



AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa



ESWATINI 2018



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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	22
SECTOR 3 Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster	36
SECTOR 4 The media practise high levels of professional standards	44
THE WAY FORWARD	59

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.

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See above 31 AMB Countries (2005-2018)

African Media Barometer eSwatini 2018

Summary

The Kingdom of eSwatini (formerly known as Swaziland), operates under a dual legal system with Roman-Dutch common law on one side and Swazi customary law on the other. This dual system has resulted in tension and conflict, leading to violations of certain civil and political rights that are constitutionally guaranteed.

The constitution provides for three separate organs of government – the executive, legislature and judiciary – but under eSwatini law and custom, all powers are vested in the king. eSwatini's prime minister is meant to exercise executive authority, however, King Mswati holds supreme executive power, controlling both the judiciary and parliament. The king personally appoints the prime minister, the cabinet and two-thirds of the members of the Senate. This dominance of the king over the political and socio-economic landscape permeates all areas of life in eSwatini; for instance, the right to freedom of expression is greatly affected. Although the new constitution adopted in 2005 guarantees both freedom of expression and of the media, these freedoms are often curtailed by cultural norms and practices. Citizens and journalists find it difficult to assert their rights to freedom of expression without fear. This fear is driven by the legislative framework and by cultural traditions that promote an ethos of silence and fear of authority. Due to this, journalists exercise self-censorship on pertinent national issues.

Several laws in the country restrict freedom of expression and often interfere with the functions of the media. Although eSwatini is a signatory to several regional and international instruments on freedom of expression and freedom of the media, these instruments have not been domesticated. The country has approximately 32 laws that restrict freedom of expression and media freedom. While many countries in Africa are doing away with criminal defamation laws, eSwatini still has this law on the statute book and it is sometimes used to punish the media for investigative reporting. The offence of contempt of court has also been used to suppress freedom of expression. For example, in 2014 Bheki Makhubu, editor in charge of *The Nation* and his co-accused human rights lawyer Thulani Maseko, spent 15 months in prison for contempt of court. eSwatini journalists work in a highly restrictive environment where they either avoid certain stories or 'water them down' to avoid harsh consequences – such as the one that befell Makhubu and Maseko. These laws make it risky for journalists to conduct their duties without fear.

Journalism is important in a democracy and professionalism plays an important role in this configuration. Fairness, truth and accuracy are prerequisites for journalistic professionalism. While panellists agreed that the standard of reporting

in eSwatini has improved over the years, there are still challenges with regards to accuracy and fairness. Issues such as unbalanced stories, misquotes, exaggerated headlines as well as spelling and grammatical errors mar reporting standards. Another challenge is the skewed reporting of eSwatini society. The media do not always fairly represent all voices in society, including minorities. For instance, women's voices in the media continue to be marginalised to a great extent while content continues to be male-dominated. Similarly lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) issues are not often covered by the media and when they are, they are reported in a negative way. Persons with disabilities are also marginalised both in news content and in the newsrooms.

Self-censorship and corruption, which are common in newsrooms, also affect media professionalism and the integrity of the news. Panellists pointed to the extremely low salaries combined with the poor working conditions of journalists as a cause of corruption. Corruption is not only prevalent amongst the lowest paid journalists, but also occurs with editors and managers. The close relationship between the media and political or business elites contributes to corrupt behaviour in the higher echelons of the media.

Lack of 'access to information' legislation ensures that accessing public information is difficult. The Official Secrets Act and other cultural practices restrict the media in their efforts to obtain information and report freely on the activities of government. Accessing information for ordinary citizens, particularly those in rural communities, is not easy. In 2007, the government released a draft Freedom of Information and Protection of Privacy Bill, however, 11 years later, the Bill has not been passed.

Accessing information is becoming easier across the continent and eSwatini is no exception. Individuals in urban areas have turned to social media such as Facebook and Twitter to access news that is not censored or to bypass mainstream media. According to Internet World Stats¹, eSwatini has 446,000 internet users; this is relatively high in a country of 1,367 million people. It is estimated that there are about 170,000 Facebook users, while mobile phone penetration is about 78% (approx. 1,02 million). Although social media is being used more widely and has become an important platform for expression, prices for data remain high and unaffordable for most citizens.

eSwatini has no broadcasting legislation that governs the sector. A Broadcasting Bill that has been in the making for 12 years is yet to be legislated. The latest version of the Bill – introduced in 2016 – did not materialise when parliament was dissolved in that year. The Communications Act of 2013 established a commission to oversee the broadcasting sector, but in the absence of enacted broadcasting legislation, there is only so much that the commission can do. eSwatini, together with Zimbabwe, thus remain the only countries in southern Africa without an open and liberalised broadcasting sector.

1 Internet World Stats available at <https://www.internetworldstats.com/>.

There is no doubt that eSwatini needs wide ranging media reforms. This could be achieved through a concerted advocacy effort by civil society organisations. However, over the years, the effectiveness of civil society has declined due to the repressive political environment and dwindling donor funding. The Swaziland National Association of Journalists (SNAJ) needs resuscitation to ensure its effectiveness. The Media Workers Union of Swaziland (MWUS) needs to be inclusive of media organisations including the *Times of Swaziland*, the only independent newspaper in the country. The recently formed Swaziland Media Consortium (SMC) made up of eight media bodies is a step in the right direction. The SMC operates under the Coordinating Assembly of Non-Governmental Organisations.

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

Section 24 (1) and (2) of the constitution of the Kingdom of eSwatini guarantees the right to freedom of expression, including the freedom of the media:

1. A person has a right to freedom of expression and opinion.
2. A person shall not, except with the free consent of that person, be hindered in the enjoyment of the freedom of expression which includes the freedom of the press and other media, that is to say:
 - a. freedom to hold opinions without interference;
 - b. freedom to receive ideas and information without interference;
 - c. 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
 - d. freedom from interference with the correspondence of that person.

That said, the constitution also notes the limits of these freedoms in Section (3), which states:

1. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this Section to the extent that the law in question makes provision:
 - a. that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
 - b. that is reasonably required for the purpose of:
 - i. protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings;
 - ii. preventing the disclosure of information received in confidence;
 - iii. maintaining the authority and independence of the courts; or
 - iv. regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television or any other medium of communication; or
 - c. that imposes reasonable restrictions upon public officers, except so far as that provision or, as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in a democratic society.

Importantly, despite the important provisions of Section 24 (1) and (2) of the constitution, these freedoms are not supported by other pieces of legislation and there has been little effort to review and reform existing legislation to align them to these constitutional principles.

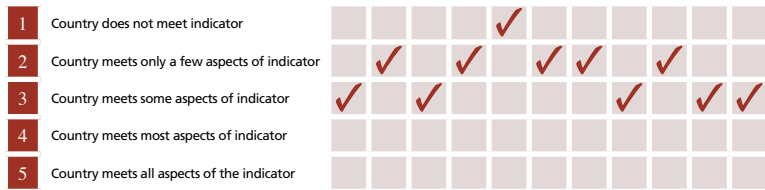
To date, eSwatini has no Access to Information law. In addition, the development of a Broadcasting Bill (which begun in 2007 and has seen at least three renditions since then) remains stalled.

Furthermore, while the provisions in Section 24 (1) and (2) exist in the constitution, several limitations to these freedoms exist. These include, amongst others, the Proscribed Publications Act of 1968; the Books and Newspapers Act of 1963; the Cinematography Act of 1920; and the Sedition and Subversive Activities Act of 1938 – all of which stifle the media freedoms provided for in the constitution. One panellist noted, ‘It is an observed practice by the courts to further stifle media freedom through defamation judgements. They are very restricting regarding how they define defamation and criminal defamation is still on statutes.’

Panellists also pointed out that despite the constitutional provisions, freedom of the media has come into question. The late-2017 closure of the newspaper, *Swaziland Shopping*, was highlighted as a case in point. ‘There was a newspaper [called] *Swaziland Shopping*. One week it published something the authorities didn’t like and the next [week], it was closed down.’

Scores:

Individual scores:



Average score:

2.4 (2005: 1.5; 2007: 2.1; 2009: 2.1; 2011: 2.3; 2014: 19)

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

Panellists were in general agreement that the practise of the right to freedom of expression is highly constrained in the kingdom, with both citizens and the media finding it difficult to assert this right without fear.

‘Broadly, there is a lot of fear. When it comes to freedom of expression, what has cemented silence is that we have real life examples of reprisals faced by citizens and journalists when they speak out. People have been arrested and people will be cautioned.’

‘Media personnel have been harassed and beaten in the line of duty.’

‘The fear is real! While you may not necessarily be arrested or charged formally, there are other ways in which your life will be restricted based on what you’ve said.’

Panellists noted that parameters are often set when doing interviews, with some radio station studios displaying placards in the studio to caution presenters and interviewees on topics that are off limits. ‘They prep you on certain issues concerning what can or cannot be said on the air.’

The fear of practising the right to freedom of expression is driven both by the legislative framework and by the culture, which does not encourage challenging those in power.

‘Culture, which starts with the legal framework of the country and the fact that we have a dual system, pervades everything, including family and professional life, politics etc. The culture has its norms and rules, although not codified. There are the issues of consensus and respect, for example and these values are taken to the extreme. When you criticise, you are seen as being disrespectful. The cultural element has a huge role concerning what you say or don’t say, who you talk about and how you talk about them.’

At the time this AMB was conducted, the Kingdom of eSwatini held a *Sibaya* (a people’s parliament). One of the key national issues on the agenda concerned the appointment of the next prime minister by the king. The *Swazi Observer* published an article speculating on the top 25 candidates for prime minister. A panellist noted that during the *Sibaya*, the attorney general used the forum to criticise the article in a way that was perceived as ‘intimidating’. ‘After that, as a journalist, you become cautious of what you write and people often take to social media using fake names, where they may be safer.’

Panellists agreed that due to the fear that journalists and the public have developed, self-censorship is rife. In 2016 and 2017 at the national radio, ‘all shows by civil society were cut from going live and everything had to be pre-recorded because of what might be said.’ Furthermore, there are no talk-shows on socio-political issues on national radio and focus is placed on development-related issues.

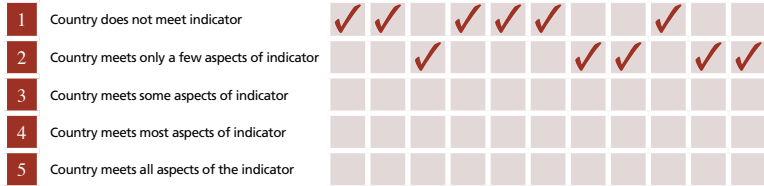
‘Our media has continuously been bludgeoned. They try (to report without fear), but then they hear that other practitioners have been summoned to the authorities.’

The chieftdom system further serves to keep dissenters in check, with elders and chiefs intervening when an individual has done something perceived to be anti-establishment – including having to defend what has been reported on. Describing the system as a traditional infrastructure for maintaining control, panellists noted that from applying for a scholarship to applying for a community broadcasting licence: the permission of the chief is required.

However, panellists also noted that ‘even the chiefs are fearful. Culture is being perverted to make sure central power is maintained all the time’ and ‘there is a growing trend that most chiefdoms are now being led by members of the army, police and correctional services, who have somehow become chiefs’.

Scores:

Individual scores:



Average score:

1.5 (2005: 1.6; 2007: 2.1; 2009: 1.7; 2011: 1.8; 2014: 1.6)

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

Several laws restrict freedom of expression and interfere with the functions of the media; defamation and contempt of court laws have been used against the media in the past.

