content.’

Panellists noted that there is little digital literacy and capacity to monitor, filter and block online messages or platforms. One panellist shared that there was a consultant from Israel who came in 2015 to help the government block the internet, but nothing came out of this.

Mention was made of social media, most notably Facebook, which is blocked in all government offices – ostensibly as a measure to ensure productivity and to save on data costs.

Scores:

Individual scores:



Average score:

3.6 (2015: 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

Lesotho has a variety of non-governmental organisations and CSOs working on issues of human rights and other related fields. These include, amongst others, the Transformation Resource Centre (TRC), the Lesotho Council of NGOs, the Women and Law in Southern Africa Research Trust and the Lesotho National Council of Women.

CSOs in Lesotho actively advance the cause of freedom of expression and media freedom. An example is the TRC – an ecumenical resource centre that advocates for justice, peace and participatory development and has worked with MISA-Lesotho on some of its campaigns. The Catholic Commission has also cooperated with MISA-Lesotho to install community radio stations in three rural locations.

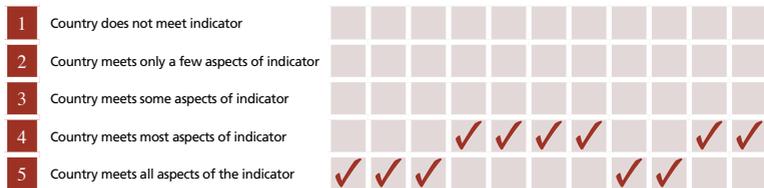
Additionally, when *MoAfrika FM* Radio (a private radio station) was shut down, CSOs came out in force and confronted the government.² A month later, it was shut down again for 72 hours as the government accused it of incitement to violence. The stations Editor-in-Chief, Ratabane Ramainoane, was briefly arrested when police accused him of criminal defamation.

Some panellists felt that in certain cases, CSOs only support media freedom when they have an interest or have something to gain and do not always broadly support freedom of expression and media freedom out of genuine interest or concern. Other panellists disagreed, stating that any partnership is a ‘win-win’ situation and that it should be acknowledged that CSOs have budget lines attached to projects and therefore they cannot move money to support issues that are outside their mandate.

The general population is also aware of media freedom matters and has come out in support of the media. A good example is the citizen-driven ‘#HandsOffOurJournalists’ campaign in 2018.

Scores:

Individual scores:



Average score:

4.5 (2015: 3.4, 2012: 1.4, 2010: 2.9, 2008: 2.0, 2006: 3.6)

² Authorities had shut down the radio station for six days in August 2017, accusing the station of having not paid government fees.

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

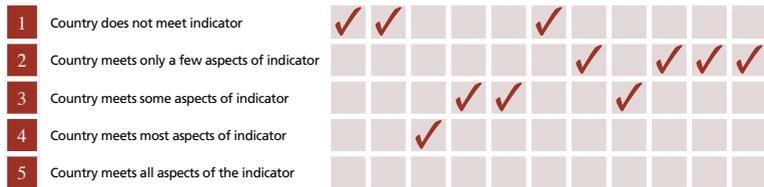
Lesotho has no media legislation and as such, there has not been much activity in the space. The Media Policy has been in draft for 15 years. Consultations were held when it was first presented but there have not been any in the recent past. Panellists posited that there is no political will in Lesotho to provide more freedom to the media.

‘Engagement on policies and laws does happen albeit sporadically. It also depends on who is the Minister of Information at that particular time.’

There has never been a nation-wide consultation or debate on media legislation in the country. ‘Consultations are not wide [enough] nor meaningful.’

Scores:

Individual scores:



Average score: 2.2 (2015: 1.5, 2012: 1.4, 2010: 1.6, 2008: n/a, 2006: n/a)

Overall Score for Sector 1: 2.9

SECTOR 2:

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 Media

There are no daily newspapers in Lesotho. However, there are a number of weekly newspapers, including:

- *Public Eye*
- *Lesotho Times*
- *Sunday Express*
- *Lesotho Today* (The only state-owned newspaper. It was closed in 2015 and re-opened in September 2018.)
- *Moeletsi-oa-Basotho*
- *News Day*
- *The Nation*
- *The Informative*
- *The Post*
- *Maseru Metro*

The average cost of these newspapers is between 5-10 M (1 to 1.50 USD) and all of them are urban-based (in retail shops, newspapers sell for 6 M (40 US cents), but street vendors sell for as high as 10 M (1 USD)). For context, a loaf of bread is about 10 M (1 USD) and public transport is 7.50 M (50 US cents).

Generally, newspapers are considered affordable but not accessible to rural and peri-urban populations. One panellist stated that ‘the fact that the print-run of most of these weeklies is between 3,000 and 5,000 copies means that newspapers are not affordable, hence the decision to reduce the print numbers’. However, another panellist commented, ‘Newspapers are affordable for the people they are written for.’

Newspapers are also competing with radio, which is more accessible and affordable. For the greater part of the population, the preferred media is radio – whether in English or in the local vernacular.

Furthermore, the language in which most newspapers are written in hampers their accessibility. Newspapers are written in English and are thus not understandable to many rural people. Lesotho also suffers from distribution problems as the country is mountainous, making it difficult for newspapers to travel beyond the urban centres.

Most of the newspapers listed above also publish their content online on their websites.

Radio

Radio signals cover about 87% of the country, with most areas that are not covered able to tune into radio stations from South Africa. There are two state-run radio stations:

- *Radio Lesotho*
- *Ultimate FM*

The most popular private radio stations are:

- *MoAfrica FM*
- *Harvest FM*
- *PC FM*

Radio is accessible and affordable to the majority of people in the country.

Television

There is only one state television (TV) station, *Lesotho TV* (LTV) and no independent terrestrial TV stations. Panellists noted that most people with the means to access satellite dishes prefer to watch MultiChoice's DSTV, a satellite broadcast provider, rather than LTV.

Internet

Research studies conducted by Research Africa show that by the end of 2016, Lesotho had mobile phone penetration of 78.7% (i.e. Lesotho residents owning a mobile phone). Among the 14 Southern African Development Community (SADC) countries, Lesotho is ranked fifth, having a mobile subscription rate of 100.94%. These figures do not represent unique subscribers but the number of active Subscriber Identity Module (SIM) cards in the country.³

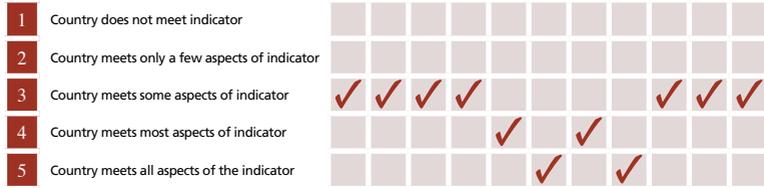
While many urban residents are connected to the internet, data remains expensive. For instance, a 320-megabyte (MB) data voucher on Vodacom (a popular telecoms provider), costs 16 M (1.15 USD).

