



# Zimbabwe

National Overview 2015  
by MISA Zimbabwe

**T**owards the end of 2014, factional fights spawned by Zanu-PF intra-party contestations to succeed President Mugabe, resulted in the ejection of former Vice President Joice Mujuru

from government and eventually the party. This was followed by dismissals and suspensions of her perceived loyalists and included senior party officials and Ministers. This factional war spilled into 2015 and eventually gave birth to two distinct and bitterly-opposed camps – whpd pthe President continuously works hard on containing.

The factionalism, coupled with an ailing economy that witnessed massive company closures, staff retrenchment, salary cuts, and reduced working hours across all sectors also filtered down to the media. The operations of the media were affected by a shrinking advertising market and discriminating consumers, posing serious viability and sustainability challenges for media houses. Media houses cut down on staff, froze salaries and streamlined their operations. This led to a decline in media diversity, increased self-censorship, and deterioration in the independence and quality of reporting.

Slow progress in media reforms also characterised 2015.

Despite adoption of a progressive Constitution in 2013 that guarantees media freedom and freedom of expression and the launch of the country's Media Panel of Inquiry recommending the reform of oppressive laws, the country has not seen any meaningful shifts in the country's legislation or policies.

For instance Sections 60, 61 and 62 of Zimbabwe's constitution guarantee the rights to propagate one's thoughts, media freedom, freedom of expression and access to information. However, most statutes relating to unhindered enjoyment of these liberties have remained intact. Other laws such as the Official Secrets Act, the Criminal Law (Codification and Reform) Act (CODE), as well as the Defence and Police Acts, restrict the dissemination of information on the pretext of protecting public security. All this militates against the spirit and letter of the new constitution.

The beacon of hope for the media sector was the scrapping of criminal from the statute books by the Constitutional Court.

## FREEDOM OF EXPRESSION

### Media Reforms

On 18 March 2015, Media Panel of Inquiry (IMPI) officially released its report on Zimbabwe's information and media sector. Launched by the then Media and Broadcasting Services, Minister Jonathan Moyo, in December 2013, the 25 member panel went around the country in a 666-page report which included recommendations that government review misaligned legislation and at the same time recommended the repeal of laws such as the Access to Information and Protection of Privacy Act (AIPPA), Criminal Law (Codification and Reform) Act (CODE), Broadcasting Services Act (BSA), Censorship and Entertainment Controls Act (CECA), Official Secrets Act (OSA) and Copyright and Neighbouring Rights Act.

"The orientation of laws affecting the information sector has been one of control, and not one of viewing this sector anew, as a growth pole in the national

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economy. Legally, the information revolution has thrown up new issues to do with growth promotion, regulation, standards and protection of society from negative, harmful material,” noted the report.

“The main recommendation is the need for review of existing media laws in line with the Constitution, including media regulation and removal off all penal measures and criminalisation.”

However, the enthusiasm to implement the findings seemed to have been lost with the reassignment of Professor Jonathan Moyo to the Ministry of Higher Education from that of Media, Information and Broadcasting Services where he was spearheading the IMPI process.

## **Economic Impact on Media**

The environment for freedom of expression and media was greatly affected by the declining economy.

Vigorous and various attempts to attract foreign investors continued to fall flat, due in part to the Indigenisation Act which compels foreign companies to cede 51% shareholding to locals and is a clause that most investors find constraining.

Another major burden for the business sector, was the effect of perennial water and electricity shortages, which according to a Confederation of Zimbabwe Industries (CZI) survey, reduced capacity utilisation in the manufacturing sector from 34.3% from 36.5%.

All these problems were topped by the exposure of malfeasance and mismanagement in public institutions by Auditor-General Mildred Chiuri during her tabled report to Parliament. Her 2015 report noted that among many other

anomalies, bad corporate governance and mismanagement had led to the loss of US\$180 million in public funds which could not be properly accounted for.



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This harsh economic situation affected the media in terms of content and ethics as the industry was driven solely by the bottom line mantra.