In 2002, an audit of eSwatini’s media landscape noted that the country had approximately 32 laws that are restrictive to the media. Amongst others, these included:

- The Proscribed Publications Act of 1968, which ‘empowers the government to ban publications if they are deemed “prejudicial or potentially prejudicial to the interests of defence, public safety, public order, public morality, or public health”’.²
- The Books and Newspapers Act of 1963, which stipulates the registration of print publications with the Registrar of Books and Newspapers with a prescribed fee of 15,000 Emalengeni (E) (1,079 United States Dollar (USD)). This Act was used to justify the banning of the *Swaziland Shopping* newspaper, with the state arguing that registration had not been properly carried out.
- The Cinematography Act of 1920, which prohibits the filming of various cultural gatherings and celebrations without the consent of the Minister of Public Service and Information. It also empowers the minister to proclaim an

2 Freedom House, Freedom of the Press – Swaziland (2007). 2 May 2007. Available at <http://www.refworld.org/docid/478cd54b28.html> [accessed 11 November 2018].

image or film objectionable ‘if he believes that the picture represents scenes holding up to ridicule or contempt any member of the King’s naval, military or air forces’.³

- The Sedition and Subversive Activities Act of 1938, which ‘criminalizes alleged seditious publications and use of alleged seditious words, such as those which “may excite disaffection against the king”⁴ or which “bring into hatred and contempt” the king, his heirs or successors and “promote feeling[s] of ill-will and hostility” between different groups’.⁵
- The Official Secrets Act of 1968, which ‘prohibits any person who possesses or has been entrusted “by any person holding office under the Government”, with any code, password, sketch, plan, model, article, note, document or information, from communicating it to any unauthorized person, retaining it, failing to take proper care of it or using it “in any manner or for any purpose prejudicial to the safety or interests of Swaziland”’. The penalty is a fine or a prison sentence of up to five years, or both.⁶

In addition to the above legislation, criminal defamation laws also exist on the statute books and have been used to punish the media for investigative reporting.

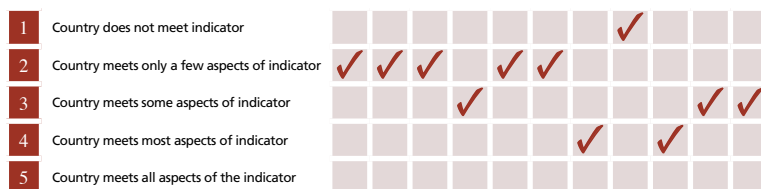
‘They impinge on the extent to which media can freely practise and operate.’

There are also traditional laws and rules that restrict media practice. ‘For example, as a journalist, you can’t take a picture of the king’s car, or the king’s wives as they exit the car. And during traditional ceremonies, you’re told that you can’t take pictures of this or that.’ It is believed that some of these restrictions are to avoid painting a picture of excess to the outside world, given that eSwatini is a developing country that continues to seek aid from other countries.

There are no laws that restrict entry into the field of journalism. However, to cover national events, journalists are required to receive accreditation.

Scores:

Individual scores:



Average score:

2.5 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a; 2014: 1.8)

3 Swazi Media Commentary, 2008. Available at <https://swazimedia.blogspot.com/2008/03/swazilands-oppressive-media-laws.html>.
 4 Human Rights Watch, January 2017. Swaziland Country Summary. Accessed at <https://www.hrw.org/sites/default/files/swaziland.pdf> on 11 November 2018.
 5 Fesmedia Africa, 2007. AMB Swaziland.
 6 Rooney, R. The new Swaziland Constitution and its Impact on Media Freedom.

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

‘Our government is prolific regarding signing and ratifying regional and international instruments.’

eSwatini is a signatory to some regional and international instruments on freedom of expression and freedom of the media, including the African Charter on Human and Peoples’ Rights (1981) and the International Covenant on Civil and Political Rights (1966).

However, considering the dualist system, implementation is an issue and these instruments have not been domesticated into the kingdom’s laws.

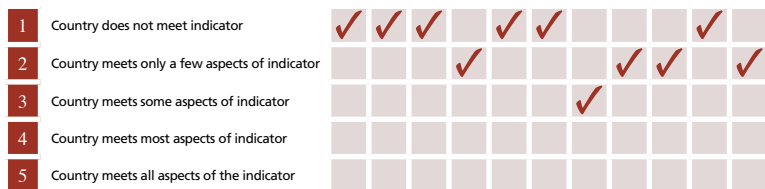
Furthermore, the Government of eSwatini rarely reports on its progress in honouring the obligations set out in the instruments it has ratified.

Recently, when the government failed to report on the International Covenant on Civil and Political Rights (1966), the responsible committee discussed the country in the absence of a report and provided a list of issues that needed to be addressed – including those related to freedom of expression. ‘The country is fearful of looking bad outside, so they decided to respond on this list of issues, but they were simply justifying their position’ instead of reporting on progress made.’

In the past, government officials have made pronouncements about not being dictated to by international bodies (without a reaction from the government). Senator Vuka ‘Moi Moi’ Masilela’s pronouncements on the kingdom withdrawing from the International Labour Organisation are a recent case in point. ‘The government appears two-faced on this issue.’

Scores:

Individual scores:



Average score:

1.5 (2005: n/a; 2007: n/a; 2009: 1.9; 2011: 1.5; 2014: 1.2)

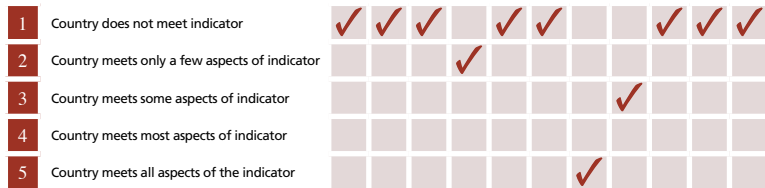
1.5 Print publications are not required to obtain permission to publish from state authorities

In line with the Books and Newspapers Act of 1963, print publications need to register and pay a bond of 15,000 E (1,079 USD) to start a publication. In recent years, the government has deliberated on increasing this fee to 50,000 E (3,600 USD), which would hamper the entry of new players into the market.

Panellists noted that this clause in the Books and Newspapers Act was used to close down *Swaziland Shopping* in December 2017, after the newspaper published an article considered to be ‘unfavourable’ towards the king – however, authorities emphasised that the newspaper had not been properly registered.

Scores:

Individual scores:



Average score:

1.6 (2005: n/a; 2007: n/a; 2009: 3.7; 2011: 1.6; 2014: 1.5)

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

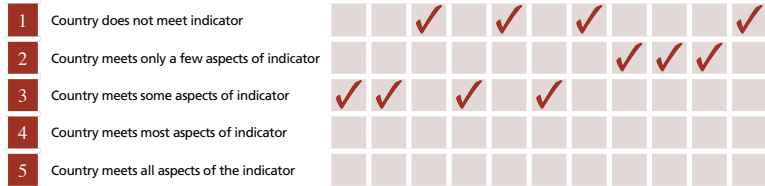
While journalists are compelled by their journalistic code of ethics not to reveal confidential sources of information, their sources are not protected by the law or the courts.

The Magistrate’s Court Act of 1938 compels anyone with information to reveal their sources: editors, journalists and photographers have been summoned on various occasions to testify in court. There have been cases where journalists have refused to reveal their sources, however, they risk this refusal as being seen as contempt of court and therefore punishable by law.

The Criminal Procedure and Evidence Act, the Official Secrets Act and the limitations set out in Section 24 (3) of the constitution itself further entrench the notion that confidential sources are not protected and that journalists may be punished for not revealing these sources.

Scores:

Individual scores:



Average score:

2.0 (2005: 1.0; 2007: 1.0; 2009: 2.0; 2011: 2.0; 2014: 1.1)

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

Accessing public information in the Kingdom of eSwatini is not an easy task.

‘Getting public information from ministries and state agencies is very difficult.’ One panellist noted that this could be due to the fear public servants have to release information even on government projects already in the public eye, due to the Official Secrets Act.

The difficulty experienced by citizens and journalists alike in accessing national census figures was cited as a key example.

The country does not have an Access to Information law. When an Access to Information Bill was proposed, a push for protection of privacy law was instead put forward. Public officials seem hesitant to share information. ‘Recently when newly appointed MPs [members of parliament] and senators were called upon by the attorney general to declare their assets, they made it clear that they were not comfortable with doing so. They said, “No, why should we be forced to, because they [the assets] belong to us.”’

The Register of Deeds is supposed to be accessible to the public but is currently not, following the issuance of a directive by the prime minister stating that journalists may not have access to it.

‘Some ministries have Communications Officers, but they can’t talk to the media. So, the Communications Officer is essentially paid to do nothing because they are not disseminating information. The principal secretary is always busy and journalists are made to move from pillar to post to try to get information.’

It is also clear to journalists that certain information on public officials is deliberately hidden from the public eye. For example, access to information regarding the recent divorce of the eSwatini Revenue Authority Commissioner or about the

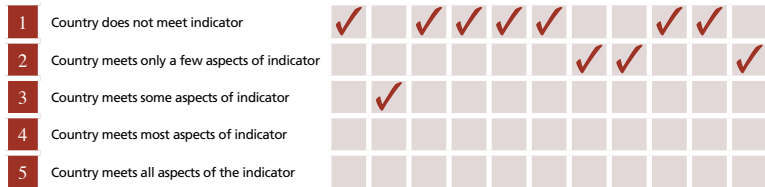
suings of the late Prime Minister Barnabas Sibusiso Dlamini by the person who designed his retirement home was purposefully made difficult by authorities.

For ordinary citizens – particularly those in rural communities – accessing information is difficult, particularly through electronic media. In addition, there are areas where television (TV) and radio broadcast signals cannot be received and as such, the citizens are not privy to the information being shared. Additionally, the public media can be selective of the issues they cover, thereby denying citizens access to public information that should receive coverage.

Access to the government gazette can be restrictive for ordinary citizens seeking information on policies and legislation, both regarding cost (with a copy of a gazette issue costing around 40 E (3 USD) and language, as the gazette is published only in English.

Scores:

Individual scores:



Average score:

1.5 (2005: 1.3; 2007: 1.1; 2009: 1.2; 2011: 1.2; 2014: 1.3)

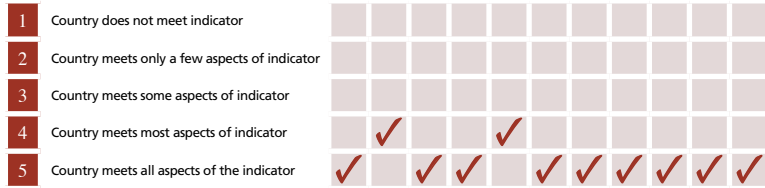
1.8 Websites, blogs and other digital platforms are not required to register with, or obtain permission from, state authorities

Online publications or digital media platforms are not required to register with or obtain permission from state authorities.

‘There were political pronouncements about people talking too freely on the internet and some MPs have said that maybe laws in this regard should be considered, but to date, there are no laws in this regard.’

Scores:

Individual scores:



Average score: 4.8 (2005: n/a; 2007: n/a; 2009: 4.2; 2011: 4.9; 2014: 4.8)

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

‘eSwatini doesn’t have the technology to block or filter internet content, but if we did this would definitely be a concern.’

