

MISA 2013 ANNUAL REPORT

MEDIA INSTITUTE OF SOUTHERN AFRICA
MISA
PROMOTING MEDIA DIVERSITY •
PLURALISM • SELF-SUFFICIENCY
• INDEPENDENCE



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Published in Namibia by MISA in 2014.

The Media Institute of Southern Africa (MISA) is the primary advocate for media freedom and freedom of expression in southern Africa.

MISA's work focuses on making sustainable, lasting changes to the media landscape in the southern Africa region that will make our countries safer places for journalists to work and more conducive for media freedom and freedom of expression.

We do this through activities including:

Advocating for changes to restrictive laws

Advocating for development of positive legislation, such as access to information laws;

Researching and publishing reports on media violations and the state of the media environment in southern African countries; and

Supporting greater professionalism among journalists by building capacity through training, workshops, seminars and other educational platforms and by producing research and information resources.

For more information visit: www.misa.org

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Cover photo: Various newspapers and publications from southern African countries. Photo: Alexandra Peard, MISA Regional Secretariat, 2014.

ISBN 978-99916-62-36-7

FOREWORD 2013

Reflecting on media freedom in SADC

In 2013, Namibia became the first African country to be ranked within the top 20 in Reporters Without Borders' annual Press Freedom Index. While this number 19 spot is proof that it is possible to achieve high levels of media freedom in Africa on par with or better than many Western countries, we should not be complacent. There is still much work to do to ensure that Namibian citizens are able to fully realize their rights to freedom of expression and access to information.

The year for the rest of southern Africa has not been so positive. The theme for MISA's annual report on the state of media freedom in southern Africa, *So This Is Democracy?*, was 'media behind bars'. Globally, 2013 was labeled the second worst year on record for jailed journalists, and in southern Africa, MISA recorded many cases of authorities arresting, detaining and interrogating journalists, in some cases also confiscating their equipment. For example, in September 2013 MISA Angola Chairperson Alexandre Neto Solombe was arrested along with two other journalists after they interviewed a group of youths recently released after being arrested for participating in an anti-government demonstration the previous day. The three journalists were allegedly interrogated, manhandled by police and detained for five hours without charge.

Another low point of 2013 was the disturbing attacks on journalists in Tanzania. Chairperson of the Tanzania Editors Forum Absalom Kibanda was brutally assaulted in March by unknown assailants brandishing weapons and threatening to kill him. Kibanda suffered multiple head injuries and ultimately lost his left eye. Radio journalist Issa Ngumba also died in suspicious circumstances; his body was discovered in a forest in January and showed signs of torture and gunshot wounds.

In the face of these grim events, MISA and her Chapters worked tirelessly to push for greater legal

and physical protection for journalists and citizens throughout the region and to create an enabling environment for journalists and ordinary citizens to enjoy the free exercise of their rights to freedom of expression and access to information without fear of legal or physical attacks, or government impediment.

MISA Chapters conducted workshops and training sessions throughout the region on such diverse topics and skills areas as promoting good governance and accountability, election reporting, and Internet training.

MISA Swaziland mobilised media practitioners and members of civil society groups to deliver petitions to two Ministers calling for an end to media freedom violations and the repeal of 32 restrictive media laws.

The Special Rapporteur on Freedom of Expression and Access to Information in Africa appointed MISA Malawi the secretariat of the campaign to decriminalise free speech in Malawi. MISA Malawi subsequently worked with several Malawian stakeholders to draft a Bill to decriminalise free speech in Malawi.

Several Chapters held media awards, including Botswana, Malawi, Zambia and Zimbabwe, and the annual Regional Children's Reporting Awards were held successfully.

MISA continued to build upon its reputation as a regional leader in the generation of research on the state of media freedom and access to information in the region. MISA released several major annual publications, including *So This is Democracy?*, *Government Secrecy in an Information Age: Report on Open & Secretive Public Institutions in Southern Africa*, and African Media Barometer surveys from Zambia and South Africa. MISA collaborated with regional partners to produce a booklet titled 'Access to Information – examining progress in Africa', providing an assessment on the state of

access to information in 14 African countries. MISA also partnered with Privacy International to conduct a survey on freedom of expression in cyberspace, which is part of an ongoing project to help media workers protect themselves online.

All of this research concluded that there is still a long way to go before journalists and citizens in southern Africa can safely and freely exercise their rights to freedom of expression and access to information. There is a lot of work still to be done, but as we embark on our Fourth Strategic Partnership Programme (SPPIV) in 2014, MISA will be there to do it.

Management and Programme Implementation

During 2013 the primary focus of the Regional Secretariat was to facilitate the planning and development of MISA's SPPIV and to secure the financial resources that would allow the organisation to implement its suggested short-term (four-year) strategy.

The SPPIV programme was well-received by MISA's main funding partners as it directly responded to a number of concerns raised in the 2012 and 2013 reviews of the organisation. The most notable concerns expressed included the need for further streamlining of governance structures, reduction of chapter dependency on the regional basket fund and the need to look towards sustainability. In constructing its long-term, 10-Year Strategic Framework (2024), MISA was striving towards an organisational framework well suited for long-term sustainability with a strong rights-based approach and governance focus.

The reform and reorientation outlined in this overarching strategy will, in a carefully stated process, empower the regional secretariat to fulfill its role as a facilitating and supporting structure and secretariat to MISA National Chapters. This will include an empowerment of the chapters to be guided through an organization development

process from having an organisational management audit, developing a strategic plan and building capacity in its (management) team. This process will initiate a funding regime with support to a basic structure at national level and a pool of funding available in the regional secretariat for applications from the Chapters based on their strategic plan and for pursuance of MISA's advocacy goals.

Remembering Madiba

In 2013 MISA joined the world in mourning the loss of a truly remarkable man and one of the greatest human rights defenders, Nelson Mandela.

Mandela said:

"A critical, independent and investigative press is the lifeblood of any democracy. The press must be free from state interference. It must have the economic strength to stand up to the blandishments of government officials. It must have sufficient independence from vested interests to be bold and inquiring without fear or favour. It must enjoy the protection of the constitution, so that it can protect our rights as citizens."

MISA will continue to be inspired and driven by the legacy of Mandela's tireless pursuit of justice, human dignity and freedom as we fight for an environment where citizens are free and able to express themselves and claim their right to access information.

Zoé Titus
Regional Director
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MESSAGE FROM THE CHAIRPERSON OF THE TRUST FUNDS BOARD

The year 2013, being the final year of MISA's Third Strategic Partnership Programme (SPPIII), was a year of introspection, consultation and planning – both internally within MISA's structures, as well as with our long and trusted development partners.

Despite being affirmed as the leading advocate for media freedom, freedom of expression and access to information in southern Africa following a regional impact assessment of development support to media development in southern Africa over the last 20 years, MISA cannot become complacent – certainly not when there is ample evidence that media freedom is increasingly under threat in our region.

Governance

Some changes to MISA governance were also effected resulting in the constitution of the AGM being a meeting of its national chapters as its members, with each national chapter having one vote.

To re-align its structures, the term of office of TFB members was reduced to 3 years, renewable only once. A TFB members' retirement process has already been agreed that will see long-standing members retiring at the end of this year. These trustees will be replaced through an appointment process involving recommendations by the RGC.

Financial Performance & Operations

The total grant income of the MISA Trust for 2013 was USD1,833,071 with the basket funders namely the governments of Denmark, Norway and Sweden contributing USD 1,371, 418 constituting 74.82% of the grant Income. The access to donor funding continues to pose challenges as the effects of economic recession that affected the world economy in the last 5 years are now being felt in Africa and Asia. The total expenditure for the period under review was USD1,731,936 that resulted in the MISA Trust realising a net surplus of USD112,075. The effective use of the budgetary monitoring system helped management to keep costs within budget.

MISA undertook other projects during the year funded by Open Society Initiative of Southern Africa (OSISA), Save the Children, Privacy International and the African Capacity Building Foundation (ACBF). Details of these projects are provided in this annual report.

MISA - EU Engagement

During 2013 the EU instituted an audit of a grant implemented by MISA between April 2008 to March 2011. This grant had contributed 24,9% to the overall budget of MISA's Second Strategic Partnership Programme (SPPII) which concluded in December 2010. Based on the outcome of the audit it immediately became apparent that MISA had erroneously treated - and accounted for - the grant as budget support, while the EU expected MISA to follow the agreed grant budget. The TFB and regional secretariat then engaged both the EU Delegation in Namibia and the EU Commission in Brussels in its attempts to resolve this matter, leading the EU to institute a full audit of the grant during August 2014. At the time of this report, MISA is still awaiting the outcome of the full audit, which will lead to further engagements with the EU.

Needless to say, the matter has had a debilitating effect on the organisation as a whole and, if taken on board along with the changing dynamics in the media development assistance environment, will certainly require MISA to change its modus operandi in the region.

Looking Ahead

While the last few years have been quite challenging, the future looks more promising.

Having undergone serious introspection the MISA TFB is ready to lead the institutional transformation that is required to secure the future of MISA as a relevant, effective and efficient organisation.

Luckson A Chipare
Chairperson
MISA Trust Funds Board (TFB)

MESSAGE FROM THE CHAIRPERSON OF THE REGIONAL GOVERNING COUNCIL

Freedom of expression and media freedom remain under threat in southern Africa: the media alerts issued by MISA during 2013 are indicative of the restrictive and stifling atmosphere impacting on the media. MISA will continue to lobby and advocate for an improved media environment by engaging stakeholders, governments and legislators to ensure that citizens' right to media freedom, freedom of expression and access to information are protected and respected.

MISA will intensify advocacy and constitutional reforms, media policy and law reforms. MISA will continue to promote public broadcasting and community media models throughout the region, while garnering support to provide capacity to such ventures and support their sustainability.

Governance Reforms

Governance reforms within MISA have been implemented at a rapid rate, with Constitutional amendments effected in 2010 and again in 2012. These changes have been slow to take effect within the Regional Governing Council, with the election of the new Regional Chairperson and Deputy Chairperson only taking place in 2012. The Treasurer was co-opted in 2013. Nonetheless, elected officials were keen to assume their positions and serve the organization.

Facing Chapter Challenges

The RGC is mindful of the capacity deficiencies of some MISA Chapters. Interventions have been necessary in Angola, Mozambique, Namibia, Swaziland and South Africa to deal with issues such as financial sustainability, activity implementation and governance performance. In Tanzania, MISA Governors and Trustees had to address issues such as financial accountability and governance performance.