The government is on a drive to improve universal access to the internet and has started installing internet connections in the community councils' offices to help improve service delivery.

³ The State of Information and Communication Technology (ICT) in Lesotho (2016). Commissioned by the Lesotho Communications Authority (LCA) and the International Telecommunication Union (ITU). Completed March 2017. Retrieved at https://researchictafrica.net/wp/wp-content/uploads/2018/01/2017_The-State-of-ICT-in-Lesotho_RIA_LCA.pdf.

Scores:

Individual scores:



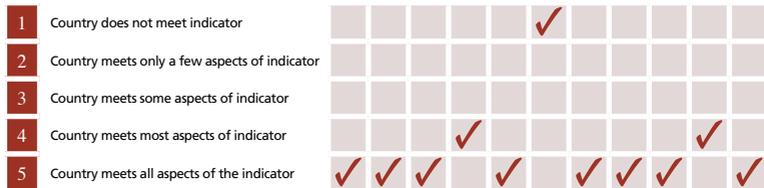
Average score: 3.5 (2015: 2.9, 2012: 2.6, 2010: 3.6, 2008: 1.8, 2006: 2.5)

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

The state does not restrict access to international or regional newspapers. South African newspapers are sold in the country and the public can access international broadcasting news channels such as the *Cable News Network (CNN)*, the *British Broadcasting Corporation (BBC)*, Russian TV (*R-TV*), and *Sky TV* through *DSTV*.

Scores:

Individual scores:



Average score: 4.5 (2015: 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

Lesotho Today, which reopened in September 2018 after having closed in 2015, is the only state published print media.

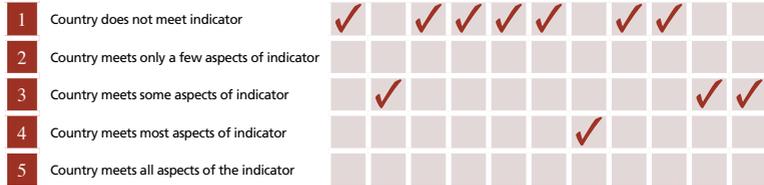
Panellists believed that since reopening, nothing has changed regarding political interference; there is still no editorial independence at the newspaper and a great deal of self-censorship takes place.

‘Self-censorship happens even before a political authority has interfered.’

Panelists stated that there was no need for a long discussion or debate on this indicator as it is obvious that political interference is high at the newspaper.

Scores:

Individual scores:



Average score:

1.8 (2015: 1.5, 2012: 1.9, 2010: 1.4, 2008: 1.0, 2006: 1.0)

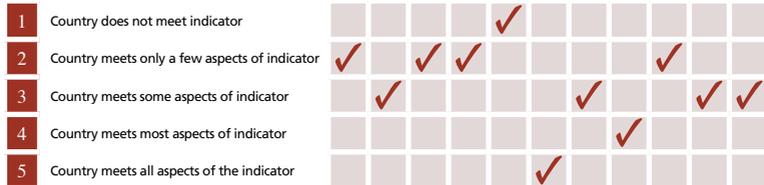
2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced

The transparency of the ownership of media companies is not guaranteed by law, but it is possible to know ownership as it is public information. This information can be found at the Companies’ Registrar. At times, this information cannot be accessed on technical grounds rather than for political reasons.

In the broadcasting sector, it is difficult to know the real owners of media companies as the owners may use ‘fronts’ to obfuscate ownership.

Scores:

Individual scores:



Average score:

2.6 (2015: 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

Lesotho has no competition regulator and there is no competition policy; the draft Competition Bill that was prepared in 2007 has not yet been passed into law. Panellists noted that Lesotho is one of the most liberalised, least developed countries and thus follows a *laissez-faire* approach. Setting up a business is simple and people or companies that operate media companies rarely register for only one media company.

‘People in Lesotho dream big. What stops them is normally finance.’

Based on the above observation, panellists were of the opinion that cross-ownership is common in the media industry. For instance, Africa Media Holdings (the publishers of the *Lesotho Times*) and BAM Group of Companies⁴ have cross-ownership. As a result, small media houses find it difficult to compete or enter the market, as the barriers to entry are high.

The 2012 Communications Act, which regulates both telecommunications and broadcasting, does not state anything specific about regulating competition in the broadcasting sector. However, in the telecommunications sector, the regulator is empowered to classify licensees as dominant

after conducting a market entry and impact assessment,

and to

adopt competitive safeguards designed to deter a dominant licensee from using its significant market power in one market to impede the development of competition in another.⁵

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:

1.7 (2015: 3.6, 2012: 2.7, 2010: 1.0, 2008: 1.5, 2006: 1.1)

4 The BAM Group information is available at <http://www.the-bamgroup.com/about.html>.

5 Lesotho Communications Act No 4 of 2012, Kingdom of Lesotho, Maseru. Section 19 and Section 22 available online at http://www.lca.org.ls/images/stories/communications_act_2012.pdf.

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

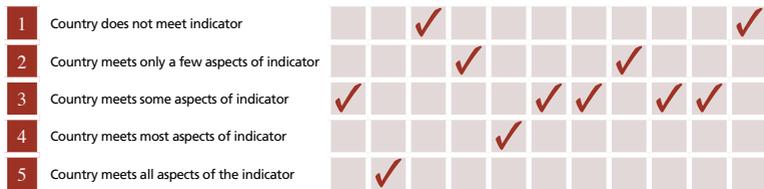
The government does not promote media development and diversity in the country. There are no subsidy or tax benefits by the government for the media. A good example that shows that the government has no real interest in the growth or sustainability of the media sector is when it increased licence fees for broadcasting stations by 300% three years ago.

The manner in which the government uses advertising towards media houses also impacts on the growth of the media and its sustainability. Panellists noted that there is always a conscious decision by the government to close media houses that are critical of them either directly, through restrictions, or by the withdrawal of advertising. The government also rarely advertises in small scale newspapers. All these factors show that the government does not actively support media diversity.

Panellists did, however, point out some positive developments. Previously, each radio station was required to buy its own antenna and transmitter, but now the government is using the Universal Service Fund to assist radio stations. 'Through the FM expansion project, the government will upgrade radio transmission network infrastructure in 14 sites to accommodate private radio stations which wish to be connected at such sites. All costs pertaining to the infrastructure will be borne by the government while the expectation is that the radio stations will pay rental fees that cater for their connectivity. The financing of this project is entirely on the government.'

Scores:

Individual scores:



Average score:

2.7 (2015: 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

In general, all media cover the voices of men and women. Panellists agreed that now, more than at any other time in history, women issues are taking precedence in the news. ‘There has been a clear and strong improvement in the last few years...women are making news and their stories are becoming newsworthy.’