This is particularly true for internet content hosted and or registered internationally and not with the eSwatini Posts and Telecommunications Corporation.

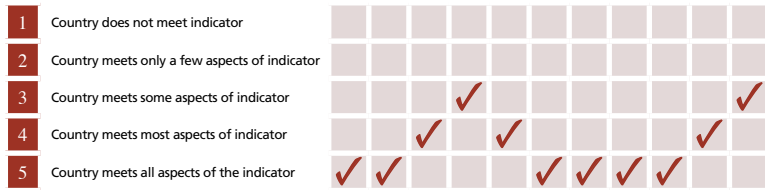
‘This is a terrain that the powers that be are still ignorant of, which is why we are still enjoying ourselves in this space.’

It is important to note, however, that citizens have to register their Subscriber Identity Module (SIM) cards when purchased and that their photograph is taken as part of the registration process. In this regard, it is believed that some monitoring is taking place.

Although content has not been blocked or filtered, incidences of cyberbullying do occur, with one panellist noting that their account had been hacked. Those responsible left messages stating, ‘Stop doing this or that, or we [will] know you are communicating with so and so’.

Scores:

Individual scores:



Average score:

4.4 (2005: n/a; 2007: n/a; 2009: 4.2; 2011: 2.9; 2014: 1.9)

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

Panellists agreed that generally, the effectiveness of civil society has been in decline. Civil society groups work in isolation and seldom collaborate on issues where collective action could produce stronger results.

‘Civil society in general in the past years in Swaziland [eSwatini] has become weakened regarding general advocacy, for multiple reasons such as shrinking space, decreased donor funding, lack of commitment and so on.’

‘There has always been a challenge of uniting on issues that affect us all. Even though we all feel an issue, things are happening in silos and collaboration has been ad-hoc and not sustained.’

When it comes to supporting advocacy on media issues, ‘there has been a limited understanding of the role of the media. When it comes to the role of media and media literacy, citizens don’t fully understand’.

The 2014 arrest of *The Nation’s* editor-in-chief Bheki Makhubu and human rights lawyer Thulani Maseko, was cited as a rare example where media lobby groups and CSOs spoke out in unison on the issue of media freedom, although some believe that more could have been done to advocate around this issue.

The Media Institute of Southern Africa (MISA) Swaziland has continued to be the most prominent voice on issues of media freedom and in conducting media advocacy and training. Other media lobby groups such as the SNAJ also contribute to this agenda, although they have not been effective in recent years.

‘MISA has generally been the lone voice, but also, media practitioners themselves are not making a strong cause. We have seen the weakening of the SNAJ, which now lacks activism and visibility and is not pushing their agenda. So as a result, media issues are not very sexy [to the public].’

Part of the reason for SNAJ’s ineffectiveness has been attributed to ‘divide and rule issues’, whereby journalists are sceptical of being too critical towards the state because they do not want to hurt their career prospects (the state has been offering journalists jobs in the security forces, correctional services and police). ‘But some [are] willing to lose out and remain true to the profession.’

That said, some collaboration has taken place. Gender Links, for example, has worked with MISA on gender and media monitoring projects.

On the whole, panellists agreed that more could and should be done by civil society and media lobby groups to advance the cause of media freedom.

Scores:

Individual scores:



Average score:

2.2 (2005: 2.1; 2007: 2.3; 2009: 2.2; 2011: 2.2; 2014: 2.5)

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

Although the Standing Orders of the House of Assembly require that MPs consult with their constituents on Bills, there seem to be no ‘mechanisms in play for this consultation’. When consultations do take place, they are usually on what are regarded as ‘soft issues’.

‘When it comes to legislation that can potentially control the masses, legislation is just passed (without consultation). Minimal consultation or communication take place with the public about submissions; for example, with the Elections and Boundaries Commission laws to do with voting.’

Since the last AMB, panellists noted that there has been significant consultation on the Sexual Offences and Domestic Violence Act, with discussions being advertised and organisations from different parts of the country invited to make submissions.

With regards to media legislation, some consultation has taken place with the incumbent Director of Information and Media Development at the Ministry of

Information, Communication and Technology with regards to the Broadcasting Bill (for which a call for submissions was made) and the long-awaited Media Policy. Neither pieces of these draft legislation have been passed though, so it is yet to be seen whether these consultations have been meaningful.

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:

2.9 (2005: n/a; 2007: n/a; 2009: 1.8; 2011: 3.2; 2014: 1.2)

Overall Score for Sector 1:

2.5

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

There are two daily newspapers in eSwatini – the privately-owned *Times of Swaziland* and the *Swazi Observer* – owned by the royal family through the Tibiyo Taka Ngwane Trust.

The *Times* is the larger of the two newspapers and is broadly distributed – reaching the rural areas. No audited circulation figures are available, however, the newspaper’s website claims to have a circulation of over 300,000 (it does not state whether these are daily, weekly or monthly figures). A panellist noted that the *Times* has a fleet of 28-30 vehicles for distribution.

The *Swazi Observer*, on the other hand, circulates about 8,000 copies daily and has six to seven vehicles for distribution.

Both papers cost 5,50 E (40 US cents). In comparison, a loaf of bread costs about 9,50 E (70 US cents) in the city and can go as high as 12,00 E (90 US cents) in the rural areas.

Weekly newspapers include the *Swazi Mirror*, which sells for 4,50 E (35 US cents) and the *Swati Newsweek* at 4,00 E (30 US cents) which also has a strong online presence. *Swaziland Shopping*, which started in 2016, was closed by state authorities at the end of 2017 after it published a controversial article about a new telecommunications company Swazi Mobile, owned by King Mswati III and run by local businessman Victor Gamedze, and how the two had forced Swaziland’s government to sideline rival government parastatal company SPTC from competing with Swazi Mobile. The paper’s editor fled to South Africa after death threats were allegedly made against him. Other weekly papers include *The Independent News* and *On Time Business*.

The Nation – which ‘specializes in socio-political commentary and analysis’ and occasionally covers breaking news – is the most popular magazine and has a broad distribution network. Other magazines include *Eswatini Property Magazine*, which is found only along the Mbabane-Manzini corridor and the religious *Zion Magazine*.

All the above publications are printed in English. There are no newspapers that publish content in the local vernacular. Further, these publications are centred in the Mbabane-Manzini corridor and cannot be easily found in remote areas. Print publications from South Africa and Zimbabwe are often available in eSwatini.

Broadcasting

Radio is the most commonly accessed news medium, with the two channels of the state-owned Swaziland Broadcasting and Information Services (SBIS) – *SBIS 1* in siSwati and *SBIS 2* in English – reaching about 98% of the country’s population.

The *Voice of the Church* (VOC), owned by Trans World Radio, is also widely accessed, with an estimated coverage of 75% of the country. The station currently operates under a provisional licence in the absence of a legislative framework that provides for community radio licensing. VOC also has two channels – one in siSwati and the other in English.

In addition to SBIS and VOC, there has been a push for the establishment of community radio stations. The Swaziland Community Radio Network was set up in 2013 to campaign for community radio stations in eSwatini. As noted above, however, the Broadcasting Bill is yet to be legislated and eSwatini currently does not have a clear framework for broadcasting which is to provide for the operation of community radio stations.

There is one privately-owned TV station in eSwatini – *Channel 5*. In order to access this station, one has to purchase a decoder, which is costly. The state-owned *eSwatini TV* is the major local player in the TV broadcasting arena. Citizens who can afford DStv can access regional and international TV networks (the cost for DStv subscription can, however, be prohibitive for the average household).

Panellists noted that generally TV access is a challenge, with several areas outside of the main towns and cities unable to receive a signal. However, citizens in remote areas closer to the South African border may be able to access South African networks.

Internet

According to Internet World Stats, eSwatini has 446,000 internet users of which 170,000 are Facebook users. The eSwatini Posts and Telecommunications Corporation (EPTC formerly SPTC) sets the tariffs for internet use and panellists noted that costs are generally quite high. In the internet packages offered by EPTC, 'non-profit organisations are classified as business and it is very difficult to afford the internet'. Access in rural areas is greatly limited. Wi-Fi is available but costly and one has to be within a 10 km radius of a Wi-Fi tower to make use of it.

'As a country, we're still behind our neighbouring countries when it comes to ICTs [Information and Communication Technologies]. In rural communities, there are a large number of civil servants, including teachers, who have no access or even exposure to the internet.'

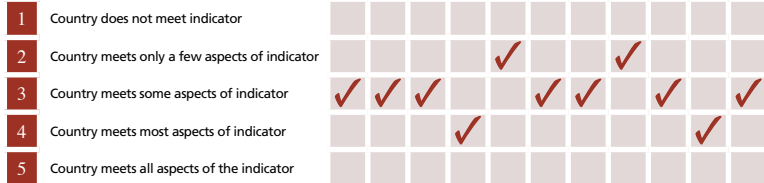
That said, social media is being used more widely and has become an important platform for expression. 'Social media has blown up and people have greater access to it. MTN [Mobile Telephone Network] used to have a monopoly and prices for data were crazy. But after Swazi Mobile (now eSwatini Mobile) came in (the company got its licence in February 2017 and began operating in August 2017), prices have come down drastically and affordability has improved.'

Although mobile phone signal coverage in the Kingdom of eSwatini is high, data on how many citizens have mobile phones, more specifically smartphones, is hard to find. In 2016, MTN noted that it had 800,000 subscribers. In 2017, Swazi Mobile set a target of having 150,000 subscribers by June 2018. It is unclear whether this target was met.

Mobile data is generally unaffordable for the majority of citizens.

Scores:

Individual scores:



Average score: 3.0 (2005: 2.9; 2007: 3.1; 2009: 3.3; 2011: 2.8; 2014: 2.9)

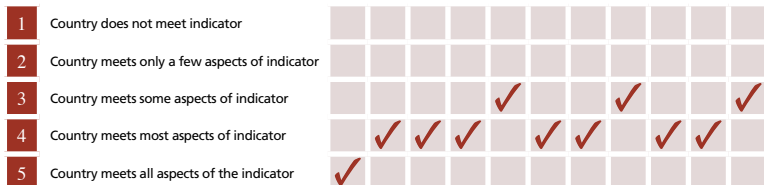
2.2 Citizens’ access to domestic and international media sources is not restricted by state authorities

There are no laws that restrict citizens’ access to domestic and international media sources, but there have been some actions by the state that have sought to do so. For example, if an international media source interviews a ‘banned entity’, the interview is cut from the air (as was the case when SBIS broadcast a [British Broadcasting Corporation] BBC interview with Mario Masuku⁷). ‘As soon as they introduced him, the guys from SBIS cut off the programme and started playing songs.’

Panellists also noted that the state has been known to buy out South African publications in the country if they contain a negative story about the royal family.

Scores:

Individual scores:



Average score: 3.8 (2005: 4.0; 2007: 3.6; 2009: 4.2; 2011: 4.3; 2014: 3.7)

⁷ Mario Masuku is the former leader of the People’s United Democratic Movement, eSwatini’s banned opposition party.

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

The *Swazi Observer*, which is completely owned by the royal family (through the Tibiyo Taka Ngwane Fund) is the closest form of a print media publication published by a public authority.⁸

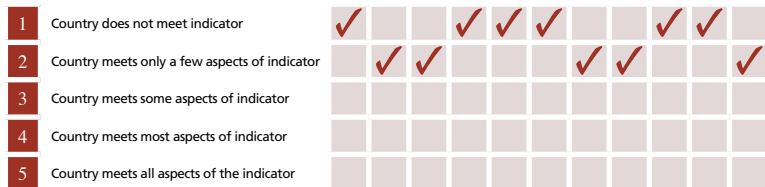
The *Observer* was formed to give voice to the royal family and the government. Given that it is owned by the king who is a public authority with the ability to make public pronouncements, the newspaper is in many ways a state publication.