Sensational and superficial stories became the order of day as newspapers

tried to increase sales amidst dwindling readership. The cost-cutting measures adopted by media companies, led to slashing of salaries creating a fertile ground for “brown envelope” journalism. In contexts where journalists have low salaries and fear losing their jobs, ethical reporting can be perceived as a lesser priority than making money and complying with ethical journalism. Journalists therefore solicited bribes from different sectors of society in a number of different ways and some became lackeys of certain politicians, religious leaders, musicians and organisations for financial gain.

The worsening economic environment also posed serious viability and sustainability challenges to newspaper companies as evidenced by the closure of the privately owned *Southern Eye*, *The Zimbabwe Mail*, *The Flame* and *New Zimbabwean*. There was also downsizing of staff which worsened in the wake of a Supreme Court ruling allowing employers to give workers three months termination notices.

The quality of reporting and journalism ethics predictably degenerated in this environment as journalists have concentrated on economic survival and self-preservation in the midst of political polarisation and factionalism.

## JOURNALISTS SAFETY

While cases pertaining to media freedom violations had been on a steady decline with 22 cases recorded in 2014 compared to 28 the previous year, the cases shot to 25 violations in 2015.

This speaks volumes on the lack of willingness to embrace and practice constitutionalism on the part of senior government and Zanu PF officials and other non-state actors. The violations which

were mainly in the form of threats and unlawful arrests, came in the wake of Zanu PF factional fights. The private media came under heavy censure for highlighting the rifts within Zanu PF. The threats were ominous in that they came from President Mugabe, his wife, Grace, and the Permanent Secretary for Media, Information and Broadcasting Services, George Charamba.

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There were a large number of cases involved the unlawful arrests or assaults by the police of journalists conducting their lawful professional duties. Some of the cases involved the arrest of *The Sunday Mail* journalists and the detention of Mutare journalists, Sydney Saize, Bernard Chiketo and Kenneth Nyangani in Rusape.

Journalists Obey Manayiti, Reagan Mashavave and Pindai Dube were also detained, threatened and released without charges by the police on 8 August

## BROADCASTING

### **More radio stations amidst a constricted broadcasting sector**

2015 while covering a demonstration in Harare by the Zimbabwe Congress of Trade Unions (ZCTU) against job losses. Photojournalist Crispin Ndlovu, was also assaulted by the police in Bulawayo in July 2015. James Mwaya of Bindura was in September 2015 charged with contravening Section 33 of the Criminal law (Codification and Reform) Act for allegedly insulting or undermining the President.

Journalist Patrick Chitongo was convicted and sentenced for a slightly different reason - publishing unregistered newspapers in breach of the stringent registration requirements under AIPPA. He was sentenced to an effective eight months imprisonment following suspension of four months of the sentence on condition that he does not commit a similar offence in the next five years.

While media violations have generally been attributed to state actors, political actors and security personnel, there was a worrying if not unprecedented development involving the private sector.

On 26 March 2015 Steward Bank and mobile phone operator, Econet Wireless, raided the offices of The Source news agency in Harare. The Sheriff and the Police searched and seized documents from The Source news agency in execution of a High Court order granted by Justice Musakwa. This followed allegations by Steward Bank and Econet Wireless that the publication of two stories titled: Steward Bank seeks land to settle 2.1 million Chiyangwa loan and Debt distressed Zimbabwe moves to re-schedule domestic debt, were premised on illegally obtained documents.

The broadcasting sector largely remained constricted despite the licensing of eight urban-based commercial radio stations by the Broadcasting Authority of Zimbabwe (BAZ) in March 2015.

While this development can easily be perceived as marking the decentralisation of broadcasting, reality is that the new licenses amounted to the expansion of the media which is directly under state control and associated with the ruling elite.

The licenses were issued to five successful companies notably AB Communications, which will broadcast as Gogogoi FM in Masvingo and Faya FM in Gweru, Kingstons, which will broadcast as Nyaminyami FM in Kariba and KE100.4 in Harare.