Galvanising MISA's members

MISA is a membership-driven organization and the seeming inactivity of members in some chapters and dwindling membership numbers in other countries are causes for concern to MISA. There has been a lull in membership in the last few years and this is a challenge that MISA must address through the National Governing Councils.

In conclusion, tribute should be paid to staff at the Regional Secretariat and National Chapters who have worked tirelessly and under difficult conditions in the pursuit of fulfilling MISA's obligations, belief and values. May the values and beliefs we share as a family be the guiding principles that drive MISA into the future

Anthony Kasunda
Chairperson
MISA Regional Governing Council

WHAT WE DO

Making southern Africa a more conducive environment for media freedom

Over the past 21 years, the Media Institute of Southern Africa (MISA) has been the primary advocate for media freedom and freedom of expression in southern Africa, issuing alerts on media freedom violations, condemnations of killings, assaults, criminal charges and other forms of unjustified attacks on journalists, including restrictions on access to information.

We have a presence in 11 countries across southern Africa and participate in a range of continental and international fora, projects and actions to advance media freedom and freedom of expression across the continent.

MISA's work focuses on making sustainable, lasting changes to the media landscape in the southern Africa region that will make our countries safer places for journalists to work and more conducive for media freedom and freedom of expression.

Our activities include:

- Advocating for changes to restrictive laws
- Advocating for development of positive legislation, such as access to information laws;
- Researching and publishing reports on media violations and the state of the media environment in southern African countries; and
- Supporting greater professionalism among journalists by building capacity through training, workshops, seminars and other educational platforms and by producing research and information resources.

OUR MISSION

MISA's mission is to create an environment of media freedom and free expression, promoting independence, pluralism and diversity of views and opinions, media sustainability, competency and professionalism in the southern African region. We aim to create an environment where civil society can exercise their rights to access information, making citizens more informed and strengthening democracy. MISA will ensure that gender-specific needs form an integral part of all its activities.

MISA will lobby for promotion and protection of media freedom and free expression and will strengthen and support the development of a vibrant, professional and participatory media sector as an essential part of the deepening of democracy in southern Africa.

OUR VISION

MISA's vision is of a southern African where media enjoy freedom of expression, pluralism of views and opinions and independence from political, economic and commercial interests. Our vision is of a region where members of society, individually or collectively, are free to express themselves through any media of their choice without hindrance of any kind. A region, too, where access to information is unhindered and information is readily available.

The MISA vision is:

- A media that is free, independent, diverse and pluralistic.
- Access to the media and information by all sectors of society.
- Media workers who are competent, critical, accountable, sensitive to gender issues and aware of their responsibility to society.
- Legislation, regulations and policy environments that support media independence, diversity and pluralism.
- Citizens in the SADC region that are empowered to claim information as a basic right.

WHERE WE WORK

Leading media advocacy in southern Africa

- Countries with functioning MISA Chapter Offices, running on-going MISA programmes and activities.
- ▨ Countries with MISA members and boards, but with no MISA Chapter Office. Members and MISA partners in these countries run small-scale activities and programmes.

Influencing media law and policy across the continent

MISA influences media law and policy and contributes to campaigns across Africa, through our membership to international and regional platforms. Such platforms include the International Freedom of Expression eXchange (IFEX) and the African Freedom of Expression Exchange (AFEX).



MEDIA FREEDOM RESEARCH AND MONITORING

Under our Media Freedom Monitoring programme, MISA promotes the principles of media freedom and freedom of expression at national, regional and international levels.

In 2013, we focused on:

- publicising World Press Freedom Day (May 3) and the importance of media in societies;
- supporting journalists under fire by conducting evidence-based research and monitoring to identify and publicise media freedom and freedom of expression violations; and
- using our research and monitoring to support advocacy and lobbying.



Namibians protesting for their right to be consulted and access information about proposed amendments to the Namibian constitution. Photo: MISA Namibia images, 2014.

2013 WORLD PRESS FREEDOM DAY

On 3 May each year, MISA joins the international community in celebrating the work of journalists and the important role the media plays in giving citizens access to news and information, which helps them make informed choices and live meaningful lives.

We celebrate the fundamental principles of press freedom, evaluate the state of media freedom in the southern African region, defend the media from attacks on their independence and pay tribute to journalists who have lost their lives for simply doing their jobs.

In 2013, MISA Chapters reached a variety of audiences including journalists, lawyers, youth, policy makers and academics with activities that advanced their national programme objectives and policy reform issues and complemented the 2013 UNESCO global theme: *Safe to speak: Securing Freedom of Expression in all media*.

MISA Zimbabwe, for example, held a two-day national conference themed: *Media Reforms Now!* The conference focused on campaigning

for increased public pressure on the Zimbabwean Government to urgently pursue democratic media reforms that would bring current media legislation and regulations in line with the country's new constitution.

Each year on World Press Freedom Day (WPF) MISA also officially launches our annual publication, *So This Is Democracy? State of media freedom in southern Africa* and hosts the Judge John Manyarara Memorial Lecture.

So This Is Democracy?: State of Media Freedom in southern Africa

In 2013, the 2012 edition of *So This Is Democracy?* was produced and distributed across the southern African region and further abroad to media training institutions, governments and freedom of expression organisations and activists.

Most, if not all, of the issues covered in the 2012 report carried forward to 2013, with a key issue continuing to be the safety and security (both offline and online) of journalists.

2013 Judge John Manyarara Memorial Lecture

The Judge John Manyarara Memorial Lecture is held each year, in honour of Judge Manyarara, the founding Chairperson (1994 – 2000) of the MISA Trust Funds Board (TFB).

Long-time media freedom activist Dr. Fidelis Edge Kanyongolo presented the 2013 lecture in Blantyre, Malawi on the topic: *'The role of the judiciary in establishing a societal balance between media freedom and a person's right to their reputation'*. The audience included members of the judiciary, journalists, law students, media freedom activists and civil society representatives.

Delivering the lecture in 2013 was personally significant for Dr. Kanyongolo, who said, "this is the year when I commemorate the 30th anniversary of the start of my 15-month detention without trial when I was a 20-year-old university student. My imagined crime was that I had exceeded the bounds of freedom of expression." He said it was also a significant year for the lecture to be held in Malawi because it marked 20 years since "the decision of the country to replace the one-party dictatorship with a pluralistic democratic order which set the foundation for the constitutional guarantees of freedom of expression and press freedom that we enjoy today".

In his lecture, Dr. Kanyongolo said he wanted "to suggest a reflection of the role that courts can play in contributing to the protection of media freedom".

Dr. Kanyongolo's lecture focused on how the judiciary:

- protects media freedom within a media landscape of dynamic of changes;
- adjudicates any conflict between media freedom and individual reputations; and
- can use its adjudicatory role, especially in the context of defamation laws, to advance the cause of media freedom and freedom of expression.

SUPPORTING JOURNALISTS UNDER FIRE

MISA supports victims of media freedom and freedom of expression violations with practical support and by conducting evidence-based research and monitoring to identify and publicise media freedom and freedom of expression violations.

In 2013, MISA provided moral support to, and helped increase awareness of the violations against, journalists Nomawethu Solwandle and Njanji Chauke (South African Broadcasting Corporation), Absalom Kibanda (Tanzania Editors' Forum), Anthony Masamba (Malawi Institute of Journalism), Thoko Chikondi (Nations Publications Limited), Bheki Makhubu (The Nation – Swaziland), Wilson Pondamali, Clayson Hamasaka and Thomas Zyambo (freelance – Zambia), Paul Pindani (freelance – Zimbabwe) Obey Manayiti (Newsday Zimbabwe), Dumisani Muleya and Owen Gagare (The Zimbabwe Independent).

MISA joined a global coalition of NGOs petitioning the African Court on Human and Peoples' Rights for leave to act as *amicus curiae*, or friends of the court in the case of Issa Lohé Konaté. Konaté, the editor of the Burkina Faso-based weekly *L'Ouragan*, was convicted of defaming local State Persecutor Placide Nikiéma, after he published two articles raising questions about alleged abuse of power by the prosecutor's office. Konaté was sentenced to 12 months in prison and fined 4 million CFA francs (6,000 Euros) on 29 October 2012.

MISA participated in the application based on its belief that criminal defamation and insult laws severely restrict the space within which civil society and the citizens of a country may question their government or advocate for human rights.



World Press Freedom Day march, held by MISA Zimbabwe on 3 May 2013. Photo: MISA Zimbabwe images, 2013.



MISA Regional Secretariat staff member advocating for media freedom.
Photo: MISA Regional Secretariat images, 2014.

MISA ALERTS

Since its foundation in 1992, MISA has been the primary advocate for media freedom and freedom of expression in southern Africa, issuing alerts on media freedom violations, condemnations of killings, assaults, criminal charges and other forms of unjustified attacks on journalists, including restrictions on access to information gathered in the 11 Southern Africa Development Community (SADC) countries where MISA operates.

We issue alerts in 11 categories: assaulted; bombed; censored; detained; expelled; killed or missing; legislated; sentenced; threatened; victory; and violation of public freedom of expression.

Journalists under attack in 2013

In 2013, the disturbing but relevant theme highlighted through our monitoring was 'media behind bars', due to the many cases MISA recorded in 2013 of authorities arresting journalists, often without a clear reason and then detaining them, interrogating them, and confiscating their equipment and materials. In September 2013, for example, MISA Angola Chairperson Alexandre Neto Solombe; correspondent for Voice of America Coque Mukuta; and freelance journalist and anti-corruption activist Rafael Marques de Morais were arrested after they interviewed a group of youths who had just been released from detention for participating in an anti-government demonstration the day before. The three journalists were allegedly interrogated, manhandled by the police and kept in detention for five hours without charge.

Arresting and charging journalists with criminal offences for doing their job is an unjustifiable restriction on freedom of expression. MISA has campaigned for the repeal of laws criminalising freedom of expression, including criminal defamation, insult, sedition and false news laws and we are currently the focal point for southern Africa in a Pan-African campaign to repeal such laws, lead by the African Commission on Human and Peoples' Rights' (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, Advocate Pansy Tlakula.