Nevertheless, the majority of stories on women often relate to ‘soft’ or development issues such as sanitation and maternal and sanitary health. Women rarely feature in stories on politics or the economy, except during elections. Panellists stated that Lesotho is still burdened with patriarchy, pointing out that men and women are unequal in most areas of life (politically, economically and socially). The Roman-Dutch legal system, customary laws and patriarchal ideology socialise women to be perpetual minors whose guardianship or protection is male, either as the father, husband, or eldest son. As such, the discourse around the coverage of women remains negative in certain instances. In addition, women and girls are usually covered as victims in news stories, while men are the heroes and are portrayed as people with authority. Having female editors and journalists in the newsroom has had no positive outcomes as women in Lesotho have internalised misogyny.

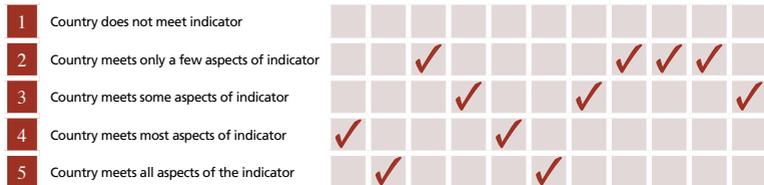
The negative portrayal of women is most prevalent on the radio, with presenters often voicing shocking, misogynistic views. Given the power of radio to authenticate public discourse, this could potentially contribute to sexism.

Some male panellists did not believe that the media is gender insensitive. ‘Editors choose and dictate stories that sell news and not necessarily based on gender.’ It was also stated that in a race to reverse the tide against the negative portrayal of women and to promote the girl child, men are being portrayed as bad and evil and the boy child is being neglected.

However, male panellists’ views differed. ‘The media reports about the key players in politics, sports and so on. And often these players are men. Therefore, the news will dominantly be male.’ It was asserted that the issue is then socialisation because very few women are entering these fields.

Scores:

Individual scores:



Average score:

3.2 (2015: 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 and religious diversity

Lesotho is comprised of 12 nations (tribes) of the Sotho ethnic group, which together make up almost 100% of the country's population. As such, the country is a very homogenous nation, not only in terms of the ethnic makeup of its population, but also regarding religion, language and culture. In this regard, the media does represent almost all voices of society, although some minority groups (such as the amaXhosa) are largely ignored and do not receive a great deal of media coverage.

The religious diversity of Lesotho is made up of Christianity (95%), traditionally based ancestor worship (3.5%) and a small representation of Islam (less than 0.2%). In this regard, it goes without saying that media content is predominantly Christian.

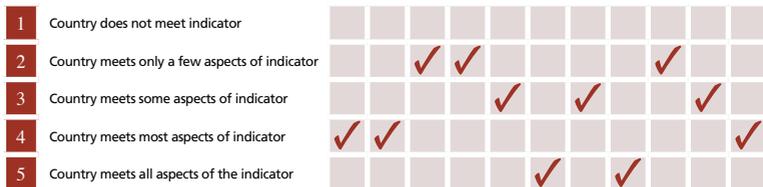
'If the country is predominantly Christian, it is fair to have more media content that is Christian.'

In Lesotho, lesbianism is not criminalised, but same sex relationships between men is viewed as sodomy, which is illegal as a common law offence. It is in this vein that sexual diversity issues are still taboo in Lesotho. The situation is slowly changing, however, with people becoming increasingly tolerant. This has to do with advocacy work by organisations such as Matrix (an NGO working to advocate for the rights of lesbian, gay, bisexual, transgender, queer and intersex individuals (LGBTQI) in the country). Matrix organised Lesotho's first ever gay pride march in 2013.

'There was resistance and hostility, but now there is growing acceptance of LGBTQI issues. Lesotho has made strides.'

Scores:

Individual scores:



Average score:

3.4 (2015: 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

There is a big skew towards politics in both the state and private media in Lesotho.

Journalists in the country, especially in the state media, follow ministers and in the process neglect community and social stories. Ministers put pressure on state journalists to cover their stories; an example was given of how the Minister of Energy wanted the state broadcaster to cover all his nation-wide country engagements, even though the agenda of the engagement was the same in each of the areas to which he was travelling.

The dominance of political stories also has to do with resource and capacity constraints; there is simply no capacity to cover all types of stories. For instance, in some private media politicians will sponsor journalists to cover government stories – contributing to the dominance of political stories in the media.

Panellists felt that there is very little investigative reporting in the media, primarily because of the lack of resources and the juniorisation of the newsroom. There are too few trained and seasoned journalists in most newsrooms. A newspaper may break an important story, but there is usually no follow-up or critical analysis of the issue.

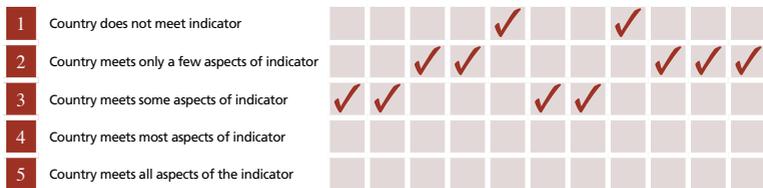
There is also a tendency in Lesotho for journalists to follow each other regarding coverage, so media cover the same stories.

When stories on social issues do appear in the media, they are often on issues such as witchcraft or adultery and are often covered by small-scale newspapers who sensationalise them to sell papers.

There is very little content diversity in the media in Lesotho.

Scores:

Individual scores:



Average score:

2.2 (2015: 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

There are no private TV stations in Lesotho, but there are a few privately owned radio stations, such as the popular *MoAfrika* and *Harvest FM*.

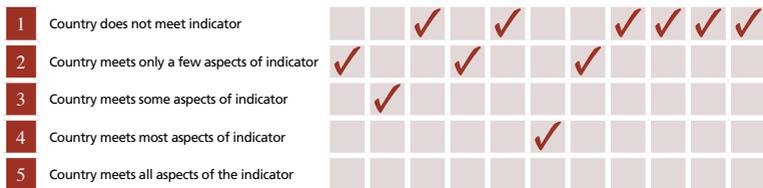
The radio stations do offer public interest programming in the form of talk radio programmes and news, but on most private radio stations, these programmes are of poor quality. They are badly produced and most radio presenters are ill-prepared and untrained for the job.

Panellists noted that the talk radio programmes ‘fan ethnic flames’, as some people call in to insult others – and the stations seem to support this. ‘There is a sensationalist agenda in these stations that is working against social cohesion and nation-building.’

Radio in Lesotho has been used as a platform for denigrating and vilifying people and political opponents. Panellists, however, noted the important role played by *Catholic Radio* in nation-building. The radio station offers a space for participation and deliberation; providing a voice to all people other than just the Catholic community.

Scores:

Individual scores:



Average score:

1.7 (2015: 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

The Information and Communications Technology (ICT) policy was promulgated in 2004, and then adopted as a working document in March 2005. The main driver of the ICT policy was the Ministry of Communications, Science and Technology. The Universal Access Fund was established in 2009 by the government in an attempt to promote access to the internet in rural and other marginalised areas.