Fairtalk Communications, which will broadcast as Skyz Metro FM in Bulawayo and Breeze FM in Victoria Falls. Zimpapers's Diamond FM in Mutare and Ray of Hope, which will broadcast as YA FM in Zvishavane, were also granted licenses.

Only YA FM had started broadcasting (as of December 2015), amid reports that the station which went on air in the mining town of Zvishavane in October, was struggling to stay afloat due to the harsh economic environment.

The majority shares in AB Communications are held by Minister of Information Communication Technologies and Courier Services Supa Mandiwanzira's family trust, while Zimpapers and Kingstons are under state control. Zimpapers and AB Communications already own two

commercial national radio stations Star FM and ZIFM respectively.

The concentration of ownership of broadcast services by the state and those linked to the governing party betrays the authorities' drive to dominate and monopolise the broadcast media space under the guise of private ownership.

Apart from exposing the liberalisation of the airwaves as a charade, the monopolisation of ownership severely compromises Zimbabweans' right to freely express themselves and access information through independent and diverse media platforms. The application fees which amount to \$10 000 inclusive of the initial \$2 500 application fee are prohibitively exorbitant resulting in elitist ownership of the broadcasting sector. For instance, application fees in South Africa are pegged at R3 000 which is less than \$300 and shockingly 3 233% cheaper.

This situation calls for the complete overhaul of the country's broadcasting regulatory and licensing regime to ensure that citizens' constitutionally guaranteed right to establish broadcast services is not hindered by undue restrictions and allow for a genuinely diverse and democratic broadcasting sector.

### **Still no public broadcaster on the horizon**

There was no movement towards transforming the Zimbabwe Broadcasting Corporation (ZBC) into a truly independent public broadcaster. This is despite the fact that Section 61 of the Constitution which guarantees freedom of expression and freedom of the media, sub-section 3 (b), states that broadcasting and other electronic media of communication should be independent of

control by government or by political or commercial interests.

The need for the transformation of ZBC to ensure equal and equitable access by political parties and the generality of Zimbabweans despite their political affiliations, cannot be wished away. This is also buttressed in the findings and recommendations of the government-sanctioned Information and Media Panel of Inquiry (IMPI).

The appointment of an independent ZBC board answerable to Parliament is now of imperative urgency given the new constitutional dispensation as it will go a long in securing the editorial and programming independence of ZBC through a binding Editorial Charter to foster accountability on its envisaged public service mandate.

### **Attainment of community radio remains a dream**

The country maintained its unenviable record of failing to license community radio stations, 14 odd years after the enactment of BSA, which provides for community radios. In its meeting with the ministry of information officials in October 2015, MISA-Zimbabwe was told that the licensing of community radios will only start after the completion of digitisation. And with government failing to meet its own deadlines to complete the process, the licensing of community radios is unlikely to be done in the first half of 2016.

Even if the licenses were to be issued, there is doubt that the process will be insulated from government manipulation and control to ensure only those communities deemed to be supportive of the ruling elite get the licenses. These doubts are predicated on repeated government pronouncements betraying

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their partisan and narrow perspective on what constitute a community radio and how they should be regulated, structured and operated.

## **Broadcasting Digital Migration – near yet so far**

After missing the 17 June 2015 International Telecommunications Union’s deadline for migration from analogue to digital broadcasting, Zimbabwe says it is now on course to meet the Southern Africa Development Community (SADC) June 2016 deadline.

While there was significant coverage and updates on progress post the June 2015 deadline, there is still need for public awareness campaigns on the process and its implications on ordinary Zimbabweans.

Information relating to the process remains confined and only accessible to a select section of the Zimbabwean society. There is need for a wider and much more structured public awareness campaign that uses people-centric platforms to ensure that citizens know what exactly will be at stake including the benefits of digital migration.

broadcast media, communication by the citizenry and the general monetary transactions in the country.

Significant strides were taken by the mainstream media to harness, particularly social media and mobile applications in enhancing the citizenry’s access to and participation in the production content.