MISA was gravely concerned, therefore, to report an increase in physical attacks on journalists and other media workers since 2012. In 2013, this included a brutal assault that left Absalom Kibanda, Chairperson of the Tanzania Editors Forum (TEF) and Editor-in-Chief at New Habari Corporation, without his left eye.

In January 2013, Tanzania also experienced the suspicious death of Radio Kwizera journalist Issa Ngumba, who was found dead in Kajuhuleta Forest in the north-western part of the country. His body had gunshot wounds and showed signs of torture.

On World Press Freedom Day 2013, South African police arrested Hein Coetzee, a reporter for the Afrikaans language *Die Son* (The Sun) newspaper, while covering a mob attack on Eastern Cape's African National Congress (ANC) provincial chairman Marius Fransman. Coetzee, who took photographs of Fransman and his bodyguards as they fled the scene, was charged with *crimen injuria* and riotous behaviour.

Coetzee said the police who arrested him assaulted and pepper sprayed him before they confiscated his cell phone and camera. He was detained overnight despite carrying media credentials, which clearly identified him as a journalist and not part of the mob.

Not all bad news

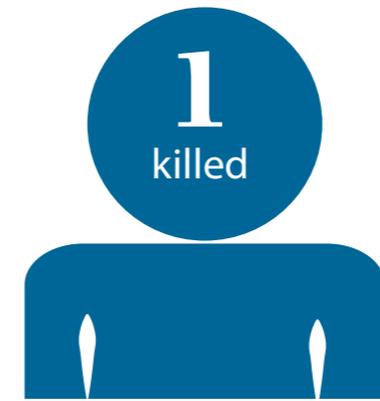
While 2013 was marked by a depressing wave of hostility towards journalists from governments, corporations, political supporters and citizens, in

some cases, Africa saw major continental efforts to promote media freedom.

On 15 May 2013, MISA welcomed the Pan-African Parliament's launch of a continental campaign to promote and protect press freedom and persuade African governments to abolish criminal defamation and "insult laws" that restrict the publication of information in the public interest. The resolution is timely, considering that international monitoring organisations have only rated five out of Africa's 54 countries as free. MISA urges the Pan-African Parliament to further call on the citizens of these countries to pressure their governments to adopt legislation that decriminalises media practice.

2013 MEDIA FREEDOM VIOLATIONS AND VICTORIES

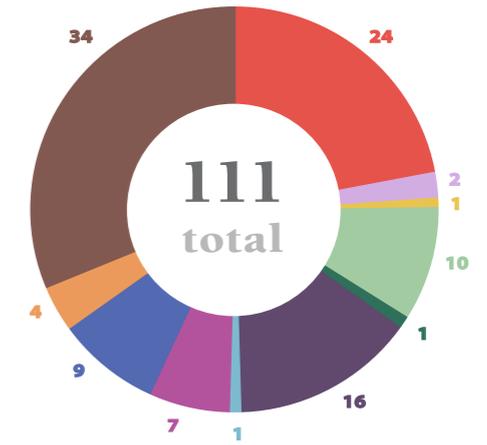
VIOLATIONS and VICTORIES by country



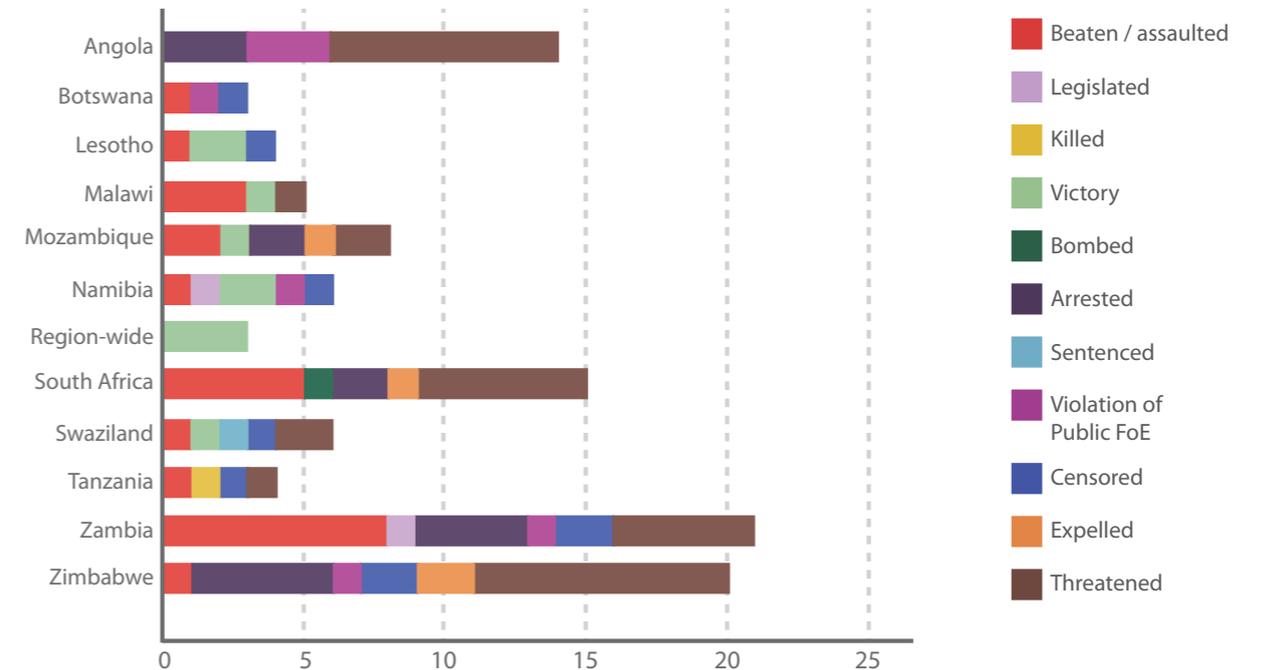
1 killed

Issa Ngumba, a reporter in Tanzania, was found murdered in a forest on 8 January 2013.

Violations and victories by category



Violations and victories by country and category



MISA RESEARCH PROJECTS

ACCESS TO INFORMATION IN AFRICA

Examining progress since the APAI Declaration in infographics



ACCESS TO INFORMATION IN AFRICA

Examining progress since the APAI Declaration

Campaign for AN AFRICAN PLATFORM ON ACCESS TO INFORMATION

MISA research publications.
Photo: MISA Regional Secretariat images, 2014.

Represented in 11 SADC countries, MISA has access to resources, data and experts across the region, allowing us to explore media freedom and freedom of expression issues in a uniquely southern African context.

In addition to our daily monitoring and publication of media violation alerts, MISA also conducted several targeted research projects in 2013 – including three studies that are part of ongoing resources produced by MISA.

Most Open and Secretive Public Institutions in Southern Africa

In May 2013, MISA launched its annual research study to assess the *Most Open and Secretive Public Institutions in Southern Africa* for the fourth consecutive year. We conducted the research in seven countries: Botswana; Malawi; Namibia; Swaziland; Tanzania; Zambia; and Zimbabwe. The study is an important part of MISA's campaign for access to information and aims to measure how open public institutions are in southern Africa.

Each year, MISA Chapter offices select eight to 10 government or public institutions in their countries and conduct qualitative and quantitative research to assess their level of transparency. The research includes critiquing websites for usefulness and relevance and making written and oral requests for information under the guise of members of the general public seeking information for their studies. When the research is complete, MISA awards a Golden Key Award to the 'Most Open Public Institution' and a Golden Padlock Award to the 'Most Secretive Public Institution'.

The research, which forms an important part of MISA's campaign for access to information (ATI) in the region, helps us assess how open SADC public institutions are.

MISA Chapters released the research reports on September 28, 2013 – International Right to Know Day. The reports exposed the lack of transparency and willingness on the part of public institutions to provide information to the public. In Botswana, for example, a country reputed to be one of the most democratic in Africa, the researchers could not establish a single institution considered open enough to 'deserve' the award.



Swaziland Revenue Authority customer service manager, Riccardo Kruger, accepting the award for most open public institution in Swaziland. Photo: MISA Swaziland images, 2013.

So This Is Democracy? State of Media Freedom in southern Africa

Each year, MISA produces *So This Is Democracy?: State of media freedom in Southern Africa*, based on daily monitoring and other research and analysis gathered in the 11 Southern Africa Development Community (SADC) countries where MISA operates.

The 2013 edition was our 20th edition and the disturbing but relevant theme was 'media behind bars', due to the many cases MISA recorded in 2013 of authorities arresting journalists, often without a clear reason and then detaining them, interrogating them, and confiscating their equipment and materials.

The report was released on World Press Freedom Day 2014 and continues to be one of MISA's flagship publications and a valuable resource on