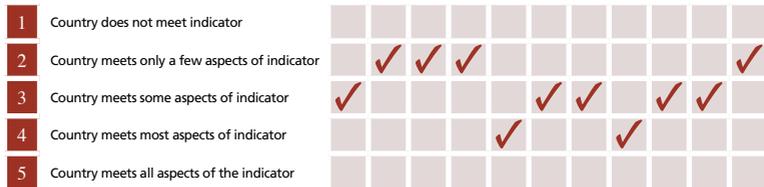
The ICT policy was adopted to help the country towards its Vision 2020 national policy plan, however, technology is changing so fast that the ICT policy is no longer relevant. Post Offices now provide access to the internet in most communities. Some NGOs are also working towards the promotion of access to the internet. Development for Peace Education, for example, does this under its Open Communication for Democracy, Human Rights and Political Education initiative.

Despite some positive strides to implement the ICT policy, difficulty in accessing digital services is still a reality for many in Lesotho.

Digital TV migration was to be completed in 2015, but the switch-over has still not happened 'because the country lacked a policy direction and a clear road map'. The delay in digital TV migration in South Africa also affected Lesotho, as in May 2015, the countries signed an agreement to minimise potential radio frequency interference as a result of migrating from an analogue to a digital broadcasting system. It was understood that in order to minimise said interference, the migration needs to take place in tandem with South Africa.

Scores:

Individual scores:



Average score:

2.8 (2015: 2.5, 2012: 1.2, 2010: 2.4, 2008: n/a, 2006: n/a)

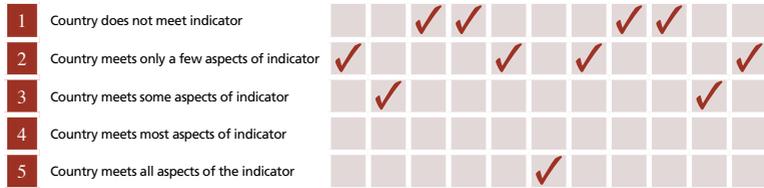
2.12 Government does not use its power over the placement of advertisements as a means to interfere with editorial content

The government uses its power over the placement of advertisements as a means to interfere with editorial content. A panellist stated that he had seen a moratorium from the government, stating that the government should not advertise in certain newspapers. Newspapers that criticise the government face the possibility of losing government advertising, as in the case of *Moletsi-oa-Basotho* – a Catholic newspaper that published some stories that were critical of government.

Findings from a 2015 research study titled *'The influence of government advertising on print media content in Lesotho'*,⁶ showed that the government uses advertising as a tool to suppress media freedom in a 'carrot and stick' approach, to ensure that print media publications provide positive and maximum coverage towards it.

Scores:

Individual scores:



Average score:

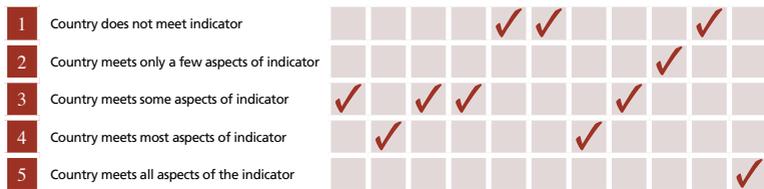
2.1 (2015: 2.3, 2012: 1.7, 2010: 1.1, 2008: 1.9, 2006: 1.1)

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

Although Lesotho has no daily newspapers, the reality is that the advertising market is not large enough to support more newspapers, which is why they have weekly runs. The government, mobile companies and banks are the biggest advertisers and control the majority of advertising spend. The *Lesotho Times*, *Public Eye* and *The Post* receive the bulk of advertising.

Scores:

Individual scores:



Average score:

2.7 (2015: 2.3, 2012: 1.8, 2010: 1.8, 2008: 1.1, 2006: 1.5)

Overall Score for Sector 2:

2.7

6 Research study was conducted and reported on by one of the panelists at the AMB session.

SECTOR 3:

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

There is no specific broadcasting legislation in Lesotho, but the Communications Act of 2012 regulates broadcasting.

Section 38 (1) (a) of the Act establishes four categories of broadcasting: public broadcasting services, private broadcasting services, commercial broadcasting services and community broadcasting services. Each category differs with regard to ownership, purpose and coverage requirements.

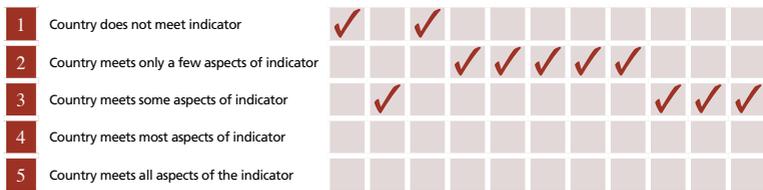
The intention of the Act was to create a conducive environment, but its implementation has had mixed results. For instance, licence fees for radio broadcasters have gone up in the last few years from 3,000 M (212 USD) to 21,000 M (1,480 USD) in certain cases.

The Minister of Communications has sweeping powers to close radio stations at will. In one example, he refused to attend the opening of a radio station as he believed the station was promoting an oppositional agenda. The Lesotho Communications Authority (LCA) enforces the Communications Act.

‘The LCA is a lapdog...it is not using the Communications Act in a way that was intended.’

Scores:

Individual scores:



Average score:

2.2 (2015: 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

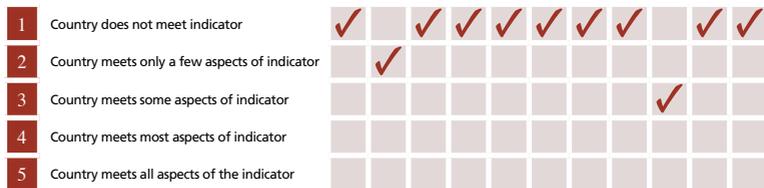
The Lesotho Communications Authority Act establishes the LCA. The Lesotho Communications Authority (amendment) Act of 2008 broadened the Lesotho Telecommunications Authority Act of 2000 to include electronic media. According to Section 5 (2) of the Lesotho Communications Authority Act, the board should consist of seven members, including the chief executive officer, all of whom are appointed by the minister (who in this case is the Minister of Communications, Science and Technology).

Panellists argued that there is no transparency in the appointment of the LCA board members and that the board is unfortunately captured by politics. ‘Since the LCA Board is appointed by the minister, who is a political appointee, its independence is compromised right from the start.’

While the previous Lesotho Communications Authority Act of 2002 assured the independence of board members, the 2006 amendment deleted the words ‘autonomous and independent’ from the description of the LCA, severely undermining its former position as an independent authority. Therefore, both in law and in practise, the LCA is not an independent entity.