Local culture and its taboos also apply with regards to the coverage of the king in the *Observer*: ‘You can never have a picture of the king and a story about death on the first page. When the prime minister died, they couldn’t have that coverage on the same page as the king’s story.’

External contributors to the paper have also ‘been instructed to articulate issues very carefully, otherwise they will not be published’. There have been occasions where certain columns were not published because they first had to await for the approval of the managing editor.

Scores:

Individual scores:



Average score: 1.5 (2005:1.9; 2007:2.4; 2009:1.7; 2011: 2.9; 2014: 1.3)

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

Information on the ownership of media houses in print and broadcasting can be accessed at the Registrar of Companies, as this level of transparency is provided for in the Companies Act of 2009. ‘This is information that you can reasonably access because it’s not that sensitive.’

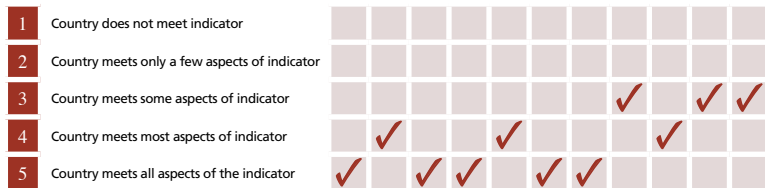
8 Panellists noted that each citizen had to contribute to the setup of the Fund, which was initially meant to be a national fund, but has now essentially become a royal investment wing that is more tilted to the royal family than to the public.

However, one ‘may run into roadblocks’ if there is information that the state is trying to conceal. ‘In the absence of an Access to Information Act, it can be difficult to get that information.’ To access files, 50 E (3.70 USD) must be paid at the Receiver of Revenue, after which access to the file is available at the Registrar of Companies. ‘But if the file has been removed, you can’t access it.’

In addition to getting ownership information at the Registrar of Companies, the Books and Newspaper Act states that the name of the publisher should be published within the publication.

Scores:

Individual scores:



Average score: 4.2 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a; 2014: 4.7)

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

LeSwatini’s Competition Commission was established under the Swaziland Competition Act of 2007, with its key mandate being ‘to monitor, regulate, control and prevent acts or behaviour which are likely to adversely affect competition in the country’.⁹

While different renditions of the proposed media policy have discouraged media concentration, the policy is yet to come to light.

Some examples of concentration and monopoly in the media sector include:

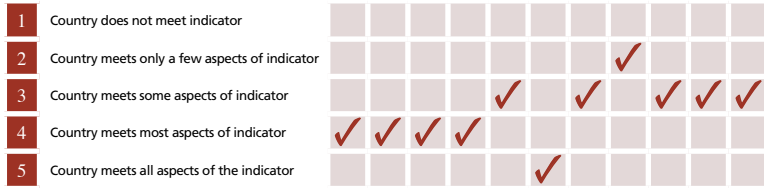
- The *Times* also owns a tourism newspaper which it distributes freely and is seen to be monopolising the print media industry in this respect.
- The state media dominates the broadcasting sector and little has been done to promote competition in this sector.
- The state presents the only example of cross-ownership, having interests in both broadcasting and print media.

Despite the above examples, the Competition Commission has not made any pronouncements in this regard and the media industry is not diversified enough to effectively do so.

⁹ Section 11 (A) of the Swaziland Competition Act of 2007.

Scores:

Individual scores:



Average score: 3.5 (2005: 1.3; 2007: 1.3; 2009: 2.2; 2011: 2.3; 2014: 4.1)

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

Sustainability is a major issue for new media outlets, but ‘there is no support from the government’.

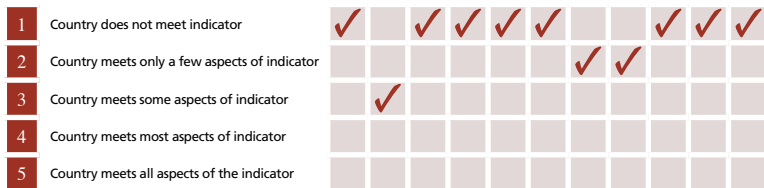
‘Government is not promoting diversity. It has not allowed or supported indigenous language papers, although they have a readership.’

Furthermore, licence costs are considered to hamper the creation of a diverse media landscape. Application fees for community broadcasting licences stand at 10,000 E (751 USD) for the application submission and another 10,000 E (751 USD) is required if the licence is approved. For commercial broadcasting licences, the application fee stands at 15,000 E (1,127 USD), with another 20,000 E (1,500 USD) to be paid upon approval.

Media advocates have in the past argued for the establishment of a media empowerment fund to help with the sustainability of new media houses.

Scores:

Individual scores:



Average score: 1.4 (2005: n/a; 2007: n/a; 2009: 1.8; 2011: 1.4; 2014: 1.0)

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

Although there has been an improvement in the representation of women's voices in the past few years, much remains to be done, as media content remains male-dominated and coverage of women appears to be negatively skewed.

'This is a male dominated space. There are some female voices such as ministers and so forth, but they are not enough.'

'The media will want the opinion of experts and there is a belief that the experts are males so that those voices will come out.'

The way in which women are presented at public forums may also affect the coverage of their voices. For example, one panellist noted, 'With the *Sibaya* deliberations, although we have 53% women in this country, very few women's voices were heard. There is a huge discrepancy and this is a reflection of what then happens in the media space.'

Another panellist went on to state, 'When women take the podium, they are made to kneel, making them look as though they're saying something stupid. During one *Sibaya*, the AG [Attorney General] was moderating [the] session and showed a clear bias against women, with some being made to sit down before their time was up and being made to feel inferior.'

'What makes news is when a woman does wrong.'

The language used in the coverage of women's empowerment and participation by some media houses has also proved problematic. 'During elections, I was concerned by reports in the *Observer*. The king had announced the promotion of women's participation, but I found extremely misogynistic language in the *Observer's* coverage of this, which is a major concern. If you have a publication promoting a misogynist agenda, this is problematic.'

Panellists also noted that when the king called on the kingdom to help him choose a new prime minister in October 2018 – following the end of term of the now late Prime Minister Barnabas Sibusiso Dlamini – most of the media that covered the potential candidates for the position showed a clear male bias and failed to mention possible women who could fill this role.

A panellist posited that women are also more hesitant to comment on issues that may be deemed controversial. 'I tried to get hold of a constitutional expert who is now a judge to comment on the issue of name changes [this followed the king's decision to change the name of the country from Swaziland and eSwatini]. She refused to do so and I ended up getting one guy, who was saying a different thing and prominence ended up being given to the man, although he was not as qualified as she was to speak on the issue. Many women feel they are unable to be very outspoken because of the implications of this, even at the family level. Also, there is a general fear of speaking up.'

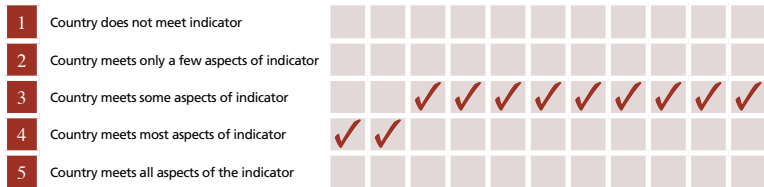
While panellists agreed that much remains to be done with regards to enhancing the voices of women in the media, things have somewhat improved. Women and Law have a weekly column in the *Swazi Observer* and more female columnists with progressive views are being featured in the *Times*.

Some panellists noted that in ensuring more women's voices are heard in the media, added training is required in newsrooms. 'We have a situation where there's been a weakening of quality in journalists. There was a time when a lot was invested in media practitioners' training. But now we see a juniorisation in newsrooms and with that, a re-emergence of bias regarding articulation.'

Another panellist simply stated that 'the change needs to come from society itself'.

Scores:

Individual scores:



Average score: **3.2 (2005: n/a; 2007: n/a; 2009: 3.1; 2011: 3.4; 2014: 2.9)**

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

Panellists agreed that eSwatini's media could do better when it comes to representing the voices of society in all their diversity.

'We are not doing well with regards to ethnicity. When you try to get views from the public, you hardly ever have people that are non-Swazi, such as citizens that are naturalised and so forth. So, the picture you get is of a homogenous society, but there is some diversity.'

'In some areas of eSwatini, we have people who are Swazi by citizenship, but Zulu by ethnicity. But the media doesn't do enough to capture their voices.' Panellists noted that concern has previously been expressed about the media taking a xenophobic stance and the potential danger which could result from this. In some cases, non-Swazis may prefer to say 'no comment' because they are unsure of what the repercussions might be if they do comment.

With regards to the representation of religious diversity, there have been rare occasions on radio and TV where guests from religions other than Christianity were featured. However, little effort has been made to cover religious diversity. This follows an early 2017 declaration by Cabinet that eSwatini is a Christian country and that Christian teachings should be introduced into the country's public schools. 'Perhaps this has kept media from covering issues of religious diversity.'

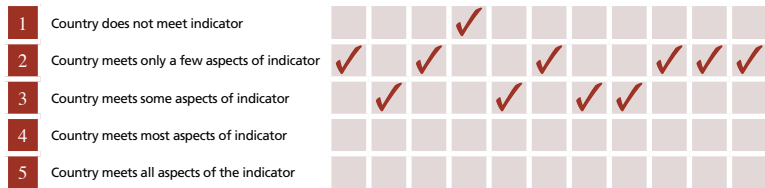
Generally, LGBTIQ issues are not broadly covered by the media and when they are, it is often with a negative spin. That said, panellists noted that the first ever Pride Parade event in eSwatini (which took place in June 2018) was widely covered by the media.

Aside from the VOC and SBIS siSwati channels, there are no local language media in eSwatini and minority ethnic groups do not hear or read their vernacular in the country's media.

It was noted that *Swazi TV* does cater for sign language interpretation with its news broadcasts.

Scores:

Individual scores:



Average score: 2.3 (2005: n/a; 2007: n/a; 2009: 2.0; 2011: 2.9; 2014: 2.3)

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

Coverage of the full spectrum of perspectives and investigative stories leaves much to be desired.

'There have been some efforts to cover the full spectrum, but there are some things that the media can't touch. The former PM exerted strong controls on the media and they can't touch sensitive political topics and the royal family.'

'You won't get [opposition] political parties on the radio stating their views. We have seen some coverage, but it comes with repercussions and cost.'

This is the norm in both private and public media houses. Panellists questioned the independence of the *Times*. 'The state has a heavy footprint. It's tricky when

the managing editor is also so close to the king, acting as his correspondent and writing speeches for him. Naturally, there won't be much diversity in political coverage then'. In state or royal family-owned publications, coverage of hard-hitting political issues is also reduced – editors do not want to upset the powers that be, making self-censorship an everyday practice and thereby limiting the full coverage of political issues and investigative reporting.

The Nation, however, is credited for its strong investigative reporting.

One panellist commented, 'I sometimes wonder how *The Nation* – which sometimes engages some difficult issues – how does it survive? Why aren't others doing it? Amongst the shareholders, are there people linked to the powers that can protect them?' Another panellist attributed this to *The Nation* having seasoned journalists and editors who can publish well-researched investigative pieces that can withstand the scrutiny of the powers that be, while other media struggle with both self-censorship and the juniorisation of their newsrooms, thereby compromising the quality of investigative reporting.