MEDIA LAW, POLICY AND ADVOCACY CAMPAIGNS

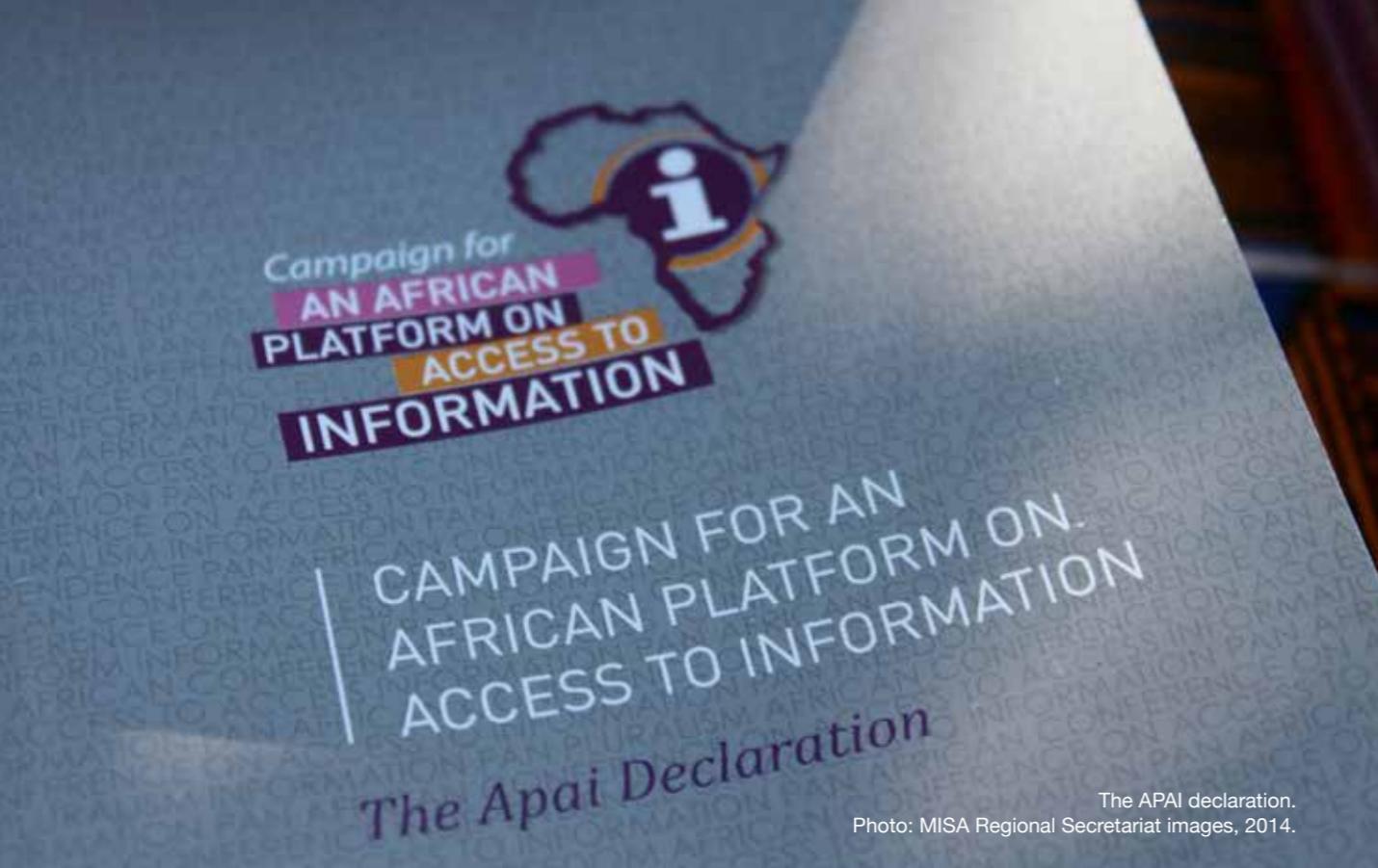
Through this programme, MISA promotes the principles of media freedom and freedom of expression at national, regional and international levels by promoting and lobbying across the region for the adoption of legal frameworks, which would allow the media to operate freely and without threat of violence or persecution.

In 2013, we focused on:

- promoting a culture of openness among public institutions;
- strengthening and expanding the campaign for an African Platform on Access to Information (APAI) at national, regional and international levels; and
- campaigning for the repeal of laws criminalising free speech.



Each year, MISA Chapter offices award the Golden Padlock to the most secretive public institution in their country.
Photo: MISA Regional Secretariat images, 2014.



Access to information and the African Platform on Access to Information

MISA is the secretariat of the APAI Working Group and thus a driving force in the campaign, which continued to gain momentum in 2013. Following the APAI resolution in 2012 and after intensive lobbying efforts from MISA and its partners, the Pan-African Parliament adopted the 'Midrand Declaration on Press Freedom in Africa', which further recognised the APAI Declaration, calling on African Union (AU) member states to review and adopt access to information laws.

Also in 2013, Rwanda became the eleventh country in Africa to adopt an ATI law and the sixth country to do so since the APAI campaign was initiated.

At an international level, representatives from MISA and the Open Democracy Advice Centre (ODAC) travelled to Paris on behalf of the APAI working group, where they succeeded in placing APAI

on the agenda of a meeting of African delegates representing the Africa group within UNESCO, and pushing for it to be placed on the agenda of the next UNESCO executive board meeting.

In addition to efforts at a policy level, the APAI working group undertook a research survey using the principles of the APAI Declaration as a benchmark to ascertain the current state of access to information in 15 African countries. The research was launched on International Right to Know Day, 28 September 2013 and supported by a continent-wide awareness drive on the importance of effective ATI legislation.

Campaign to repeal laws criminalising free speech

In 2012, the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Pansy Tlakula, appointed MISA the regional focal point for a southern African campaign to repeal laws that criminalise free speech.

MISA launched the first national campaign in Malawi and in March 2013 we met with the Southern African Litigation Centre (SALC) and a number of Malawian stakeholders to draft a Bill decriminalising free speech in Malawi. Despite the positive start, the campaign met with some resistance in May 2013, when President Joyce Banda refused to sign the Table Mountain Declaration – a statement issued in Cape Town, South Africa on 3 – 6 June 2007, stating the conviction that Africa urgently needs a strong, free and independent press to act as a watchdog over public institutions, a crucial role that the press is hindered from and punished for playing by the widespread resort to 'insult laws' and criminal defamation, in particular.

Banda said she did not intend on using the laws criminalising free speech, but she would not repeal them during her term because the next President may want to use them. This was a blow to the decriminalisation campaign, although it had one unintended consequence, the extensive media coverage of the President's refusal to sign the Declaration. This led to the publication of the Declaration in a number of newspapers and thus there was widespread awareness of the Declaration, an issue that had received little attention prior to this event in Malawi.

MISA will launch the next national campaign in Zambia. The timing could not be more crucial as the country has seen an increase in the number of journalists charged under dubious offences, generally perceived as an attempt by the government to clamp down on critical online journalists. MISA expects to meet with stiff opposition to the campaign, but with strong coalitions with the media, legal professionals and civil society we are prepared to fight the growing use of these archaic laws.

Midrand Call to Action on Media Freedom and Public Broadcasting in Africa

In December 2013, MISA collaborated with the Pan-African Parliament (PAP), the Africa Governance Monitoring and Advocacy Project

(AfriMAP), the Open Society Initiative of Southern Africa (OSISA) and Article 19 to host a continental conference titled, Media Legislative Reforms and Transforming State Broadcasters into Public Broadcasters in Africa. The conference adopted the Midrand Call to Action: Media Freedom and Public Broadcasting in Africa. The Call to Action calls on all African institutions, decision-makers, civil society and social justice organisations and members of the public to promote media freedom on the African continent and commit to striving to transform and strengthen all State broadcasters into public broadcasters. To date, over 33 civil society organisations representing more than 200 advocacy, research, human rights, democracy and good governance networks in Africa have endorsed the Call.

Working towards The SADC We Want

MISA was pleased to join a regional reference group to create a value study and a broader campaign titled The SADC We Want.

The campaign will focus on:

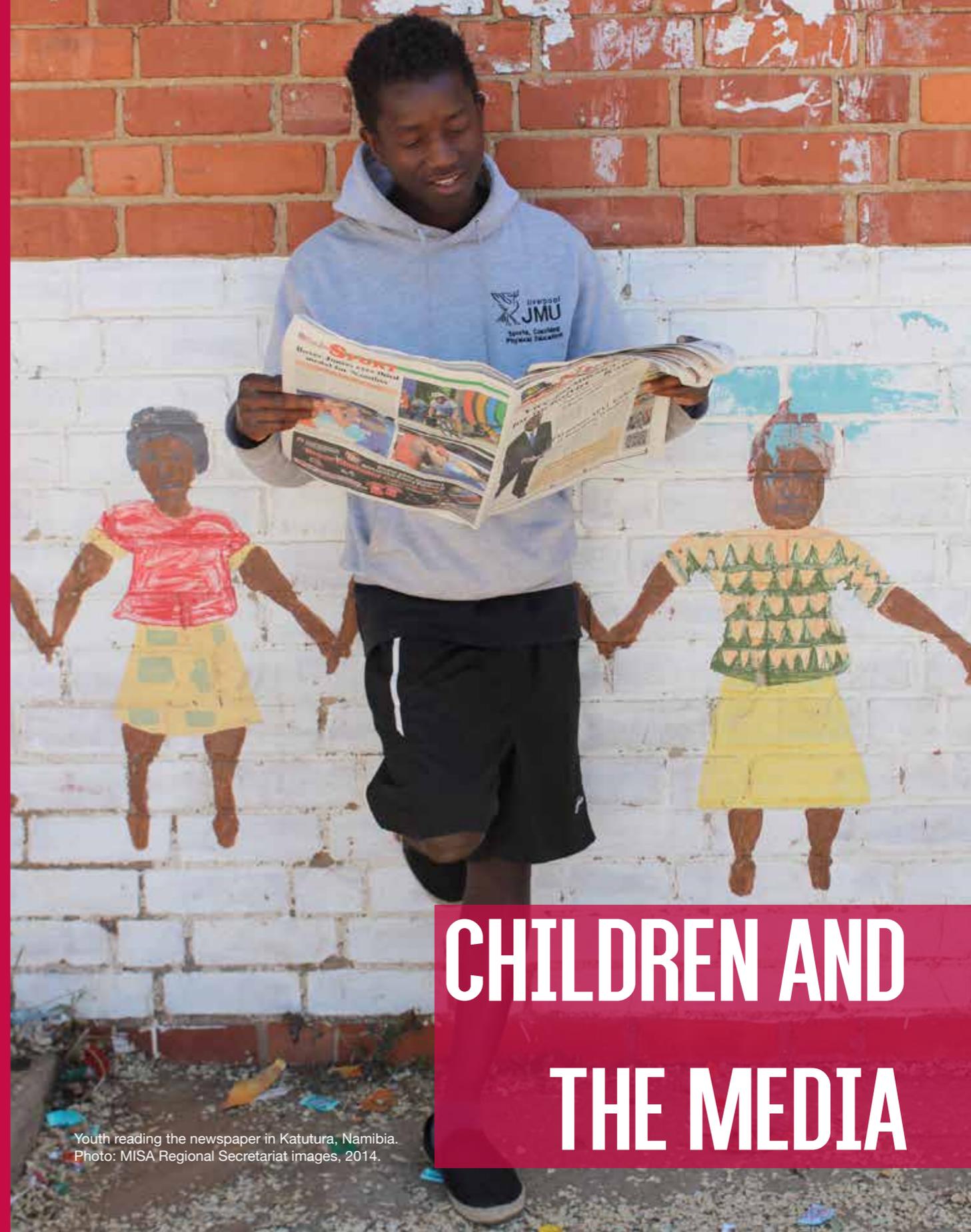
- establishing an independent SADC (regional) Court;
- establishing of a regional Parliament with legislative powers;
- revitalising SADC National Committees;
- evolving the SADC Secretariat to a Regional Authority; and
- institutionalising engagement between civil society and SADC.