Scores:

Individual scores:



Average score:

1.3 (2015: 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

The lack of independence at the LCA means that broadcasting is not regulated in the interest of the public. Section 38 (1) of the Communications Act talks of diversity in issuing licences, however, in practise this does not happen. The government does not seem interested in granting licences to people or organisations who might oppose it.

The LCA issues broadcasting licences upon approval by the minister. Section 27 (2) of the LCA Act states:

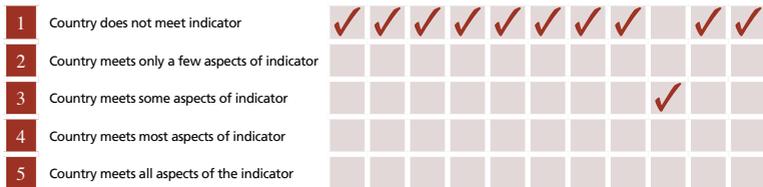
The [LCA] shall, upon approval by the Minister, issue licences or amend such licences issued, to private and public communication service providers as market conditions and the public interest may warrant.

'The licensing *buck* starts and ends with the minister. Hence the issuing of licences is not transparent.' The minister has immense powers to revoke or suspend a broadcasting licence for many reasons, including non-compliance with licence conditions.

There was an incident when MISA-Lesotho went on a drive to promote community broadcasting – the government suspended the issuing of licences during this period. The process was reopened again at a later stage. It is believed that this suspension was due to the government's fear that members of the public would begin opening community broadcasting stations in the rural areas.

Scores:

Individual scores:



Average score:

1.2 (2015: 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

There is no independent board governing the state broadcaster. The Lesotho National Broadcasting Service (LNBS) is a part of the Ministry of Communications, Science and Technology and operates 'as an arm of the government'. Its stations – *LTV*, *Radio Lesotho* and *Ultimate FM* are answerable directly to the minister.

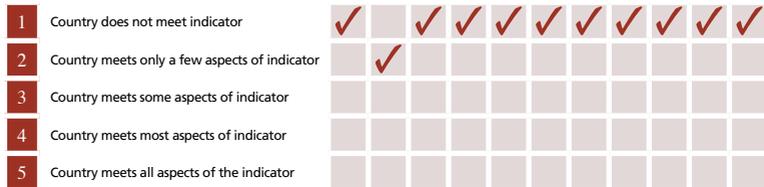
In 2004, a Lesotho Broadcasting Corporation Bill was published, which aimed to transform the state broadcaster into a public broadcaster. However, the Bill was never enacted.

'The attitude of the current minister shows that things are not about to change soon.'

Panelists posited that the way the current minister exerts control over the state broadcaster is the reason why the Media Policy has been 'on the ice'. This was regarded as the government attempting to protect its interests in broadcasting.

Scores:

Individual scores:



Average score:

1.1 (2015: 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

‘Everything starts and ends with the minister.’

Panellists believed that regardless of what the Communications Act might say about the editorial independence of the state broadcaster, it makes no difference as editorial control ultimately lies in the hands of the minister – or whoever is in political power. Editors at *LTV* are newly appointed every time a new political party comes into power.

The state broadcasting stations have no editorial policies, but *LTV* has recently implemented editorial guidelines. These guidelines do little to change the fact that the ‘buck’ stops with the political powers that be – particularly the minister.

A panellist who once worked at *LTV* provided an example of when they ‘went against the grain’ and reported on a story that had been obtained from the Lesotho News Agency. The then permanent secretary came into the newsroom and confronted the panellist over the story.

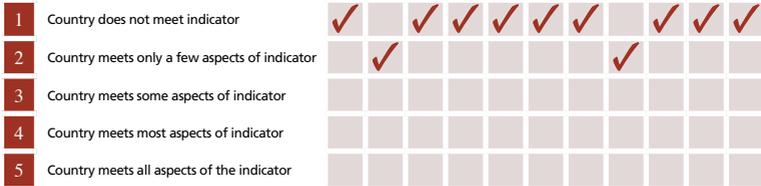
Another panellist, also a previous employee of *LTV*, shared an example of how they tried to implement some changes at the station following training they had received. This panellist was told by the permanent secretary to leave their ‘new professionalism’ at home and to continue to abide by the rules of the government. Soon after this incident, the said panellist left the station.

An example of direct interference by the government was given by another panellist. *LTV* had decided to run a story on the MKM Burial Society, a Ponzi scheme that had collapsed. The MKM Group of Companies was shut down in November 2007 by the Central Bank of Lesotho after it emerged that the company was operating banking and insurance businesses in violation of the Financial Institution Act and Insurance Act, respectively. The panellist, then a news editor, was visiting South Africa when *LTV* decided to run the story in the nightly news. The panellist claims to have received a call from the minister, saying that he heard that reporters from *LTV* were taking pictures and collecting footage of the buildings which MKM owned. He then instructed the panellist to order staff not to take pictures of one particular building (one that the minister’s friend owned) and to drop the story. The panellist informed the minister that the station would continue with the story and afterwards promptly received a telephone call from the permanent secretary, informing them of overstepping their mandate. The permanent secretary went to the studio and ‘pulled’ the story, including other stories that were on tape. As a result, there was no news broadcast that night.

These experiences provide a strong indication of the extent of editorial interference in the country's state broadcasters. Although some of the experiences mentioned preceded the last AMB (in 2015), according to panellists, the situation has not changed.

Scores:

Individual scores:



Average score:

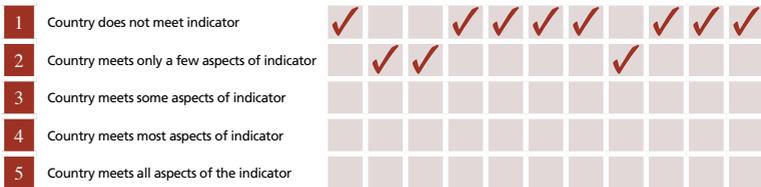
1.2 (2015: 1.5, 2012: n/a, 2010: n/a, 2008: n/a, 2006: n/a)

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

The Lesotho government fully funds the state broadcaster. No TV licence fees are collected by the state broadcaster and the annual advertising fees amount to approximately 7 million M (493,000 USD) per annum. These fees are received by the government and not the broadcaster. The government allocates about 11 million M (803,000 USD) for the three state broadcasting stations each year. This amount does not include salaries and wages, as employees are paid directly by government as civil servants.

Scores:

Individual scores:



Average score:

1.3 (2015: 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

Section 38 (1) (b) of the Communications Act states that the broadcasters should ensure that the public has access to a

diverse range of broadcast content, including:

- i. News
- ii. Educational
- iii. Cultural
- iv. Religious, and
- v. Sports and entertaining programming.