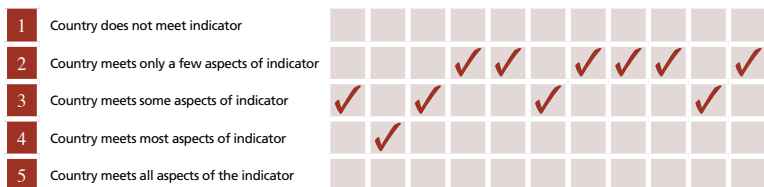
'Our journalism is event-based and not issues-based' and 'reporting is centred on government and covering state functions, press releases and so on. Journalists are not necessarily covering politics and are just following these events'.

With journalists in the print media (specifically dailies) having to produce three stories per day, being able to put aside the time to pursue investigative stories can be difficult. Capacity issues and conditions of service were also raised in discussions around the coverage of the full spectrum of topics and the quality of this coverage. These issues are discussed in greater detail in Sector Four.

Panellists also noted that across the spectrum of issues, 'there is little analysis beyond the event'. Much reporting is done on the economy, culture and social issues, but this reporting lacks in-depth analysis and certain boundaries are also created around the issues being covered. 'For example, if an interview is being conducted and you have someone speaking on HIV and AIDS, you might speak about general issues, but as soon as he or she starts talking about potentially controversial issues such as availability of drugs, the interview is cut off and music starts to play.'

Scores:

Individual scores:



Average score:

2.5 (2005: 3.4; 2007: 2.8; 2009: 3.7; 2011: 3.7; 2014: 2.9)

2.10 Private broadcasters deliver a minimum of quality public interest programmes

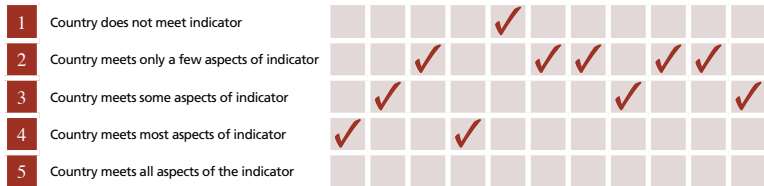
Private broadcasters try to cover public interest programmes, but many panellists noted that they could do better.

The only privately-owned TV station, *Channel S*, does deliver some public interest programmes but accessibility to this station is problematic given the high expense associated with accessing it (which includes having to purchase a decoder). Notwithstanding, it was noted with positivity that, '*Channel S* also does live coverage that is not censored and covers a bit of politics.'

VOC, which is owned by Transworld Radio, is a private broadcaster but is classified by the regulator as a community broadcaster. However, it still only has a provisional licence. The broadcaster has both a siSwati and English channel. 'The English channel of VOC has made positive strides to offer some form of public interest programming. Although it is a religious station, it also covers many other issues.'

Scores:

Individual scores:



Average score:

2.5 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a; 2014: 1.5)

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

'Our ICT policy is a coherent, good policy, but it is not being implemented.'

Cabinet adopted the country's ICT Policy (known as the NICI Policy) in 2006, which was launched by the then prime minister in 2007.

The foundational statement of the national policy is to achieve sustainable development in the ICT sector, establishing a self-propelling mechanism to facilitate the maximisation of benefits that can be derived from ICTs in the context of national socio-economic development strategies.¹⁰

10 Parliament of the Kingdom of Swaziland, 2010. ICT Master Plan.

Parliament developed an ICT Master Plan in 2010 and 2012. An implementation plan was released with clear deadlines for implementation along with some key programme areas.

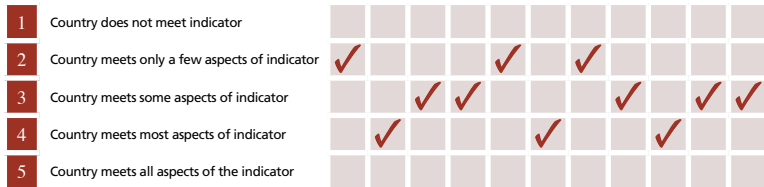
Panellists noted, however, that the major challenge with the policy has been implementation. ‘Deadlines have passed and nothing has been done. For example, the rollout of media is not broad and there are many places with no coverage.’

Much remains to be done regarding meeting the information needs of marginalised communities. ‘We still have a long way to go as a country and it is still a luxury to access information.’

In 2013, the government launched the e-Government Strategy (2013-2017) and in July 2017, launched its e-Government Communications Strategy. While one panellist described e-governance in eSwatini as a ‘pipe dream’, another remarked that ‘the provision of information online is improving, but it is only now that policy documents are starting to come online’.

Scores:

Individual scores:



Average score:

3.0 (2005: n/a; 2007: n/a; 2009: 4.0; 2011: 2.5; 2014: 2.9)

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

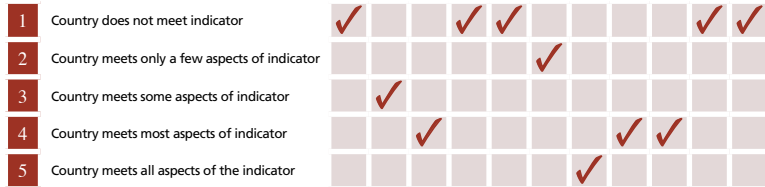
Government remains the biggest advertiser in eSwatini and while it may not have an official documented stance with regards to where it will or will not advertise, its advertising power in this small advertising pool certainly feeds into the self-censorship that is rife in the media industry. ‘The media don’t want to ruffle feathers – lest they risk losing ad revenue.’

‘It is not pervasive, but there is a fear and so there are certain lines that editors won’t cross.’

In addition, there are gatekeepers in the newsroom who know what can or cannot be published. Panellists noted that editorial decisions on whether or not to publish a story have been made on this basis.

Scores:

Individual scores:



Average score: 2.5 (2005: 2.9; 2007: 1.5; 2009: 1.2; 2011: 1.7; 2014: 1.1)

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

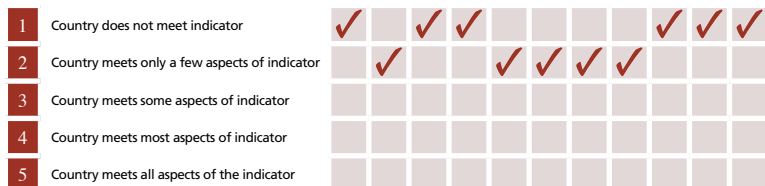
Panellists agreed that the advertising market is not large enough to support a diversity of media outlets. Most advertising goes to the major outlets while small media houses and new entrants into the market struggle to survive in this environment. The main advertisers are the government, the telecommunications companies (MTN and eSwatini Mobile) and the banking sector.

‘Asians own about 70-80% of businesses and they don’t advertise. They will rather print flyers and distribute those, but they’re not advertising in the media.’ Additionally, ‘there are many players in the SME sector, but they don’t have the means to advertise as they too are trying to survive’.

The costs of advertising are prohibitive for non-profit organisations. No recent data could not be found to provide a clear picture of the amounts spent on advertising.

Scores:

Individual scores:



Average score: 1.5 (2005: 1.0; 2007: 1.4; 2009: 1.6; 2011: 1.4; 2014: 2.0)

Overall Score for Sector 2: 2.7

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

The reform of the broadcasting sector and corresponding legislation has been in the works for over 12 years.

A Broadcasting Bill has been long in the making but has yet to be legislated. The latest version – the Broadcasting Bill of 2016 – ‘fell off because parliament was dissolved and so the process has been stalled. It now has to start afresh and go through all the stages’.

The Bill seeks to address a number of issues in streamlining the broadcasting sector, including setting the framework for the three-tier broadcasting system (public, commercial and community); creating the Swaziland Broadcasting Corporation by merging the SBIS (currently a department within the Minister of Information, Communication and Technology) and *Swazi TV* under one roof; transforming this independent entity into a public broadcaster and repealing the Swaziland Television Authority; empowering the Swaziland Communication Commission to regulate the corporation and the sector; establishing a broadcasting complaints commission and so forth.

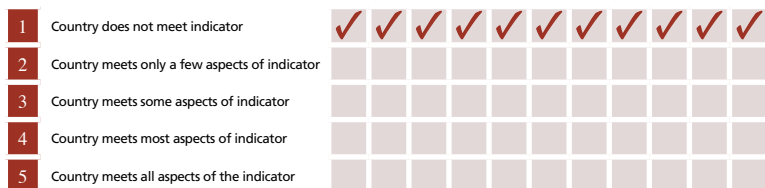
In the absence of broadcasting legislation that deals with these and other issues, much remains stalled in the broadcasting sector.

Other pieces of legislation that impact on the broadcasting sector includes the Electronic Communications Act of 2013, which deals specifically with licensing, frequency spectrums and other broadcasting issues and the Swaziland Communications Commission Act of 2013, which established the commission that oversees the broadcasting sector (removing that responsibility from the SPTC).

Again, in the absence of enacted broadcasting legislation, there is only so much that the commission can do.

Scores:

Individual scores:



Average score:

1.0 (2005: 1.1; 2007: 1.3; 2009:1.0; 2011: 1.4; 2014: 2.8)

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 Swaziland Communications Commission Act of 2013 established the Swaziland Communication Commission (SCCOM) which regulates the telecoms, postal, broadcasting and e-commerce sectors.

Importantly, this Act transferred ‘the regulatory powers and functions of the Swaziland Posts and Telecommunications Corporation, relating to communications, as provided under the Swaziland Posts and Telecommunications Act, 1983, to the Commission’. It aims to ‘transfer the regulatory powers and functions of the Swaziland Television Authority, relating to the issuance of a licence to conduct a television service, as provided under the Swaziland Television Authority Act, 1983, to the Commission’.

Section 3 (2) of the Act states that the Commission

shall be independent in the performance of the functions of the Commission and shall not be subject to the direction or control of any person or authority.

However, while the Act provides for said independence, in practice this independence has come into serious question. In addition, it is unclear as to how the current commissioners came into office.

‘The Minister of ICT has all the powers concerning the appointment of the commissioners and civil society was not engaged in the appointment process. According to the law, the members of the board should represent certain sectors or stakeholders in society. However, the minister chooses his people without consulting these stakeholders. He appointed a brickmaker, with no experience in the sector, as chairman of the commission.’

‘If you look at the people who are there, you will see that the CEO [Chief Executive Officer] is one of the princes, the CFO [Chief Financial Officer], was appointed when her father was the prime minister and so forth. It is being manipulated by the ruling elite and is simply not independent. Rather than independent, it is autonomous.’

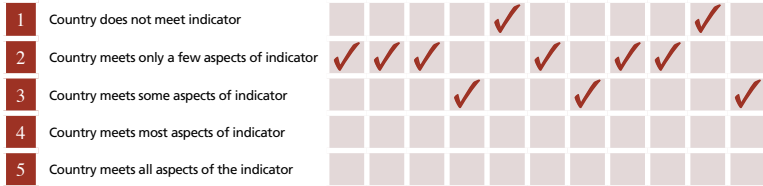
Such appointments also run counter to the Public Enterprises Monitoring Act, which states in Section 6 that

the members of the governing body of each category A public enterprise (of which this Commission is one), other than the Chief Executive Officer, shall be appointed by the Minister responsible in consultation with the Standing

Committee and in making the appointments he shall ensure that an overall balance of technical, professional, commercial and financial skills is maintained on the governing body.