MISA is particularly focused on developing an information-sharing platform for civil society organisations working in different areas of regional development. We aim to make communication and collaboration between civil society organisations stronger and more regular, helping them to work more cohesively and with more impact on issues where they have a common agenda.

MISA strives to build the capacity of the media in southern Africa to report positively, informatively and from a base of knowledge and advocacy on child rights issues.

This is particularly important in southern Africa where more than 50 percent of the population in many countries is below the age of 18, increasing the importance placed on the youth vote, both regionally and internationally.

To do this, MISA has partnered with Save the Children International to create opportunities and safe spaces for the production of children's media, sensitise journalists on child rights, develop codes of ethics for reporting on children's issues and rights and promote fair, honest and accurate reporting on the experience of childhood.



CHILDREN AND THE MEDIA

Youth reading the newspaper in Katutura, Namibia.
Photo: MISA Regional Secretariat images, 2014.



CHILDREN & THE MEDIA

a project of the Media Institute of Southern Africa (MISA)

In 2013, some of the key ways MISA built media capacity around this issue and strived to give children a voice in southern African media included the following.

Training workshops for journalists

MISA trained print and broadcast journalists from both private and State-owned media houses in Botswana, Lesotho, Malawi, Swaziland, Zambia and Zimbabwe to increase their knowledge and understanding of child rights and how to report on these issues.

Media Monitoring

Chapter offices in Botswana, Lesotho, Malawi, Swaziland, Zambia and Zimbabwe monitored their countries' major daily and weekly news publications to study and document how the media in those countries interacts with children's issues.

Editors' meetings

MISA held local and regional meetings of editors to discuss and gain their cooperation on proposed changes to in-house editorial guidelines on reporting on children's rights and issues. It was the first time editors had come together under the project to network and share their experiences on children's reporting in their respective countries.



Children reading newspapers at Soweto Market in Katutura, Namibia.
Photo: MISA Regional Secretariat images, 2014.



The winners of the 2013 Regional Children's Reporting Award, accepting their certificates and prizes in Lusaka, Zambia. Photo: MISA Regional Secretariat images, 2013.

Children's group discussions

Group discussions were held with children between the ages of 12 and 18 years on how they feel they are currently represented in the media and what kind of spaces they would like to see created for them to voice their opinions and be heard.

Identifying mentors

MISA identified Muvi TV, in Zambia, as a mentor for other media practitioners on best practices for reporting on children's rights and issues. As their first event, the TV station hosted a tour for journalists and other media workers, demonstrating how they mainstream children's reporting in their daily work and how they involve children in generating content and in the production process.

Regional Children's Reporting Awards

In November 2013, MISA and Save the Children International announced the winners of the 2013 Regional Children's Reporting Awards, during a ceremony hosted by MISA Zambia in Lusaka.

The Zambian Minister for Information and Broadcasting Services, Mwansa Kapeya, presented the awards and used the occasion to urge media to highlight successes and positive stories about youth development, rather than presenting children as victims.

The 2013 judging panel was pleased to note an increase in the number of journalists reporting on children's successes and we hope to see even more entries in the 2014 awards and more examples of responsible and inclusive reporting on children's rights and issues throughout 2014.

The award for best Print Feature was awarded to Bobby Kabango of Malawi for his investigative piece, *Marriages keep Balaka girls out of school*, published in Malawian newspaper Nation on Sunday. The Radio Documentary award went to Malawian journalist Chikondi Mphande for her story, *Culture compromising children's right to education*. The award for Print News went to Sithembile Hlatshwayo of Swaziland, for her story, *15-year-old virgin discovers he is HIV+*, appearing in the Times of Swaziland.

The final award, in the category of Photography, went to Wallace Mawire from Zimbabwe for his photo essay titled, *Social Cohesion: integrating children living with albinism into society*.



Youth participating in Think Before You LOL media literacy and sensitisation workshop. Photo: MISA Namibia images, 2013.

Think B4 You LOL youth weekend against gender-based violence

In November 2013, MISA Namibia partnered with Child Line / Life Line and Sister Namibia (a Namibian feminist and women's rights organisation) to hold the Think Before You LOL Weekend (LOL Weekend).

The LOL Weekend was a two-day media literacy and sensitisation workshop with children and youth on the topic of gender messages in the media. The workshop was attended by 37 youth between the ages of 13 and 28, including two media representatives covering youth issues.

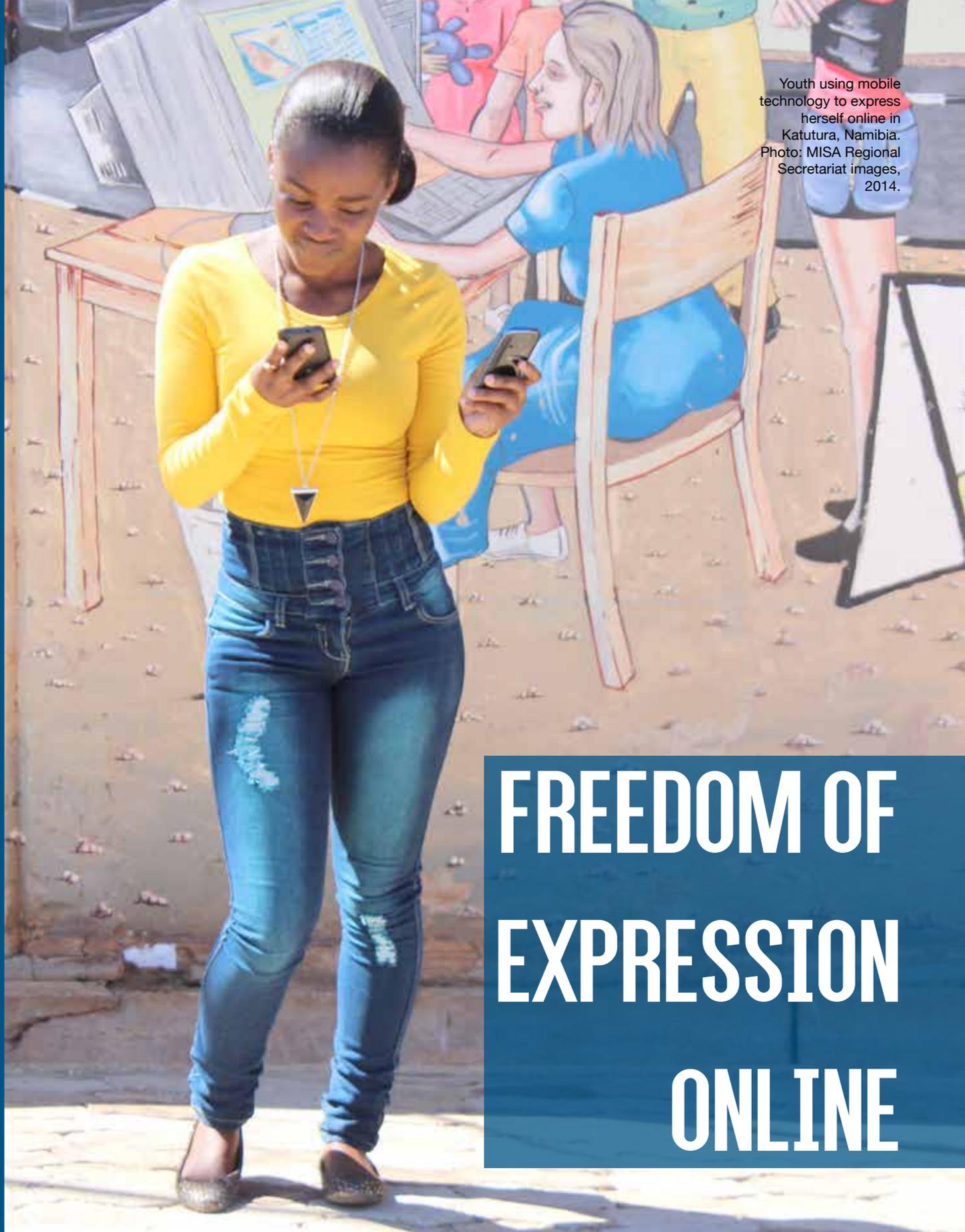
The sessions included a mixture of presentations and interactive activities and by the end of the workshop, the youth had developed key messages targeted at media houses, the public, men, women, musicians, authors and other artists about how they should represent gender issues in their work. These messages were used by MISA Namibia in public service announcements and promotional materials during the 2013 16 Days of Activism Against Gender Based Violence campaign.

As a result of the workshop, MISA and its partners established the Youth Media Action Group - a core group of youth advocates who meet to discuss gender issues in the media and develop action plans for addressing the portrayal of gender based violence in the media and the arts.



Youth recording her thoughts and reflections on the Think Before You LOL Weekend of Action Against Gender Based Violence. Photo: MISA Namibia images, 2013.

Youth using mobile technology to express herself online in Katutura, Namibia. Photo: MISA Regional Secretariat images, 2014.



FREEDOM OF EXPRESSION ONLINE

As the world becomes more connected through social media and online platforms, we are seeing an increasing need to ensure people can safely claim their right to express themselves online.

MISA works with partners in the region and across the continent to raise awareness about the need for the right to free expression to be recognised both online and offline. We strive to make the Internet accessible, affordable and available to southern Africans and to help make it a safe platform for diverse views and free expression, where human rights are respected just as they should be in the offline media environment.



Internet kiosk in Outjo, Namibia.
Photo: MISA Regional Secretariat images, 2014.

In 2013, there were many events and developments in southern Africa and around the world, which highlighted the importance of and need for privacy and safety online.

Internationally, Germany and Brazil's introduction of a draft resolution on the Right to Privacy in the Digital Age in the UN General Assembly marked a key development in the fight for recognition of privacy rights.

Across the continent, activists, civil society, media and private citizens are asking how the Internet environment can be cultivated to best meet Africa's social and economic development needs and goals and MISA is collaborating with other concerned civil society organisations to draft the African Declaration for Internet Rights and Freedoms. The declaration will define principles, which will serve as the basis for the Internet in Africa.

A key development demonstrating how governments are tightening their control on communications infrastructure in southern Africa occurred in Zimbabwe in October 2013. The Zimbabwe government introduced a law requiring citizens to register their mobile telephone SIM cards. All mobile phone subscribers are required to register their SIM cards or risk a jail term of up to six months. At registration, the law requires the service provider to obtain all identifying information about a user, including name, address and national identity or passport number.