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## **FREEDOM OF EXPRESSION ONLINE**

### **Increase in internet and mobile access**

The Postal and Telecommunications Authority of Zimbabwe (POTRAZ) noted an increase in the number of active mobile subscribers, which grew by 0.5% to reach 11.9 million from 11.8 million subscribers recorded in the previous year.

As a result, mobile and internet access in the country continued to change the face of both the mainstream print and

The Zimpapers and Africa Media Holdings groups used mobile technology in the distribution of their content on the SMS platforms with the country’s three Mobile Network Operators (MNO’s) Econet, Telecel and Netone, until about June 2015, when Econet subscribers stopped receiving the Zimpapers Mobile News. The SMS platforms continue to bring in significant revenue for the newspaper groups with a charge of 88 cents and 80 cents, respectively. Social media applications Facebook, Whatsapp and Twitter continue to be platforms of choice for many Zimbabweans

to interact socially and for more critical conversations.

On the broadcasting front, national commercial radio station, *Star FM*, in October launched its mobile application allowing functionalities of live streaming, play or pause, of their live broadcasts.

### **Threats to free expression online**

While legal and, in some instances, extra-legal hindrances continue to hinder freedom of expression and access to information, especially through the traditional means of communication, the internet has remained a relatively freer space for information diffusion, dialogue and debate, providing an opportunity for Zimbabweans to participate in that space. Their participation is reflected in various newspaper websites, online news agencies and various social media platforms on which Zimbabweans robustly debate issues and propagate their views however critical of the state.

However, the internet is not completely secure since laws that are used to regulate and control expression offline can still be used to regulate online activity. This was the situation in the case of councillor for the opposition political party, the MDC-T, Nduna Matshazi who was arrested in October for allegedly posting a derogatory message on a Whatsapp chat group insulting President Mugabe. The councillor was later suspended.

The government worked on bills to control cyberspace, notably the Data Protection Bill, Electronic Transaction and Electronic Commerce Bill and the Computer Crime and Cyber Crime Bills. The proposed legislative measures would give government greater control of cyberspace.

The Electronic Transaction and Electronic Commerce Bill intends to promote legal certainty and enforce ability to electronic transactions and electronic commerce. It also aims to grant legal recognition to electronic communications and writing and would also provide for the legal effect of electronic signatures as well as secure electronic signatures.

The Data Protection Bill will govern the processing of personal information by private and public bodies to prevent unauthorised and arbitrary use, collection, processing, transmission and storage of data of identifiable persons.

The Computer Crime and Cyber Crime Bills, if passed, will allow government to remotely install forensic spying tools onto citizens' communication devices. A remote forensic tool is defined in the draft Bill as an "investigative tool, including software or hardware installed on or in relation to a computer system or part of a computer system and used to perform tasks that include, but are not limited to keystroke logging or transmission of an IP address".



# Zimbabwe 2015 violations & victories



## 4 February

Blessed Mhlanga, *NewsDay* reporter, Jackie Gwemende and Dzikamai Mandzvidza -Zimbabwe Broadcasting Corporation reporters and Munyaradzi Musiyiwa, *The Herald*. Reverend Tititi Moyo leader of the Christ Apostolic Worldwide Revelation assaulted the four journalists from both the private and public media in the Midlands town of Kwekwe accusing them of taking pictures without permission.



## 5 February

The Minister of Information, Broadcasting Services and Media Professor Jonathan Moyo threatened that the government would in future confiscate photographers' cameras if an unfortunate incident like the fall of the President occurs. Journalists covering the arrival of President Robert Mugabe from the African Union Summit in Ethiopia were forced to delete pictures they had taken as he fell at Harare International Airport.



## 13 February

Darius Mutamba, *Daily News* photojournalist was barred from taking pictures of First Lady, Grace Mugabe's welcome function when she arrived at Harare International Airport from the Far East.



## 15 February

Winstone Antonio, *Newsday* reporter was threatened with death by Rockland College's principal director McDonald Makondesa when he asked for comment on allegations that the Zimbabwe



School Examinations Council (ZIMSEC) was withholding the college's Ordinary Level geography results.