Scores:

Individual scores:



Average score: 2.1 (2005: n/a; 2007: n/a; 2009: 1.2; 2011: 1.0; 2014: 1.6)

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

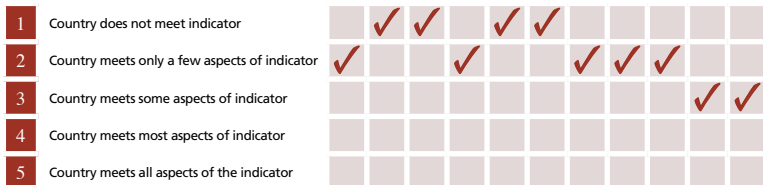
In the absence of broadcasting legislation, SCCOM has not been very active in the sector. Furthermore, given the questions around the independence of the board and executive management of the commission, whether or not the commission operates in the public interest has come into question.

‘Currently, the regulator does nothing! The SBIS and *Swazi TV* continue to operate as they used to and we haven’t seen any changes regarding its programming since the commission was established.’

Panellists also noted that National Radio operates without a programming policy.

Scores:

Individual scores:



Average score: 1.8 (2005: 1.5; 2007: 1.0; 2009: 1.2; 2011: 1.0; 2014: 1.3)

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

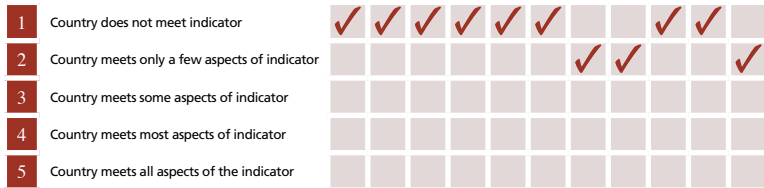
The state broadcasters are yet to be transformed into ‘real public broadcasters’. This is one of the key aspects of the proposed Broadcasting Bill.

In the absence of the new broadcasting legislation, the independence of the leadership of both the SBIS and *Swazi TV* remain questionable.

The SBIS does not have a board and is considered a department of the MICT. Currently, the Director of National Radio is appointed by the minister. *Swazi TV* does have a board, however the criteria for the appointment of board members is unclear.

Scores:

Individual scores:



Average score:

1.3 (2005: 1.0; 2007: 1.0; 2009: 1.8; 2011: 1.1; 2014: 1.1)

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

In most pieces of legislation related to the broadcasting sector (i.e. the Broadcasting Bill, the Electronic Communications Act and the Swaziland Communications Commission Act), the issue of independence is touched on.

The Broadcasting Bill would be the defining policy in this regard, however it has not yet been passed into law.

In practise, panellists had no doubt that the editorial independence of the public broadcasters is severely hampered.

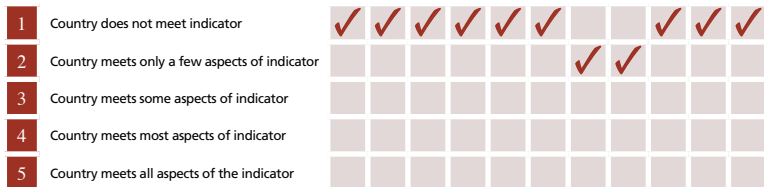
'In 2013, the Ministry of Information, Communication and Technology issued Public Service Guidelines, which regulate the state broadcaster. The guidelines state clearly how to cover the king, the government, members of the royal family, etc. One part says that "the director must act as an editor and ensure any stories are seen by him before the stories go out".'

A panellist noted that there had been times when the former prime minister would interfere as National Radio ran the news. 'He would always be in the headline and edit the content. He would tell them to remove certain things, or say "I don't want to hear his voice or see his face" on the broadcast.'

'There is no real independence. They are tightly controlled. Regarding content and who features first, they have to follow a priority list, which includes the king, the PM, royalty and so on. They can't go out and get a diversity of voices and views and it seems there are certain people and institutions they can't talk to.'

Scores:

Individual scores:



Average score:

1.2 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a, 2014: 1.2)

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 government funds the state broadcasters per the national budget, through which they receive an annual allocation. In addition, *Swazi TV* is also funded through TV licence fees of 180 E (13.50 USD) per TV set per annum (which it continuously struggles to collect) and advertising revenue.

No annual reports are available to provide a funding breakdown of either SBIS or *Swazi TV*. As noted earlier, SBIS is essentially an arm of the MICT and does not produce annual reports. The MICT produces reports, but these do not provide detailed insights into SBIS' financial standing or performance. As a parastatal, *Swazi TV* should by law produce annual reports, but panellists noted never having seen one.

Panellists agreed that neither TV nor radio is sufficiently funded.

A panellist with previous experience at SBIS noted that in the past ‘as employees, we had to subsidise the coverage of the elections by paying for our own transport or petrol costs, airtime to communicate back, etc’.

At *Swazi TV*, the station’s vehicles were once attached to service debt. ‘Employees have had to go for some time without being paid.’

‘There definitely is not adequate funding.’

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:

1.4 (2005: n/a; 2007: n/a; 2009: 2.4; 2011: 2.3; 2014: 1.1)

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

‘The broadcasters are government mouthpieces. That is their mandate and the result is that we do not have diverse programming.’

Concerning radio, the cancellation of talk radio programmes for phone-in programmes has made it clear that the broadcaster is both fearful and unwilling to engage in programming that might be controversial, thereby restricting the formats available to the public for engagement.

‘Phone-in programmes have cost people their jobs.’

There are no live talk shows on radio – all shows are pre-recorded to ensure that contentious issues do not make their way onto the airwaves.

‘The ministries (e.g. Ministry of Youth) may have phone-in programmes on the issues they’re covering, but they keep the discussions to safe subjects and ensure that the programming is geared at promoting government.’

The range of diversity of programming on TV also leaves much to be desired. While there is a good deal of local content and magazine programmes on *Swazi TV*, these programmes have simply become a mouthpiece of the different ministries and serve more as promotional content.

'There aren't programmes that touch on sensitive issues. You might have sports programmes [or] health programmes where the doctor comes into the studio, etc. We don't have children's programmes on radio or TV, aside from [the] *Smurfs*.'

'*Swazi TV* used to have a drama series some years back,' but currently, there are no locally produced drama series on the air. 'Instead of having current programmes produced, they will have dramas that were produced 10-15 years ago.'

'If it's not a government programme, you'll find old programmes like *Another Life*, *MacGyver*, *Uzalo* Season 1¹¹ and the like.'

Local filmmakers and producers are not encouraged to produce content for *Swazi TV*, because 'if you have a programme, instead of TV licensing those programmes, you have to pay to have them aired'.

Both radio and TV source a lot of their news from the BBC and other international news programmes.

Scores:

Individual scores:



Average score:

2.5 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a; 2014: 2.1)

Overall Score for Sector 3:

1.6

¹¹ *Uzalo* is a popular South African daily drama that shows on the South African Broadcasting Corporation (SABC) channel.

SECTOR 4:

The media practise high levels
of professional standards

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

There was a consensus amongst panellists that the standards of reporting have improved over the past few years, however, it was noted that there is still a great deal of room for improvement.

Issues such as unbalanced one-source stories, misquotes, exaggerated headlines, spelling and grammatical errors, lack of in-depth analysis and so forth, continue to mar reporting standards and are among the issues that panellists raised in the discussion of this indicator.

A civil society panellist noted that stories often lack accuracy, causing those called on for comment to be hesitant to share their views. 'The level of accuracy is questionable and you don't know if you should comment or not because [you] don't know what will come out at the end of the day. In some cases, the media focus on one thing that the person said but don't provide the gist of the real story. Their headlines can also be very misleading.'

Another panellist noted, 'There's room for improvement. There are glaring mistakes that have come up now and then, and you find that some publications have set aside page two for corrections, retractions and the like.' Some of these mistakes can be as simple as getting names right. 'Sometimes journalists call and interview you on the phone, you provide information and then they end up getting names and titles wrong.'

'I notice a lot of imbalance in stories. For example, you can have one source stories that do not include the perspective of the other parties. You find that in some cases, the other party not interviewed in the story has to make enquiries from the reporter to correct the story and so forth and this is not fair to either party.'

Panellists from the media agreed with the civil society perspective that much room for improvement remains. 'In all honesty, we can improve our balancing. There's an emphasis on being salacious and in the process of trying to grab people, we lose the essence of the story.'

'Journalists don't try hard enough to balance things and I'm not quite happy with what we produce sometimes. Follow-up of stories are lacking. We had reports about the shortage of food at the hospitals, for example, but there was no follow-up.'

'For a long time, people have been complaining that there is no value in buying [news]papers. They recall with fondness the times of older editors when the standards were high. I'm not sure if this is just some kind of nostalgia. But we need to make sure we carry stories through and reporters need to sharpen their skills on this. They need to be able to milk the story dry so that readers get all

the information. And they need to do follow-ups to a story to provide the full picture.’

Another major issue in the inaccuracies noted is language use. ‘Small mistakes can distort the meaning of something and there is a need to pay attention to language.’

‘A common inaccuracy is the misinterpretation of the speaker and this may have to do with the language used in public forums. For example, the king once said (in siSwati) that “people must vote for believers”, but which journalists interpreted this as being “Christians”. But the translation from vernacular, especially when proverbs and poetic verses are being used, doesn’t always carry correctly and they end up translating into English incorrectly.’

Aside from the language issue, panellists posited possible reasons for the inaccuracies noted, including:

- the workload of reporters, who are under pressure to deliver at least three stories per day at the daily newspapers;
- the editing process, during which an editor might change the context of the story without confirming said changes with the journalist first;
- the inexperience of reporters (and some line managers), whose mistakes compromise fairness and quality;
- the fast turnover of staff in newsrooms;
- a lack of in-depth knowledge or acquaintance with the issue being reported on;
- a lack of knowledge of or respect for the basic principles of reporting, including codes of conduct; and so forth.

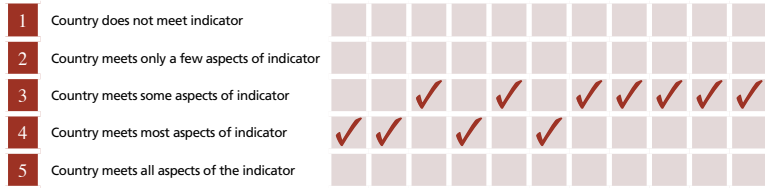
To improve reporting standards, ‘some papers are trying to ensure audits regarding accuracy and fairness. What is also helping to improve standards is seeing publications employing people with qualifications in journalism. In the past, anyone could come in.’

Panellists also noted the need for a revival of SNAJ, to uplift the profession and engage the media more actively on these issues. ‘Part of the reason we have challenges is that there is no vibrant association of journalists.’

It was also suggested that the media need to do better to evolve with the times. ‘The more things change, the more they remain the same! Qualifications, technology and all these things are improving, but a lot is holding back the development of the media in reflecting today’s society. Everyone is on social media, yet there’s no online newspaper that does breaking news online. But in the region, you can see others doing better. I don’t know if it’s by design that these innovations are not seen in the newsroom, but the quality is not being expressed in the way one would expect.’

Scores:

Individual scores:



Average score: **3.4 (2005: 2.6; 2007: 2.6; 2009: 3.4; 2011: 3.1; 2014: 3.0)**

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

The media generally follow codes of conduct: most newsrooms have their ombudsman to deal with complaints against their media houses.