There are greater repercussions to this and various experts, organisations and individuals have expressed concerns about State intrusion into their lives. The justification from the State is that this form of registration is a basic national security necessity.

Unfortunately, the 'national security' argument is increasingly being pushed by various countries in the region as a justification for limiting freedom of expression and media freedom. South Africa, for example, also has legislation requiring mobile subscribers to register their SIM cards and their law also allows for the interception of communications in the country.

The use of legislation to promote 'national security' is a key concern because rights such as privacy have not yet been entrenched in the minds and actions of many citizens and yet citizens across the continent are using various technological services (email, social networking, banking etc.) every day, without adequate safeguards.

From the side of the user, some of the risk factors MISA wants to address include:

- lack of knowledge by users about how their privacy may be breached;
- lack of understanding by users about the resources and tools that are available to help them protect themselves online; and

- the convenience of online services can mean issues of privacy are not considered very important.

To this end, MISA is collaborating with Privacy International to research and campaign for freedom of expression online. Through this partnership we have joined a network of global partners (researchers, human rights advocates and privacy and technology experts) from over 20 countries to:

- understand the privacy discourse and identify challenges faced in advancing the right to privacy across the globe;
- find opportunities to collaborate on research and advocacy initiatives; and
- share experiences and best practices on research, dissemination and advocacy strategies to influence policy change.

Journalists, bloggers and private citizens are increasingly using online platforms, social networks and mobile devices to express themselves on a wide range of issues. In 2013, therefore, MISA surveyed journalists, bloggers, human rights activists, academics, technology experts and students to gauge their understanding of the risks and threats they face when using digital media in their line of work.

Freedom of Expression Online Regional Dialogue and Workshop

MISA is using this research to develop simple protocols and identify the best tools for protecting themselves and their work. One of the main ways in which we did this in 2013 was through a regional dialogue on freedom of expression online, which attracted leaders in the media and information and communication technology industry in southern Africa.

Dr. Sarah Chiumbu, a media activist, researcher and lecturer at the University of Witwatersrand in Johannesburg, opened the dialogue with her keynote address on the implications of new media for freedom of expression. She posited that in this day and age, it was no longer a question of whether or not we are being watched – "I think we have come to accept it and think it is normal" – but rather, *who* is watching us?

This set the scene for a discussion on a range of more specific issues, questions and practical considerations within this broader topic, including standards and ethics in online and citizen journalism; online security and privacy; Internet regulation and governance; and managing digital transformation in newsrooms. On the second day we held a practical workshop on Internet privacy and security, familiarising participants with online publishing and security tools that can help facilitate freedom of expression in cyberspace by improving work efficiency, facilitating access to broader audiences, enabling access to blocked or banned information and enabling online anonymity and protection.



Freedom of Expression Online, Regional Dialogue and Workshop, conducted by MISA in Johannesburg in September 2013.
Photo: MISA Regional Secretariat images, 2013.

Fighting for access to information in Botswana

Freedom of expression is enshrined in Chapter 12 of Botswana's Constitution and on the surface the country seems to have a relatively free and diverse media environment. However, in practice Botswana's past and current leaders have failed to recognise the importance of freedom of expression and access to information for all citizens.

MISA Botswana experienced serious challenges rolling out its 2013 policy campaigns because the government banned all government employees from attending their events. Despite the setbacks, MISA Botswana continued to lobby for the adoption of a freedom of information law and hosted public discussions across the country in the first six months of 2013.

The Botswanan Government had agreed to table a Freedom of Information Bill in February of 2013, but the Minister of Presidential Affairs, Mokgweetsi Masisi, failed to do so, stating it would be tabled during Parliamentary proceedings in July. However, during each session of Parliament, the Office of the President kept changing its deadline. MISA Botswana has issued repeated press releases

reminding the Office of the President to fulfil its promises.

Unfortunately, to date, there has been no clear indication of any intention from Botswana's ruling party to table the Bill, or indeed evidence that such a Bill has even been drafted.

Later in 2013, the media industry was shocked when President Seretse Khama Ian Khama used the State of the Nation Address to announce plans for the Data Protection Bill, instead of the Freedom of Information Bill. This legislation will clamp down on access to information and will not protect whistle blowers.



Advocating for a national media policy

For the past 14 years, MISA Lesotho has been advocating for the adoption of a media policy that facilitates media freedom and access to information and clarifies how other existing communications and media rules should be implemented.

In 2004, for example, the Lesotho Communications Authority gazetted Broadcasting Rules, but the challenge has always been how to implement these rules.

On 1 July 2013, the Lesotho government established the Broadcasting Dispute Resolution Panel in accordance with the Communications Act of 2012. The Panel's mandate, among others, is to develop a broadcasting code to repeal the 2004 Broadcasting Rules. The draft code is undergoing a stakeholders' consultation process and is likely to be gazetted by the end of the 2014/2015 fiscal year.

While MISA Lesotho welcomes the establishment of this Panel, it is not enough.

The Panel does not cover print media in any way and there is still much more to be done to ensure the media landscape in Lesotho is conducive to free expression and the ability to access information.

The draft media policy calls for the establishment of a media council and press ombudsman and MISA

Lesotho will continue to advocate and lobby for the government to adopt this policy and pass the Receipt and Access to Information Bill of 2000.

Advocating for passage of Access to Information Law

Beginning January 2013, with assistance from the Open Society Initiative in Southern Africa (OSISA), MISA Lesotho began an intensive advocacy campaign on the passage of Access and Receipt of Information Bill of 2000. The advocacy comprised: of a multi-media public awareness campaign; meetings to sensitise strategic civil society organisations, higher learning institutions, political parties and relevant government of Lesotho ministers; a signature collection campaign; and a national seminar on access to information in Lesotho.

The campaign will roll over to 2014 and it is expected that much pressure will have been put on the government to pass the Access and Receipt of information Bill of 2000.

MALAWI

In 2013, MISA Malawi implemented a number of activities, which elevated the status of the chapter generally and specifically highlighted MISA's advocacy work on media freedom, broadcasting reform, law review, and access to information.

Major highlights for 2013 include the following:

Decriminalisation of freedom of expression campaign

An international delegation comprising the Special Rapporteur on Freedom of Expression and Access to Information in Africa Advocate Pansy Tlakula and officials from WAN-IFRA, the Southern African Litigation Centre, the University of Pretoria and MISA Regional attended the campaign launch on 5 February, 2013.

At the launch, MISA Malawi was appointed the secretariat of the campaign to decriminalise free speech in Malawi. Led by the Special Rapporteur, the international delegation met with the Principle Secretary for Information who declared that his Government had resolved to be "a government of openness, to support freedom of expression and to support the work of the media to have increased access to information in all its forms".

MISA Malawi also worked with the Southern African Litigation Centre and a number of Malawian stakeholders to draft a Bill to decriminalise free speech in Malawi.

National consultative conference on broadcasting reform

Malawi's Minister of Information opened the conference, which was funded by Open Society Initiative in Southern Africa (OSISA). Delegates at the meeting adopted a model for broadcasting reform in Malawi with a focus on transformation of the Malawi Broadcasting Corporation (MBC) from State to a Public Service Broadcaster.

Public Lecture on Role and sustainability of Community Broadcasters in Malawi

Renowned development communication scholar Dr. Linje Manyozo delivered the lecture, which looked at models for sustainable community broadcasting and how community broadcasters can help in promoting national development. Community broadcasters across Malawi attended the lecture.

The Judge Oliver Manyarara Memorial Lecture

Professor Edge Kanyongolo, former trustee of MISA, delivered the lecture on the topic: 'The role of the judiciary in establishing a societal balance between media freedom and a person's right to their reputation'.

Awarding journalistic excellence

MISA Malawi awarded over 39 journalists and media outlets for outstanding performance and dedication to the promotion and development of journalism. The awards were given out as part of the celebrations to mark the 2013 World Press Freedom Day.

Training and capacity building

MISA Malawi trained over 100 journalists in different fields including construction sector transparency and child rights reporting.

Lobbying government

MISA Malawi met with Her Excellency President Joyce Banda to lobby her government to sign the Declaration of Table Mountain.

Campaigning for access to information

MISA Malawi continues to act as the secretariat of Malawi's access to information campaign and has managed to lobby for the adoption of an access to information policy by Cabinet.

NAMIBIA

In 2013, the Republic of Namibia made history when it became the first African country to be ranked within the top 20 of Reporters Without Borders' Press Freedom Index. The number 19 spot reminded us of our contribution to development and adoption of the Windhoek Declaration by African journalists in 1991 and the United Nations' subsequent declaration that, each year, 3 May be commemorated as World Press Freedom Day.

But this is not an excuse to be complacent. Namibia may rate highly on various international democracy indicators, but a lot of work needs to be done to develop and mobilise a critical mass of critically thinking, politically active citizens. An independent, analytical and pluralistic media sector is pivotal for this to be achieved.

To do this, MISA Namibia works with a range of partners in government, civil society and the private sector.

ACTION Namibia, a coalition with the Institute of Public Policy and Research and Insight Namibia magazine, advocates for access to information to be a priority on the policy and legislative agenda, also as part of government's commitment to eradicate corruption. The coalition calls for the principles

outlined in the African Platform on Access to Information (APAI) Declaration to be domesticated in Namibia and for the repeal of apartheid-era laws such as the Protection of Information Act 1982. ACTION Namibia further calls for the promotion of regional and international best practice with regard to access to information.

In November 2013, MISA Namibia established the Youth Media Action Group (YMAG), after a THINK B4 U LOL Youth Retreat, with a focus on gender-based violence and the media, through the support of the National Commission for UNESCO and Save the Children International. MISA Namibia is also a partner in the regional Children and the Media Project, which aims to use media produced by children as an advocacy tool to trigger discussion, raise awareness on children's issues and rights, and influence the way in which the media portray and report on children.

As a member of the Namibia 16 Days of Activism Against Gender Based Violence Coalition, MISA Namibia implemented a successful campaign in 2013, and since February formed part of the Namibia Orange Day Coalition, which stages events to raise awareness on GBV on the 25th of every month.



MISA Namibia National Director, Natasha Tibinyane with the participants and facilitators of the Think Before You LOL Weekend of Action Against Gender Based Violence. Photo: MISA Namibia images, 2013.

In Swaziland, 2013 saw the continued criminalisation of freedom of expression.