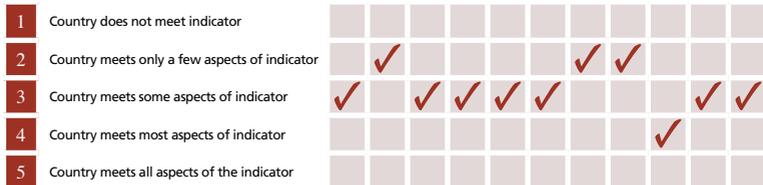
In addition, Section 38 (1) (c) states that broadcasters should offer a diverse range of opinions regarding matters of public interest.

The state radio stations (*Radio Lesotho* and *Ultimate FM*) do attempt to offer diversity. *Radio Lesotho* offers 100% local content. Panellists noted that the quality of the programmes is good and has continued to improve over the years.

LTV offers less diverse programmes than radio. Although there is some diversity, the quality is poor. Panellists noted that this is partly due to insufficient resources to hire talented people, or to commission quality local programmes from independent producers. In fact, *LTV* sees independent producers as competitors, rather than as potential avenues to access high quality content (there is a tendency for *LTV* to refuse their content). Instead, the station relies on cheap international programmes – the stations' programming schedule closes at 10:00 PM and from then screens mainly Chinese programmes.

Scores:

Individual scores:



Average score: 2.8 (2015: 2.6, 2012: n/a, 2010: n/a, 2008: n/a, 2006: n/a)

Overall Score for Sector 3: 1.6

SECTOR 4:

The media practise high levels
of professional standards

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

Panellists agreed that on a general level, there is fairness in the media in Lesotho, however, this depends on each media house and the editorial choices they make.

Accuracy remains a big challenge for the media due to the lack of capacity in the newsrooms, with many journalists having no proper training. It was noted that this has resulted in mistakes such as providing the wrong names of people, captioning pictures incorrectly and making grammatical errors.

When it comes to specialised news, such as development or court news, the glaring mistakes and professional negligence become clear. Many journalists do not appear to fully understand NGO or development discourse as these news stories frequently read differently from their intended meaning. Inaccurate coverage on climate change and the Sustainable Development Goals were cited as examples.

Court case reporting is often inaccurate with instances of the news article differing from the court transcripts as the journalists lack the skills to correctly interpret legal language. Accuracy is also affected by language. Stories written on press conferences held in a different language (e.g. Sesotho) can sometimes be distorted during the translation process into English.

Panellists from the NGO sector complained about the media's one-sided coverage and bias, given their tendency – particularly in the state media – to focus solely on ministers or other senior government officials.

'I always have a problem with the print media. When we invite journalists to our events, they focus on the minister and do not say who the event was organised by. The story is often one-sided. Sometimes we use our resources to invite the journalists, but they don't even recognise the organisation that organised the event. The essence of the event gets lost in the story.'

'State media operates wholly to propagate the views and ideologies of the ruling party. Information is consciously altered to suit the interests of the government in power. Stories are therefore not balanced because they focus on the minister only.' However, it was also mentioned that in the private media, balanced stories are written but are often sensationalised, thereby impacting on their accuracy.

Panellists deemed fairness better than accuracy in news stories, yet commentaries are not considered fair. It was felt that most commentaries insult or ridicule people, at times there is a direct and unwarranted attack on the character of a person.

Panellists felt that print media was much better than radio. Most stories on the radio are reported in a polarised way – the same story can be reported on two

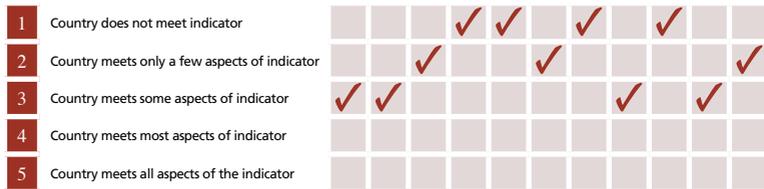
separate radio stations in completely different ways. In addition, there is a lot of sensationalism on the radio.

‘Radio stations are full of gossip. Presenters often fail to control people who call in [to talk shows].’

The large number of lawsuits against the media demonstrate the lack of accuracy in the media in the country. Currently, the *Lesotho Times* newspaper is facing three prominent lawsuits.

Scores:

Individual scores:



Average score:

2.0 (2015: 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

There is no media council or Press Ombudsman in Lesotho, nor any other independent or statutory body to arbitrate on media related complaints from the public. The media has also not yet developed a self-regulatory body that deals with such complaints. When people have complaints against the media, their only discourse is to go to the courts.

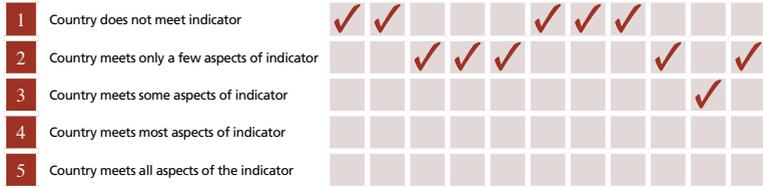
It is only recently that some private media houses have started developing their own in-house codes of conduct; previously, most houses simply had house styles or editorial guidelines. A panellist shared that *Radio Lesotho* had codes of conduct guidelines from the *BBC* put up on the wall for a very long time.

There are no codes of conduct in the state print media. In media broadcasting, however, the codes of conduct come from the LCA.

In July 2013, the Broadcasting Disputes Resolution Panel (BDRP) was established in accordance with the Communications Act of 2012. The panel was established to resolve disputes regarding broadcast content and to develop a broadcasting code. The BDRP is a statutory body of members appointed by the Minister of Communication.

Scores:

Individual scores:



Average score:

1.6 (2015: 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

‘Salaries for journalists in Lesotho are very poor and pathetic. It is a very sad situation.’

Entry-level journalists in the private media earn approximately 1,500 to 2,000 M (105 to 140 USD) for month. An untrained journalist can earn as little as 500 M (36 USD). Middle to senior level journalists generally earn 3,000 to 4,000 M (210 to 280 USD).

‘Sometimes when you reach 4,000 M, the media house pushes you out because you become expensive.’

It is important to note that in the private media, people often negotiate their salaries. Salaries therefore differ from one media practitioner to the next, as there are no set standards. Editors in some private media (for example at the *Lesotho Times* and *Public Eye*) are from outside the country and can negotiate their salaries. Their salaries range from 15,000 to 20,000 M (1,050 to 1,400 USD).

Salaries in the private media are also determined by the level of advertising the media house is able to secure.

In addition, job benefits are poor as many media houses do not provide medical aid or pension. Journalists also work with limited resources, with no cameras or cars to transport them while on coverage. Even when journalists are injured on the job, most media houses do not pay for the associated medical bills. For example, when journalist Lloyd Mutangamiri from the *Lesotho Times* was shot, he did not receive any support from his media house. ‘The family has been suffering.’