The Swaziland Media Complaints Commission (MCC) – an independent, self-regulatory body formed by media practitioners themselves – was launched in 2011. The role of the commission is to ensure the implementation of the Swaziland Journalists Code of Ethics and to provide consumers of print media with an opportunity for redress outside of the courts – where they feel they have been wronged by reportage that has been published. However, there have been many instances where the aggrieved have resorted to going straight to court rather than through the commission.

Currently the only members of the MCC are the *Times* and the *Observer*, who pay a monthly subscription fee of 2,500 E (187 USD) to fund the commission. *The Nation* does not subscribe to the MCC. Panellists were not cognisant of how effective the commission has been in achieving its mandate.

The broadcasting sector is not engaged in the commission and currently has no complaints commission of its own. The Broadcasting Bill, if passed, would provide for a complaints commission in the sector.

Scores:

Individual scores:



Average score:

3.2 (2005: 1.3; 2007: 2.6; 2009: 2.3; 2011: 2.7; 2014: 2.9)

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

The salary levels of journalists and other media practitioners are a major concern, as they are incredibly low. The Ministry of Labour gazetted a figure of 2,720 E (203 USD) per month for journalists working for a periodical or newspaper – some media houses pay within this range. Media advocacy groups have argued that this rate should not be defined by the Ministry of Labour, but by the MICT which is the media's parent ministry.

'At some stage, the bigger newspapers proposed an amount of 8,000 E (600 USD) for entry- level journalists, but the smaller papers said that they could not afford that. But we need to strike a balance based on what people can live on.'

'It is a lowly paid profession. When a child graduates from university, I can assure you that not many parents would encourage that child to become a journalist.'

Panellists were especially concerned that with such low salaries, journalists could easily fall prey to corruption. 'The salary levels are deplorable for people who work and interface with powerful people in society. At these rates, it would be easy for a journalist to accept a bribe.'

Salary rates differ from one media house to the next.

It was noted that at the *Times* (which generally pays better than the *Observer*), an entry-level journalist with a degree could expect to earn around 6,500 E (486 USD). An editor at this paper would earn approximately 12,000 to 15,000 E (897 to 1,120 USD) plus performance-based commissions. For the most part, employees have to negotiate their salaries and generally have greater bargaining power when they have been headhunted based on their previous work. It is for this reason that media houses prefer to promote editors internally rather than seek external (and thus generally more expensive) ones. Media practitioners are not usually compensated for overtime.

At the *Times*, medical aid is optional and may be structured into one's salary, with the employee paying a portion of the cost. At the *Observer*, 'medical aid is a must'.

Panellists noted that employees at *Swazi TV* (a parastatal) are well paid, while salaries at SBIS are set in accordance with government salary scales.

'In broadcasting – specifically at SBIS – media practitioners are seen as information officers, not as journalists; and editors are principal information officers. So, they serve as a mouthpiece for the government, being housed as a government department.'

In some media houses, journalists have to cover their transport costs and are only reimbursed if the story is published. 'You end up spending a lot of money for stories that might not even get published and if they're not published, you don't get compensated for that.' This state of affairs was shocking to many on the panel, with one panellist noting, 'In the past, we used to be compensated for work done, whether or not the story got published.'

Another panellist suggested that journalists and media practitioners take these issues up with the tripartite Wages Council housed in the Ministry of Labour. 'These things should find expression in the Wages Council to deal with them.'

The working conditions of journalists, especially concerning their safety, also require urgent attention and redress. An example was given of a media house where 'a journalist was covering an event and was turned on and attacked by the crowd at the event. To get away he got into a car, which was stoned by members of that crowd, causing a lot of damage to the car. The journalist had to pay for all the damage, as the company refused to cover the damage caused'.

In another experience at a local daily, 'A photographer was hitchhiking to cover an event for his media house. He got a lift, but was mugged along the way and stripped of his shoes, as well as the camera. He was forced to pay for the camera by the media house.'

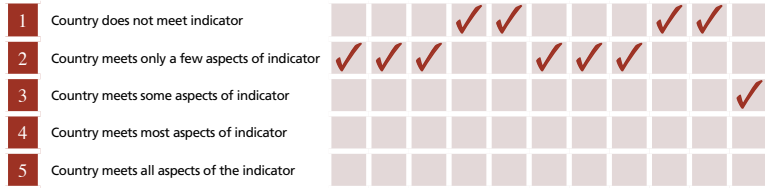
For journalists working late hours, some media houses arrange for transport. 'At the *Times*, if you work late hours and have no car, the head office newsroom will arrange for transport – but only within a certain radius. If you live outside that radius, you have to find your [own] transport.' The *Observer* is also known to provide transport for journalists working late hours.

'Every year, the Ministry of Labour comes for site visits. They call you to the boardroom, ask about your working conditions, what complaints you have and so forth. The last time they came, I told them that "you are wasting our time" because they're always coming, but there are no changes.'

On the whole, panellists agreed that the salary levels and working conditions of journalists and other media practitioners require serious attention.

Scores:

Individual scores:



Average score: 1.7 (2005: n/a; 2007: n/a; 2009: 1.8; 2011: 3.3; 2014: 3.0)

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

There are various associations that cater to the needs of media professionals, though their effectiveness differs from one to the next, with some being in desperate need of resuscitation to communicate and ensure their effectiveness.

The Media Workers Union of Swaziland is the one union that represents the interests of media practitioners. According to panellists, the union represents all media workers (i.e. not just journalists), but it is unclear what level of membership and engagement, particularly of journalists, it attracts. It appears that professionals in the printing sector are more inclined to be a part of the union. The union currently has an agreement with *Swazi TV* and the *Swazi Observer*. However, for many media workers beyond these two media houses, joining a union is a risk to job security and might compromise other benefits. One panellist also suggested that having a craft union for journalists, rather than a general media workers union, could help to ensure stronger engagement from journalists in the union movement.

‘As we are approaching the end of the year, some publishers will give out bonuses. But if you are a member of a union or other body, or seen as troublesome, you won’t get a bonus. And this can create issues because some media practitioners end up being given loans instead.’

‘At the *Times*, there is no union and there is also no incentive to form or join one because you get punished for it at the end of the day.’

‘The founder of the Workers Union used to be at the *Times* and was fired for his involvement in the union. His firing was to set an example to everyone else and may be part of the reason why people at the *Times* are not interested.’

Given that the *Times* is the largest employer in the sector, this is problematic, as no organised bargaining power exists on behalf of its workers and it is 'each man for himself'.

The Swaziland Editors Forum (SEF) is perceived as not having been very effective, with some panellists concerned that 'it has ended up disintegrating into monthly breakfasts and patting on the back between the involved editors and the leaders of the country. It seems to be a club of a certain number of editors who have become comfortable with the status quo. It started with such promise, but they have let down the profession and are now serving as gatekeepers for the political elite'. Another panellist pointed out that the SEF is not very proactive and has been silent on various media issues on which it should have raised its voice, such as on the closure of *Swaziland Shopping*, or the harassment and arrest of media practitioners.

SNAJ has not been very active, with only limited interest from journalists. 'The challenge is attitude, more than anything. It is the attitude of people in the newsroom to their profession.'

'People in the newsroom are in transit (to other jobs) and only a few are interested in the workings of SNAJ.'

'Journalism is a calling, and unless a journalist understands this, they will have no interest in SNAJ.' Although some panellists noted that SNAJ urgently needs a revival, others felt that all might be lost, with one stating, 'SNAJ is dead. It's just that we need to bury it.'

Some panellists also lamented the lack of participation of the SBIS in the association. However, another countered that, 'A disturbing factor in looking at our media organisation is that we always want to involve the radio (SBIS) people, who don't want to be involved because they see our organisations as anti-government. They are government workers, not journalists. And we need to revisit how we engage with them.'

The eSwatini Community Radio and Multimedia Network is an active structure, which seeks to promote the creation of community radio stations in eSwatini and to coordinate the different community radio initiatives in the different regions. 'It is an active structure, with good networking taking place.'

The Media Women's Association of Swaziland has effectively collapsed as a result of clashes of personalities (related to unresolved power struggles) and ideologies (centred on the issue of the involvement of advertising personnel from media houses being included and elevated in the association). Panellists noted that members were not fully appreciative of what the organisation could be and could deliver for them. 'There are some conceptualisation issues about what it could do.' 'Gender Links worked with MISA to try to assist, but the women journalists didn't take it forward.'

On the whole, panellists agreed that the various media associations and the union are in need of introspection to mend the issues that exist internally and that more needs to be done to sensitise journalists and other media practitioners on the importance of these entities.

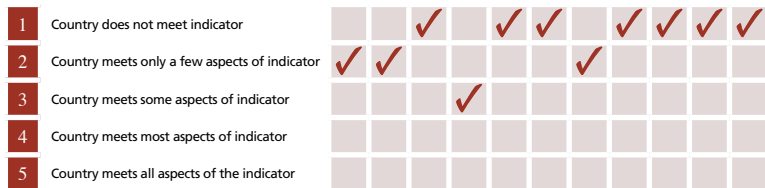
One panellist questioned, ‘What is the awareness of media practitioners of their rights, not as media professionals, but as workers?’ Another replied, ‘They are aware, but appear to be unable to assert their rights. The awareness is there, but there is also a prevailing fear. They may even be reporting on other labour issues but there might be a dissociative thing where they think – “I’m not a part of it”.’

A panellist suggested the need for a council that deals with working conditions in the country’s media houses. ‘There is a need for a serious and robust council to deal with such issues, whereby even the owners of the media houses are reprimanded for their illegal labour practices.’

With the assistance of MISA, a media consortium is currently being set up which will lobby for better conditions and welfare for media practitioners. ‘It is still in its infancy, but we are making headway because we have already been to the Ministry of Information, Communication and Technology and the idea was welcomed and we have been encouraged to register it.’ To date, the media organisations that are part of the consortium include MISA-Swaziland, the Swaziland National Association of Journalists, the Swaziland Press Club (SPC), the National Association of Development Programme Producers, the Swaziland Independent Film and Television Producers Association, the Swaziland Community Multimedia Network, the Media Workers’ Union of Swaziland and the Arterial Network Swaziland.

Scores:

Individual scores:



Average score:

1.5 (2005: 3.0; 2007: 3.6; 2009: 2.6; 2011: 2.2; 2014: 1.5)

4.5 Journalists and media houses have integrity and are not corrupt

‘There is a fair amount of corruption in the media.’

Panellists – both from the media and from civil society – noted that there have been lapses in integrity in the media and that corruption is a common occurrence. Some panellists blamed this corruption on the poor salary and working conditions of media practitioners.

‘You can’t be getting paid 2,720 E (187 USD), then mingle with powerful politicians and not be compromised. Especially when your employer is unsupportive.’

‘You can’t paint everyone with the same brush, but within the context of the challenges faced by the media, several things put pressure on journalists to compromise themselves. Those with power take advantage of these gaps and people’s personal, professional ambitions.’

Corruption is deemed not only prevalent amongst the lower paid journalists but also amongst more high-level practitioners. One panellist noted, ‘I accompanied a senior colleague to see a businessperson once and when we got there, I realised he had gone to receive a brown envelope.’ Another noted that at times, this corruption happens at the top with the editors and managers and a subordinate journalist may knowingly or unknowingly get caught up in it.

‘Some journalists have their accommodation rentals paid for by business people.’