In April 2013, Swaziland Independent Publishers and The Nation magazine editor Bheki Makhubu was convicted of ‘scandalising the court’ and slapped with a hefty fine. At the time of writing this report, in 2014, Bheki has just been convicted of contempt of court, along with human rights lawyer Thulani Maseko, for writing articles criticising the Swazi judiciary. The pair were sentenced to two years in prison, without the option of a fine, in what has been labelled the harshest sentence ever passed for contempt of court in Swaziland.

MISA Swaziland works tirelessly to improve the country’s media environment through activities including the following:

Mobilising media and citizens to advocate for media freedom

On World Press Freedom Day 2013, MISA Swaziland led a protest march of print journalists, civil society groups and activists to deliver petitions to the Ministry of Information, Communication and Technology and the Ministry of Justice and Constitutional Affairs calling for an end to media freedom violations and the repeal of 32 restrictive media laws. The protesters brought to light media freedom violations in the country and as a result, King Mswati III and Prime Minister Sibusiso Barnabas Dlamini addressed for the first time the freedom of expression issues in public.

Building capacity and skills

MISA Swaziland conducted a number of skill-building activities in 2013, including:

- Supported by the American Embassy, MISA Swaziland organised a training workshop on developing a media strategy for the civil society publicists in the country. Eighteen public relations officers, drawn from political parties,

faith-based organisations, youth organisations and trade unions, participated in a two-day workshop covering media relations and media strategy. Participants were sensitized about the importance of communicating effectively to the media and packaging their messages for different media.

- MISA Swaziland, in collaboration with the Cooperation for the Development of Emerging Countries (COSPE) programme, trained 14 journalists on the SADC Guidelines on Media Coverage of Elections.
- As part of the Save the Children-MISA media project, MISA Swaziland trained nine journalists in a similar way for the MISA-COSPE project. The training was mostly practical and guided journalists through holding discussions with young people and capturing their voices in articles. The journalists found this method of practical learning worthwhile, and the children involved in the youth discussions were also empowered.

Promoting community Broadcasting

Working closely with UNESCO Windhoek Office and six communities interested in community broadcasting, MISA Swaziland launched the Swaziland Community Radio Network in July 2013. Its mandate is to lobby parliamentarians to pass a law allowing the communities to be issued with community broadcasting licenses.

Launching the Media Complaints Commission

In April, the Media Complaints Commission (MCC) became operational with the appointment of the Ombudsman, Jabu Matsebula. Both owners of the national newspapers, Times of Swaziland and Swazi Observer agreed on the choice of the ombudsman and to pay the running cost of the Ombudsman Office.

The state of media freedom in Tanzania was not looking good in early 2013 when a journalist was found dead in a forest in January and a senior editor, Absalom Kibanda, was attacked just outside his Dar-es-Salaam home in March. Kibanda subsequently lost his left eye and sustained several other injuries.

2013, however, also saw the drafting of a new Constitution for Tanzania, including two laws media stakeholders believe are necessary to improve freedom of expression in the country. The media and right to information laws have been treated separately in the new draft Constitution and this is seen as a significant step towards more media freedom and an open society.

However, despite the President signing the Open Government Partnership initiative in 2011, efforts to establish an access to information law have moved at a snail’s pace, thus denying the people their constitutional right to information.

MISA Tanzania, as part of a national coalition of like-minded organisations, visited Parliament in 2013 to express their concerns on a number of restrictive sections in the government’s proposed Media Services Bill.

Some other activities MISA Tanzania led in 2013 to mobilise the media to advocate for media freedom and build media capacity and skills include:

- A needs assessment report on Internet training for journalists and conducted training sessions in July and August.
- Collaborating with the Canadian High Commission in Tanzania to run training course on *The Role of Journalists in Promoting Good Governance and Accountability* in July 2013.

President Kikwete visits journalist, Absalom Kibanda at hospital after he was attacked by unknown assailants. MISA Tanzania images, 2013

Senior Tanzanian editor loses eye in brutal assault

On the evening of Tuesday 5 March 2013, Absalom Kibanda, Chairperson of the Tanzania Editors Forum and Editor-in-Chief at New Habari Corporation was attacked by unknown assailants at the gate in front of his Dar-es-Salaam home as he returned from work.

Tanzanian media reported that three people wielding guns approached Kibanda saying, “kill him” and dragged him from his car before physically assaulting him and leaving him unconscious, with his left eye seriously wounded.

Sources told MISA the attackers plucked out some of Kibanda’s teeth and nails and pierced his left eye with a sharp object. He suffered multiple head injuries, apparently from heavy blows. After receiving treatment in Tanzania and South Africa, Kibanda ultimately lost his left eye.

The Minister of Health and Social Welfare, Dr. Hussein Mwinyi, described the attack on the editor as “appalling” and police in Dar-es-Salaam formed a nine-person team to investigate the assault.

It is believed the attack was a result of Kibanda’s work, as the attackers did not steal anything or attempt to enter his house.

Kibanda had been scheduled to appear before the Kisumu Resident Magistrate’s Court on Wednesday, 6 March 2013, facing charges of sedition in relation to a feature article that appeared in former newspaper, *Tanzania Daima*, during the time he was Managing Editor of the paper. After the attack, proceedings were adjourned to 26 March 2013.



In 2013, MISA Zambia had a number of successes in furthering their campaign for broadcasting diversity. This included lobbying government to make the Independent Broadcasting Authority (IBA) operational – this is intended to usher in an independent regulatory body. A Director General was appointed on 26 June 2013 to oversee the operations.

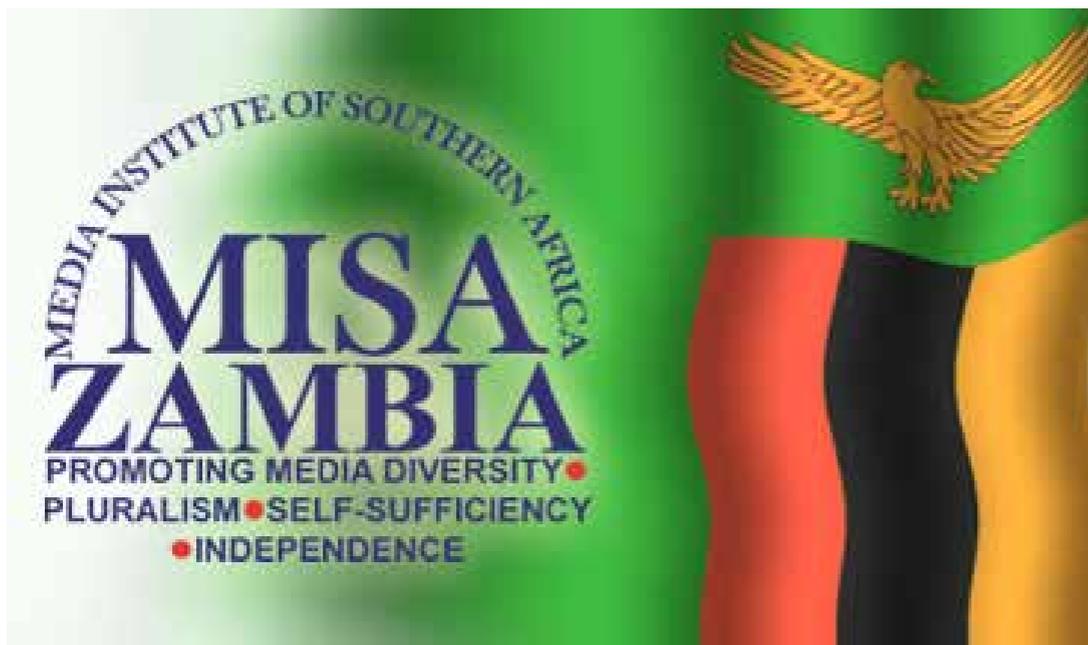
Other positive developments included the adoption of the amended Zambia Media Council (ZAMEC) constitution, the appointment of its board and the orientation of the board and handover of power by the loose media association alliance to the ZAMEC NGC. MISA Zambia made successful submissions to the Draft Digital Migration Policy, Draft Media and Information Policy and the Draft 2013 Zambia National Broadcasting Corporation (ZNBC) editorial policy.

The story on access to information in Zambia is not so bright. The process to enact legislation stalled on two separate occasions in the first six months of 2013, despite promises from the ruling party to table the long awaited Access to Information Bill in Parliament. Despite delays in the enactment of an ATI law, ATI articles for Zambia's new draft

Constitution were adopted by the National Constitutional Convention, held in April 2013 and attended by the MISA Zambia Chairperson.

MISA Zambia successfully hosted its 11th MISA Zambia Annual Media Awards on 26 April 2013, which attracted over 250 guests.

On 17 April 2013, MISA Zambia participated in the launch of the Lukulu FM Community Radio Station. The station is a collaboration between Diakonia, the Council of Churches in Zambia, the Foundation for Democratic Process (FODEP), MISA Zambia, the Southern African Centre for Constructive Resolution of Disputes (SACCORD) and the Zambia National Women's Lobby (ZNWL). It also falls under the project *Building Democratic Culture in rural communities*, which is funded by the European Union and Sweden.



World Press Freedom Day march, held by MISA Zimbabwe on 3 May 2013. Photo: MISA Zimbabwe images, 2013.

MISA Zimbabwe's 2013 programme was largely influenced and informed by the endorsement of the Draft Constitution by the Zimbabwean Parliament following the majority 'Yes Vote' in the referendum held on 16 March 2013, and the subsequent signing of the draft into law by President Robert Mugabe.

The Chapter intensified its calls for the repeal of laws that impinge on media freedom, freedom of expression and citizens' right to access to information in line with the Constitution. Some of MISA Zimbabwe's activities around this included the following.

Calling for better legislation

MISA Zimbabwe produced fact sheets on regional and international instruments on citizens' right to freedom of expression and access to information as a lobby tool for the repeal of the Access to Information and Protection of Privacy Act and other offending laws. The Chapter continued to educate citizens on their right to access to information, holding regular meetings across the country.

Supporting community broadcasters

During the period under review, MISA Zimbabwe assisted community radio stations to produce pre-recorded community radio broadcasts to build their capacity and advance the campaign for licensing community radio stations in Zimbabwe. MISA Zimbabwe noted a marked improvement in the overall production of the programmes from the selection of topics, structuring of the programmes and how discussions and interviews were handled.