The state media pays its journalists better salaries as they are considered public servants and their salaries are regulated by the Ministry of Public Service. In

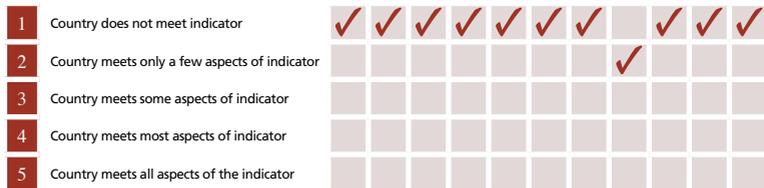
this respect, entry-level salaries start at around 14,000 M (1,000 USD) when in possession of a degree. State media workers do not have medical aid, however a pension is provided.

Freelancers are paid the lowest salaries in the industry. Remuneration ranges from 5-10 US cents per word, depending on the media house. Most media houses in Lesotho do not often use freelancers: they get stories from the LENA and then use interns to develop the stories.

'In general, the media in Lesotho is under-resourced, not professionalised and not institutionalised.'

Scores:

Individual scores:



Average score:

1.1 (2015: 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

Attempts to set up an effective journalist trade union have failed. The Journalist Association of Lesotho failed to take off because there was no industry-wide buy-in by stakeholders in the media. The government media workers were not allowed to join, given that media employees in the state media are considered public servants. The public service has a union (Lesotho Public Service Staff Association) and the state media employees are members of this union.

Journalists from the private media, often submissive to their owners, were not active in the union. Therefore, the union has not had enough members to enable registration of the body with the International Federation of Journalists. In addition, power struggles and fighting over the union's resources rendered it weak. Due to poor salaries and working conditions, journalists do not come to the meetings if no per diems and food are provided.

The Editors Forum in Lesotho was established in 2012, but has not been effective due to lack of funding and commitment from members. The shareholders or

proprietors of private media do not want their editors to join the forum and prevent them from doing so.

Media Watch was an association that focused on media and gender. The association became defunct however, when male members complained that it was pushing a radical ‘feminist agenda’, and this caused most of the men to pull out.

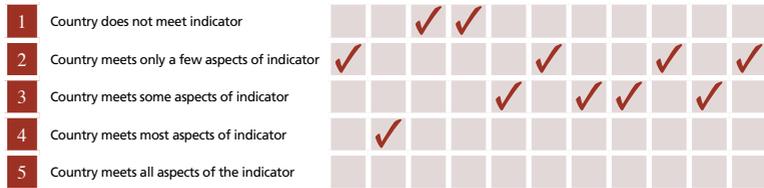
Female media employees have also failed to organise themselves in women-only associations. The Lesotho Women Media Empowerment Association is also defunct.

The only professional body that is functional is the Lesotho Sports Reporters Association. This could partly be a result of the sponsorship and funding that the body gets from sports companies.

Panellists noted that another challenge impacting on professional media bodies’ survival is that people who start these associations are not even journalists and that there has not been proper governance in these bodies.

Scores:

Individual scores:



Average score:

2.4 (2015: 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 is corruption among journalists in Lesotho simply because their salaries and working conditions are poor.’

The media’s relationship to powerful elites fuels corruption, which can take many forms. For example, some journalists receive bribes to cover the activities of certain government ministers. At times, journalists take items off a story or add unnecessary context to a story in order to please certain powerful members of society. It is claimed that journalists will even re-edit a story because they have received a bribe.

Corruption is also about not following systems and procedures. Powerful people have journalists ‘in-their-pockets’ whom they entrust to run favourable stories about them or ‘kill’ stories that may implicate them.

The bribes range from receiving ‘brown envelopes’ containing cash to receiving lunch, transport money or airtime.

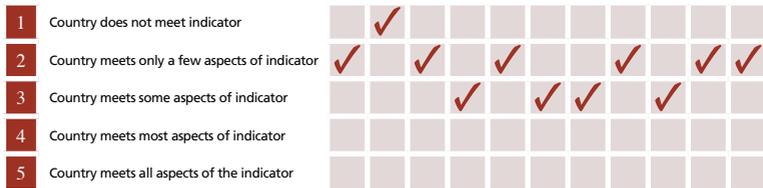
Journalists accepting ‘freebies’ can also compromise the impartiality, credibility and quality of a story, by ignoring wrongdoing or ‘looking the other way’ when reporting on the companies that offer them. Mobile phone companies in Lesotho are known to offer freebies to journalists, however, media houses (such as *NewsDay*), are implementing policies on how freebies are to be ethically handled.

A panellist felt that there was a thin line between corruption and receiving ‘an incentive.’

‘I was paid 13,000 M [955 USD] to run a six-month campaign as an incentive. This was not direct corruption, but I felt uncomfortable,’ stated one panellist.

Scores:

Individual scores:



Average score:

2.3 (2015: 2.1, 2012: 1.1, 2010: 2.6, 2008: n/a, 2006: n/a)

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

Advertising plays a huge role in self-censorship among journalists. Since the government is the largest advertiser in the country, most media houses ensure that they do not ‘step on government toes’. Advertising from private companies also contributes to self-censorship.⁷

On top of the financial pressure, the political affiliation of media house’ proprietors leads to self-censorship. There have been cases where media owners, who are closely associated with political parties, tell their reporters not to report negatively on that political party.

7 There have been cases of self-censorship in some stories of mobile phone companies.

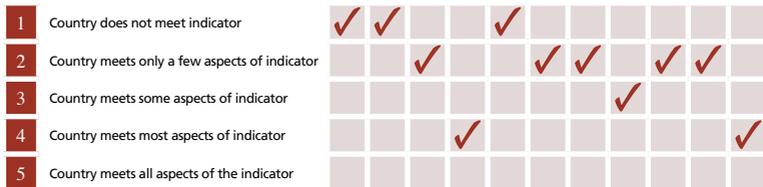
One panellist worked for a newspaper where the owner was a leader of a political party and noted the challenges that this presented in reporting objectively. Despite efforts to maintain professionalism, there were instances of self-censorship among the reporters who assumed that the owner might not like the story.

Panellists claimed that at a certain point in time, the *Lesotho Times* was pro-government and spent a lot of time ‘bashing’ an opposition party. The newspaper pretended to balance their coverage by calling a representative of the political party under the false pretence of objectivity just before the paper went to print, knowing full well that the person might not be available for comment.

Religious media do practice self-censorship because of the ideological beliefs of the organisations and not necessarily due to advertising. Catholic media houses do not advertise in news prints.

Scores:

Individual scores:



Average score: 2.2 (2015: 2.7, 2012: 1.6, 2010: 2.8, 2008: 1.3, 2006: 1.2)

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills

There are two institutions that offer media and journalism training in Lesotho: the Institute for Extra-Curriculum at the National University of Lesotho; and the Limkokwing University of Creative Technology.