‘In fact, corruption is an understatement. The correct phrase would be media capture. These are not small amounts that we are talking about, they are big amounts.’

How this corruption plays out takes different forms including not publishing a story; campaigning for certain individuals during the elections; attempts to ‘destroy’ or ‘expose’ someone; and the spinning of a story.

Additionally, some journalists try to take advantage of a situation, demanding payment to publish or ‘kill’ a story; or acting as a middleman, wherein they play two parties with opposing interests or perspectives in a story against each other and extort bribes from them.

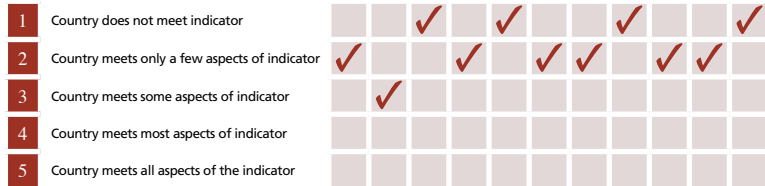
A panellist commented, ‘As an artist, they won’t play your music on the radio unless you give them something. You have to send an e-wallet or mobile money to get them to play your song and only when you do will they play it.’

‘On the issue of integrity, we have allowed ourselves as journalists to be compromised. If you look at the recent elections, for example, we had some journalists who went and contested, lost their campaigns and came back into the newsroom. They can’t be objective on reporting on these issues.’

With regards to freebies, most media houses have a policy where any freebie with a value of 100 E (7 USD) or more should be declared. An example of freebies offered are from the telecommunication companies, who are notorious for providing cell phones and tablets to journalists at their press briefings in the hope that this will result in positive coverage for their companies.

Scores:

Individual scores:



Average score:

1.7 (2005: n/a; 2007: n/a; 2009: 2.8; 2011: 2.8; 2014: 2.7)

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

As noted earlier, the most prominent private broadcasting and print media include *Channel S*, *VOC*, the *Times*, *The Nation* and the *Independent News*.

Despite being privately owned, self-censorship is common in these media houses.

‘Self-censorship exists. There are certain stories that may be newsworthy, but journalists won’t write about them because they know that that they won’t be published. A source recently brought a story to me about a fire at one of the palaces but I knew it wouldn’t come out, so didn’t bother to write it.’

The level of self-censorship also depends on the ownership or strategic angle of the media house. ‘At the *Times*, although its private, it’s more of [a] government paper. They have double standards set by the managing editor, because he is editing the paper but also editing the king’s speeches. So, the bias is there and the stories are compromised.’

On TV, panellists noted that *Channel S* (given its in-house pro-monarch policy) ‘definitely self-censors on issues related to the king. But on everything else, they are more broad than *Swazi TV*’.

This self-censorship is not only conducted by journalists but also by editors. Freelancers or other independent contributors often complain of the heavy editing of their stories. ‘Ministers wield their power and other private entities

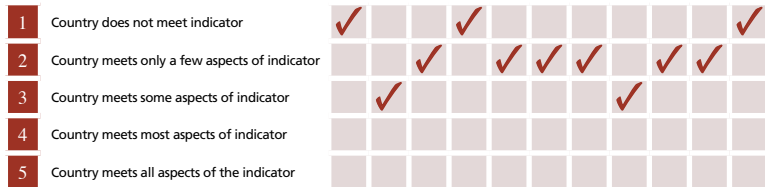
won't report on certain things,' for fear of losing favour, advertising revenue, of personal repercussion or of being taken to task for defamation. 'Journalists don't want to keep testing the parameters and would rather be safe. Publishers are always cautious about not having anything that's defamatory and heavy editing is the norm. Media freedom in Swaziland never comes on a silver platter.'

'Legal fees are very high in Swaziland and publishers are playing it safe. You have some lawyers touted as "ambulance chasers", who see a report and go to the person covered in the story and say, "There's a case here". So, editors and publishers are very careful.'

Panellists agreed that the degree of self-censorship taking place raises critical questions about media freedom.

Scores:

Individual scores:



Average score: **2.0 (2005: 1.4; 2007: 1.5; 2009: 2.2; 2011: 1.7; 2014: 1.3)**

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

The University of eSwatini (UNISWA) offers a four-year Bachelor of Journalism and Mass Communication programme. In previous years, UNISWA admitted about 15 students per annum. In 2017, this rose to about 40 students but dropped down to 18 students in 2018.

Panellists noted that in general, the training provided by UNISWA addresses the needs of media houses.

Limkokwing University's Faculty of Communication, Media & Broadcasting offers an Associate Degree in Media and Journalism, as well as an Associate Degree in TV and Film Production. Their programmes have received criticism for not providing an education that meets the basic standards required of entry-level media practitioners.

Beyond these two university offerings, for degree programmes students may travel outside the country (particularly to South Africa) for their studies. Neither university offers short courses or certification programmes for media practitioners.

Outside of formal degree programmes some media houses provide in-house training, however, panellists described this as rather basic – generally, they do not provide support to journalists who wish to attain further training. ‘For further training, you need to do it on your own, cover your training costs and to take leave or resign.’

A few media advocacy groups and civil society organisations provide occasional short courses in certain aspects related to their work, although these do not often happen due to limited funding. ‘MISA used to offer training, but hasn’t done so in recent times due to funding issues.’

‘Civil society used to provide some training on key issues such as climate change etc. but with the weakening of civil society in general and with the drying up of funding, they are no longer able to do so. This absence of training clearly shows in the reporting.’

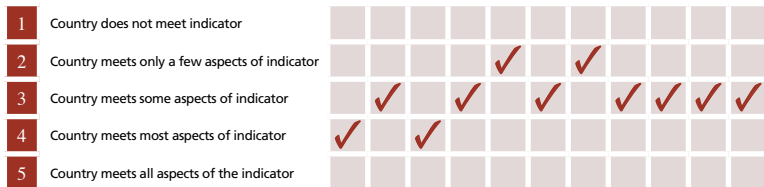
The Swaziland Community Radio Multimedia Network has worked with Bush Radio (based in Cape Town, South Africa) to provide capacity building to volunteers at community radio stations in ICT; in Lubombo – an IT (Information Technology) programme is being run specifically for journalists and the community.

Through its Centre’s of Excellence programme, Gender Links has also worked with various media houses to provide training on gender mainstreaming in the media and on developing gender policies. It also has a programme with the public broadcasters – SBIS and *Swazi TV*.

It is important to note that the Council of Churches has engaged SNAJ (with funding from the Canadian government) about helping media houses to better report on human rights issues and to help communities better understand the role of the media.

Scores:

Individual scores:



Average score:

3.0 (2005: 1.9; 2007: 3.8; 2009: 2.1; 2011: 3.3; 2014: 2.9)

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

On the whole, panellists felt that equal opportunities do exist, but are not necessarily promoted in media houses; most media houses lack policies around the diversification of their organisations.

eSwatini's media landscape remains male dominated – particularly as one moves up the ladder into positions of leadership. That said, there have been some improvements in the representation of women in media houses, with more women taking on editorial roles. It is not clear how many media houses have gender policies within their organisations. Gender Links has engaged various media houses on creating such policies.

When it comes to equal opportunities regarding disabilities, it appears that most media houses do not have a stated policy and that they discriminate against the disabled, as was experienced by a member of the panel. Furthermore, for those with physical disabilities, access is a major issue, with most media houses not providing for wheelchair access and other facilities.

With regards to ethnicity, eSwatini is rather homogenous and does not have a very diverse population. Panellists noted that ethnic discrimination does not take place in cases where non-Swazi people are applying for employment at a media house. One panellist noted that 'some of the minority people are in higher, better-paid professions and are not necessarily in journalism, which is seen as a lower profession. So, there is no discrimination partly because minorities are not applying'.

With regards to religion, over 90% of *emaSwati* identify as Christian. Panellists doubted that religious discrimination would occur, although they conceded the possibility of it happening in cases where religious dress had to be observed. 'Rastafarians or Sikhs, for example, would not be able to wear a turban in a newsroom.'

Panellists stated that they were unaware of any cases where discrimination based on sexual orientation had occurred in a media house.

And on the topic of age, several panellists noted with concern the juniorisation of newsrooms, which they believe compromises the quality of reporting. That said, a panellist pointed out that 'this doesn't have to do with the older generation being pushed out, but more-so with replacing those that are leaving, considering the fast-revolving door in this profession'.

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:

3.2 (2005: n/a; 2007: n/a; 2009: 4.2; 2011: 3.0; 2014: 2.7)

Overall Score for Sector 4:

2.4

THE WAY FORWARD

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

Positive Developments

- The establishment of the Swaziland Communications Commission has brought about some positive changes, including easing the process of applying for broadcasting licences.
- The establishment of broadcasting regulations for the issuing of licences.
- The appointment of the new Director of Information and Media Development, who has come up with initiatives aimed at media development and has provided for more consultation with the media (in comparison to previous years).
- The formation of the media consortium, which seeks to advocate on various media issues, particularly those related to the working conditions of media practitioners.
- The ongoing stakeholder consultations on the Broadcasting Bill have been very inclusive and the ministry is making a positive effort in this respect. The Broadcasting Bill Initiative network has been formed to drive the process forward.
- The granting of university scholarships by the government for students studying journalism. This will increase access to these programmes and enhance the quality of the media workforce.

Negative Developments

- The escalating brutality and increased number of attacks against journalists.
- Corruption levels in the media are on the increase: this needs to be addressed urgently lest the media becomes wholly captured.
- Self-censorship remains at a high level, compromising the independence of the media and the quality of the content produced.
- The decline of the SNAJ, the Editors Forum and other professional media bodies is concerning and requires redress as a means of uniting the media on key issues.

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

- Law reform and advocacy around the implementation of media legislation and the enactment of the Broadcasting Bill is critical. This advocacy needs to be done in partnership between MISA Swaziland and civil society. It was suggested that MISA convene a stakeholder engagement with civil society actors who are supposed to be active on media issues. It was also suggested that a test case is developed as a strategic advocacy tool in this regard.

- Advocacy on the remuneration and working conditions of journalists, particularly in dealing with the violations of their rights as workers. In this regard, institutions such as the Federation of Organisations of Disabled People in Swaziland should be engaged.
- The revival and relaunch of SNAJ, with a renewed focus on engaging journalists, clarifying its role and mandate, and ensuring journalists are protected. The media consortium provides a renewed opportunity to breathe life into organisations such as SNAJ. The association could also explore affiliation with international journalism associations to strengthen its work.

The panel discussion took place at Piggs Peak Hotel on 26-28 October 2018.

Panellists:

Media (list in chronological order of surname):

1. Nimrod Mabuza, Assistant Editor
2. Lunga Masuku, Journalist/Media Association
3. Maxwell Mthembu, Media Lecturer
4. Joseph Zulu, Journalist
5. Ambrose Zwane, Community Broadcaster

Civil Society (list in chronological order of surname):

6. Lomcebo Dlamini, Lawyer/Activist
7. Siphso Dlamini, Human Rights and Disabled People's Rights Activist
8. Melusi Matsenjwa, Lawyer/Proofreader
9. Ncane Maziya, Gender Activist
10. Happy Mkhabela, Human Rights Lawyer
11. Fundizwi Sikhondze, Trade Unionist
12. Zanele Thabede, Women's Rights Activist

Rapporteur:

Nangula Shejvali, Consultant

Moderator:

Sarah Chiumbu, Media Lecturer

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