Media ethics workshop

On 22 June 2013, MISA Zimbabwe held a media ethics workshop focusing on how journalists should report and cover the national elections scheduled for 31 July 2013.

The workshop was facilitated by veteran journalist and editor of the Zimbabwe Independent Dumisani Muleya. Thirty-three people from various media organisations across Zimbabwe attended the workshops, which focused on developing skills and knowledge on how to report on elections in a way that fosters democracy. It was recognised that media play an important role in information dissemination, and as such journalists should understand the environment in which they operate, the legislation and regional and international benchmarks on election coverage. Journalists were acquainted with the SADC Guidelines on Media Coverage of Elections as well as safety and security tips.

Annual Media Freedom Awards

On 29 June 2013, MISA Zimbabwe awarded its 2013 Media Freedom Award to John Masuku, a veteran journalist with Radio Voice of the People (VoP). The radio station was bombed in 2002 and its perpetrators are yet to be brought to justice.

The award was given to Masuku in recognition of his immense contribution to the struggle for media freedom, access to information and freedom of expression.

FINANCIAL REPORTS

Statement of Financial Position

		2013		2012	
		N\$	US\$	N\$	US\$
ASSETS					
Non Current Assets					
Property, plan and equipment	2	4,684,046	445,921	4,655,271	557,236
		<u>4,684,046</u>	<u>445,921</u>	<u>4,655,271</u>	<u>557,236</u>
Current Assets					
Accounts Receivable	3	69,738	6,639	92,130	11,028
Cash and Cash Equivalents	4	1,115,411	106,187	5,352,547	640,700
		<u>1,185,149</u>	<u>112,826</u>	<u>5,444,677</u>	<u>651,728</u>
Total Assets		<u>5,869,195</u>	<u>558,747</u>	<u>10,099,947</u>	<u>1,208,964</u>
EQUITY AND LIABILITIES					
Funds and Reserves					
Retained Gain / (Loss)		272,792	25,970	(803,819)	(96,217)
Capital Reserves	5	4,143,039	394,417	4,143,039	495,922
		<u>4,415,831</u>	<u>420,387</u>	<u>3,339,220</u>	<u>399,705</u>
Non Current Liabilities					
Deferred Revenue	6	843,454	80,297	4,793,984	573,840
		<u>843,454</u>	<u>80,297</u>	<u>4,793,984</u>	<u>573,840</u>
Current Liabilities					
Bank Overdraft	4	47,004	4,474	13,988	1,674
Accounts Payable	7	2,751	262	1,049,695	125,648
Provisions	8	560,155	53,327	903,060	108,096
		<u>609,910</u>	<u>58,063</u>	<u>1,966,743</u>	<u>235,419</u>
Total Equity and Liabilities		<u>5,869,195</u>	<u>558,747</u>	<u>10,099,947</u>	<u>1,208,964</u>

Statement of Comprehensive Income

		2013		2012	
		N\$	US\$	N\$	US\$
INCOME					
Basket Funding	9	13,174,046	1,371,418	12,753,160	1,465,338
Other Grants	9	4,434,710	461,653	1,842,811	211,739
Finance Income	9	4,542	473	3,679	423
Other Income		100,549	10,467	1,286,289	147,795
Total Income		<u>17,713,847</u>	<u>1,844,011</u>	<u>15,885,938</u>	<u>1,825,294</u>
EXPENDITURE					
Accommodation & Per Diems		1,950,700	203,068	696,209	79,994
Advertising		92,569	9,636	34,573	3,972
Audit Fess		111,600	11,618	172,060	19,770
Children and the Media		45,750	4,763	-	-
Computer Expenses		100,073	10,418	188,246	21,630
Conference / Workshops and Seminars		283,845	29,548	109,538	12,586
Consulting Fees		659,496	68,653	432,584	49,704
Depreciation		41,085	4,277	36,883	4,238
Distribution / Freights & Postage		108,343	11,279	133,550	15,345
Grant Fund Un-utilise		-	-	238,487	27,402
Insurance		48,115	5,009	50,171	5,765
Interest Paid		91,728	9,549	87,588	10,064
Motor Vehicle Running Expenses		11,131	1,159	18,833	2,164
Office Running Expenses		153,414	15,970	158,547	18,217
Printing & Stationery		175,305	18,249	206,758	23,756
Right to Information Campaign		20,596	2,144	-	-
Staff Costs		4,005,913	417,016	3,741,942	429,949
Scholarships and Attachments		12,569	1,308	30,295	3,481
Security		22,844	2,378	18,185	2,089
Subscription / Membership Fees		40,666	4,233	185,562	21,321
Telephone, Fax and Internet		195,148	20,315	196,341	22,560
TFB & RGC Boardsitting Allowance		52,683	5,484	18,950	2,177
Travel		1,540,504	160,366	663,553	76,242
Water & Electricity		68,208	7,100	61,315	7,045
MISA Angola		-	-	-	-
MISA Botswana		970,085	100,986	950,449	109,207
MISA Lesotho		1,051,074	109,417	1,029,203	118,255
MISA Malawi		666,616	69,395	838,930	96,393
MISA Mozambique		-	-	-	-
MISA Namibia		315,397	32,833	469,289	53,921
MISA South Africa		-	-	-	-
MISA Swaziland		715,558	74,490	916,350	105,289
MISA Tanzania		971,970	101,182	1,074,187	123,424
MISA Zambia		798,090	83,081	674,235	77,470
MISA Zimbabwe		1,316,161	137,012	1,416,412	162,746
Total Expenditure		<u>16,637,236</u>	<u>1,731,936</u>	<u>14,849,225</u>	<u>1,706,176</u>
Surplus for the year		<u>1,076,611</u>	<u>112,075</u>	<u>1,036,713</u>	<u>119,118</u>



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Report of the Independent Auditors

To the trustee's of Media Institute of Southern Africa

We have audited the accompanying annual financial statements of Media Institute of Southern Africa, which comprise the statement of financial position as at 31 December 2013, the statement of comprehensive income, the statement of changes in equity, the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 6 to 18.

Trustee's Responsibility for the Financial Statements

Trustees are responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards for Small and Medium-sized Entities, and in the manner required by the trust deed. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of annual financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the annual financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the trustees, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis for Qualified Opinion

In common with similar organization, it is not feasible for the Trust to institute accounting control over receipts from donated funds, prior to the entry of the receipt in the accounting records. Accordingly, for grants received from sources other than those disclosed in note 9 on page 17, it was impracticable for us to extend our examination beyond the receipts actually recorded.

The trust currently owes the Receiver of Revenue interest to the amount of N\$ 823,576.98 for late payment of Pay As You Earn (PAYE) a withholding tax on income payments to employees. The trust has applied for a waiver of interest which has not been granted and remains liable for the payment of the interest. The above amounts have not been disclosed in the annual financial statements as at 31 December 2013. Consequently we were unable to satisfy ourselves as to the completeness of the PAYE liability and the related financial statement areas.

Opinion

In our opinion, except for the possible effects of the manner described in the Basis for Qualified Opinion paragraph, the annual financial statements present fairly, in all material respects, the financial position of Media Institute of Southern Africa, as at 31 December 2013, and its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards for Small and Medium-sized Entities, and in the manner required by the trust deed.

Emphasis of matter

Basket funding

Without further qualifying our opinion above, we draw attention to note 3 in the trustees' report, which indicate that the basket funding of SPPIII expired on 31 December 2013. The trustees' report also indicates that the ability to maintain the current scale of operations is dependent on the success of the SPPIV funding negotiations, which is currently in progress, with the basket funders. This condition indicate the existence of a material uncertainty which may cast significant doubt on the trust's ability to continue as a going concern.

Supplementary Information

We draw your attention to the fact that the supplementary information set out on pages 19 to 22 does not form part of the annual financial statements and is presented as additional information. We have not audited this information and accordingly do not express an opinion thereon.



BDO
 Registered Accountants and Auditors
 Chartered Accountants (Namibia)

25 March 2014
 Windhoek

Per: M Nel
 Partner

Media Institute of Southern Africa

(Registration number T75/94)

Annual Financial Statements for the year ended 31 December 2013

Trustees's Report

The trustees submit their report for the period ended 31 December 2013.

1. Incorporation

The trust was incorporated on 12 October 1994.

2. Review of activities

Main business and operations

The trust is engaged in advocating for media freedom and freedom of expression in Southern Africa through various initiatives.

The operating results and state of affairs of the trust are fully set out in the attached annual financial statements and do not in our opinion require any further comment.

The surplus for the year was NS1,076,611 (2012: NS1,036,713).

3. Going concern

The trust basket funding referred to note 9 of these annual financial statements expired on 31 December

The annual financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

The going concern of the trust is dependent upon the success of the SPPIV funding negotiations, which are currently in progress, with the basket funders. There are however no indications that the SPPIV funding will not be successful given the history that the basket funders have been funding the trust for the past 20 years.

4. Events after the reporting period

The trustees are currently engaged in negotiations with donors in order to secure basket funding for the SPPIV project.

5. Trustees

The trustees of the trust during the 12 months and to the date of this report are as follows:

Name	Nationality
L Dube	Zimbabwe
L Khumalo - Matse	Swaziland
M Daka	Zambia
L Segaletsho	Botswana
N Rangana	South Africa
L Chipare	Zimbabwe
T Chibwana	Malawi

Media Institute of Southern Africa

(Registration number T75/94)

Annual Financial Statements for the year ended 31 December 2013

Trustees's Report

6. Secretary

The secretary to the trust is Zoe Titus.

7. Auditors

BDO will continue in office in accordance with the trust deed.

MISA REGIONAL GOVERNING COUNCIL

Modise Maphanyane
Chairperson
MISA Botswana

Alexandre Neto Solombe
Chairperson
MISA Angola

Alec Lushaba
Chairperson
MISA Swaziland

Mohammed Tibanyendera
Chairperson
MISA Tanzania

Fernando Gonçalves
Chairperson
MISA Mozambique

Helen Mwale
Chairperson
MISA Zambia

Linda Baumann
Chairperson
MISA Namibia

Tsiu Tsiu
Chairperson
MISA Lesotho

Raymond Louw
Chairperson
MISA South Africa

Kumbirai Mafunda
Chairperson
MISA Zimbabwe

Anthony Kasunda
Chairperson
MISA Malawi

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