The National University of Lesotho offers part time training at diploma level, which is intended for people working in the media. The diploma is now opened to GCE (Grade 12) students but has not been redesigned to cater for them and the 21st century needs of the media industry. There are future plans at the university to offer a degree in media and communication studies and to introduce short training courses.

A private Malaysian university, the Limkokwing University of Creative Technology, offers an associate degree and an honours degree in media and journalism.

Panellists stated that the quality of this degree is poor. The Council of Higher Education is said to be considering the closure of the programme.

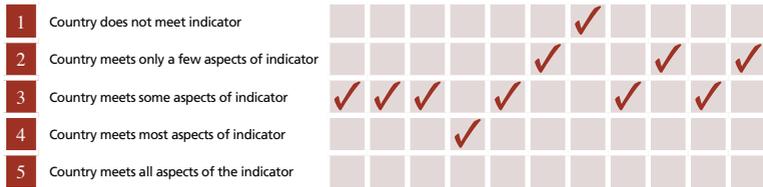
Only a few media houses offer in-house training. In the state media, journalists are encouraged to attend training offered by external actors, but the problem has been that some of the journalists who go for training end up leaving for 'greener pastures' in marketing and public relations companies. Due to this, the government now binds journalists who attend training or further their degrees by having them work off the cost of tuition for a certain number of years.

Due to the limited training opportunities in the country, it is felt that many journalists lack the required skills.

'Gone are the days when training institutions such as the SNJ (National Union of Journalists) based in Mozambique acted as a good platform for Lesotho journalists.'

Scores:

Individual scores:



Average score: 2.6 (2015: 2.4, 2012: 1.9, 2010: 2.8, 2008: 1.8, 2006: 3.4)

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

Since Lesotho is largely homogenous, ethnicity and race are seldom an issue in the country. Interestingly, about 60% of editors in Lesotho originate from outside of the country – a trend fostered by some newspapers having foreign ownership. Employment laws in the country are lax, although the government is now enacting measures to ensure that the Basotho are given precedence for job postings over foreigners.

Class is also not thought to be an issue in Lesotho and does not frequently manifest in employment patterns in media houses.

When it comes to gender, however, there are challenges. While there are many women in newsrooms, most of them are in junior positions. The majority of

senior journalists, editors and management are men. Panellists viewed this as ironic because in training institutions, the majority of students are women. This was cited as evidence that women are not advancing in the media and remain trapped in junior positions.

LGBTQI media workers are not visible in media houses; this, however, does not demonstrate that they are not hired. Prospective employees are not asked about their sexual orientation during interviews and in general, people in Lesotho do not reveal their sexuality.

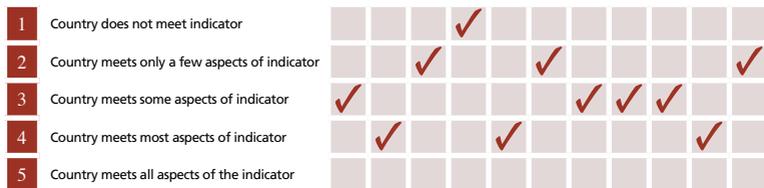
There is no evidence of discrimination based on religion, largely because Lesotho is predominantly Christian; the problem lies in the denominationalism of the country. There is a division between the Catholic and Protestant Churches – a fact that also plays out in politics. One panellist shared that during the process of applying for a position at a newspaper owned by an evangelical church, the panellist was required to state their denomination and was promptly informed that the position was reserved for evangelical members only. Another panellist noted that Catholic media entities do not employ people who are not Catholic, although the stories they cover emanate from all walks of life.

Disabled people in the newsrooms are few. Panellists agreed that there is discrimination in Lesotho newsrooms based on disability, however it was acknowledged that newsrooms might refrain from hiring disabled people because of limited resources, for example, the lack of braille and accessible infrastructure.

There are no equal opportunities or sexual harassment policies in most of Lesotho’s newsrooms. Panellists felt that sexual harassment is so rampant in newsrooms that it has become normalised.

Scores:

Individual scores:



Average score: 2.8 (2015: 2.8, 2012: 1.8, 2010: 4.2, 2008: n/a, 2006: n/a)

Overall Score for Sector 4: 2.1

THE WAY FORWARD

1. What were the developments in the media environment in the last three/four years?

Positive Developments

- A section of the penal code has been scrapped, thus doing away with criminal defamation.
- The adoption of social media as platforms for deliberation and sources of information.
- Lesotho now has a printing press – a first for the country. This has lessened the stress of paying the huge customs fees associated with printing outside the country (specifically in South Africa).
- Media diversity has increased. Three community radio stations have opened since the last AMB in 2015. Two newspapers have entered the market, *The Nation* and *Newsday*.
- There has been a significant increase in the number of qualified journalists.
- There is increased tolerance in the public/state media, especially on radio. Critics, the opposition and CSOs are now interviewed.

Negative Developments

- The Media Policy has still not been adopted.
- In the last three years, media sensationalism has increased.
- The demise of the Broadcasting Disputes Resolution Panel, which, although still in existence, has been questioned for its lack of independence given that it falls directly under the LCA.
- Media have allowed themselves to become tools for political parties.
- The polarisation of the LCA and its sub-units.
- The lack of donor funding for media programmes.

2. What kind of activities are needed over the next three/four years?

- The revival of MISA-Lesotho, the unions and other key media professional bodies. The trade union can be housed within an existing organisation for at least two or three years to give it time to grow and become effective.
- The mobilisation of funds for local media organisations in the wake of the withdrawal of donor funding.
- The spearheading of media legal reform processes and the advocating for a strong self-regulatory media.
- Awarding journalists who excel to encourage good practices and excellence in the media.

The panel discussion took place at the Roma Trading Post Lodge on 2-4 November 2018.

Panellists:

Media (list in chronological order of surname):

1. Malakeng Hloma, Publications Editor
2. Mothepane Kotele, State Broadcaster
3. Felile Mokhothu, Media Lecturer/Trainer
4. Khatebe Molefi, Print Media Senior Reporter
5. Francis Mukuzunga, Newspaper Editor
6. Kalosi Ramakhula, Filmmaker
7. Mzimkhulu Sithetho, Newspaper Editor

Civil Society (list in chronological order of surname):

8. Matshona Libalele, Communications Officer (private sector)
9. Booi Mohapi, Church NGO Director
10. Rethabile Mothealira, Lawyer
11. Seabata Motsamai, NGO Director

Rapporteur:

Sarah Chiumbu, Media Lecturer

Moderator:

Nangula Shejvali, Consultant

Friedrich-Ebert-Stiftung (FES)

fesmedia Africa
Windhoek
Namibia
Tel: +264 61 417523
Email: info@fesmedia.org
www.fesmedia-africa.org

MISA Lesotho

House No. 1B, Happy Villa
PO Box 14130
Maseru 100, Lesotho
Phone: +266 22 320941
Fax: +266 22 310560
Email: misalesotho@gmail.com