## 5 March

Econet Wireless and Steward Bank through its lawyers, the Sheriff and police, searched and seized documents from *The Source* news agency in execution of a High Court order granted by Justice Musakwa. The order was dated 20 March 2015.



## 26 March

Owen Maseko, Bulawayo-based visual artist was issued with a Supreme Court order to pull down his controversial exhibition depicting the 1980s Matabeleland Gukurahundi army massacres.



## 9 April

The Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) cancelled Telecel Zimbabwe's licence following the mobile phone operator's failure to renew its operating licence. In a statement, POTRAZ said it had given Telecel 30-days to wind down its operations and another 60 days to decommission its equipment.



## 7 May

Freelance journalists Phillimon Jambaya and Edgar Gweshe were assaulted by Chitungwiza municipal police while covering a demonstration led by Chitungwiza Residents Trust. The beatings occurred as the municipal police tried to block the journalists from taking pictures of the demonstrations.

# Zimbabwe 2015 violations & victories



**21 May**

Willie Mponda, editor of *The Sun* weekly newspaper in Gweru was threatened with death by the secretary-general of Gweru City Council workers committee, Frank Muzorera and banned from attending council meeting.



**28 May**

The Minister of Media, Information and Broadcasting Services Professor Jonathan Moyo threatened to use legal instruments to force journalists to observe ethical practices. This followed publication of a story by *Newsday* on 25 May 2015 alleging President Robert Mugabe owed businessperson Ray Kaukonde \$30 million.



**15 June**

Wilson Maposa, radio producer with Wezhira Community Radio Initiative in Masvingo was questioned by police over suspicion that the initiative owned broadcasting equipment. According to the Broadcasting Services Act (BSA), it is illegal to broadcast without a licence issued by the Broadcasting Authority of Zimbabwe.



**23 June**

Freelance journalist Patrick Chitungo was convicted and sentenced to an effective eight months imprisonment for contravening Section 72 (1) of the Access to Information and Protection of Privacy Act (AIPPA) by operating *The Southern Mirror*, (a newspaper) without a registration certificate.



**29 June**

Two policemen from Masvingo Central police station's Law and Order Section searched the offices of the Wezhira Community Radio Initiative in Masvingo to determine whether it was in custody of broadcasting equipment.



**2 July**

A Bulawayo-based freelance photojournalist, Crispin Ndlovu, was assaulted by a group of police officers whom he had captured on camera assaulting a suspected cellphone thief.



**8 August 2015**

**Journalists arrested while covering labour protest**

Journalists Obey Manayiti, Reagan Mashavave and Pindai Dube were also detained, threatened and released without charges by the police on 8 August 2015 while covering a demonstration in Harare by the ZCTU against job losses.



**15 September**

**Mugabe threatens media**

President Mugabe warned the media of rigid control while expressing his displeasure at the media coverage and interpretations of a planned launch of a new political party by former Vice President Joyce Mujuru.



**11 October**

**Permanent Secretary threatens stern media legislation**

Permanent Secretary in the President's Office George Charamba threatened stern legislation against the media, accusing it of publishing falsehoods about factionalism within the ruling Zanu PF.



**14 October**

**First Lady attacks media**

The First Lady verbally attacked the private media accusing them of fanning factionalism within the ruling Zanu PF saying she was fed up with the rubbish they were reporting.



**23 October**

Three Mutare based journalists Kenneth Nyangani, Sydney Saize and Bernard Chiketo were arrested and detained by Rusape Police for reportedly trying to cover an alleged MDC-T demonstration in Rusape.



**28 October**

**Zanu-PF warns the private media**

Simon Khaya Moyo, Zanu PF secretary for information and publicity warned the private media that necessary legal instruments would be invoked if they did not desist from unwarranted attacks against the First Family and the ruling Zanu PF leadership.



**2 November**

The editor of *The Sunday Mail* Mabasa Sasa, investigations editor Brian Chitemba and reporter Tinashe Farawo were arrested and detained at Harare Central Police Station, following publication of a story alleging a syndicate involving the police was behind the killing of elephants in Zimbabwe's Hwange National Park.