



Swaziland

National Overview 2016
by MISA Swaziland

INTRODUCTION

Much to the delight of the media fraternity, human rights defenders and political activists, 2016 was not a year of doom and gloom in Swaziland, as positive developments overshadowed negative ones.

Signs of the thawing of the usually cold relations between government and media began to show during the period under review. This can largely be attributed to the mission to the country by the African Commission on Human and Peoples' Rights (ACHPR) and the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Pansy Tlakula, and her team from 7 to 11 March 2016.

After taking stock of the state of human rights, Tlakula drew the attention of senior members of both the executive and legislature to human rights violations that were going unchecked in Swaziland and its population of 1,2 million inhabitants.

Armed with information obtained from the media, civil society and trade unions, Tlakula enumerated these human rights violations, among others, as the criminalisation of freedom of expression, criminal defamation law, existence of 33 media restrictive laws, lack of freedom of information, a ban of citizens from state broadcasters, and failure to liberalise the airwaves.

Commissioner Tlakula then proposed to

the media fraternity holding a National Media Indaba in Swaziland intended to raise awareness among media practitioners, legislators, government officials, civil society actors and members of the public of human rights-related issues, focusing mainly on freedom of expression, media freedom and access to information.

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Responding to the team's report, the government conceded its failure to uphold and respect the Bill of Rights enshrined in the Constitution and hastened to make promises to correct the situation and meet compliance with regional and international human rights instruments.

This was a cue for lawmakers to press ahead with the suspension of the Ministry of Information, Communication and Technology (ICT) in Parliament until government lifted the ban on members of parliament from having access to state broadcasters. Influenced by MISA Swaziland media literacy workshops, the ICT Ministry Parliamentary Portfolio Committee was behind the campaign against the ministry. Facing the dire prospect of a frozen budget and stalled projects, the ICT minister finally capitulated and lifted the ban imposed three years ago.

Without bothering about police surveillance and disturbance, civil society actors attended a one-day MISA Swaziland media literacy workshop at the Roman Catholic Caritas Centre at the end of March. For the first time, they could freely debate media issues on freedom of expression, media freedom and access to information. They unanimously agreed to collaborate with the media fraternity in all campaigns for freedom of expression, media professionalism, and access to information, media-led advocacy and liberalisation of the airwaves.

History was also made when government joined media practitioners, civil society actors, political activists, diplomats and the public to commemorate World Press Freedom Day on May 3, 2016. MISA Swaziland hosted a public debate on the topic *Locating freedom of expression within the justice system*. Panellists were drawn from the media, human rights defenders and the law society. The principal secretary in the ICT Ministry delivered an inspiring speech encouraging MISA Swaziland to continue organising media literacy workshops for the benefit of the citizenry, decision-makers, lawmakers and media practitioners.

The media fraternity scored a victory when government heeded calls for the reinstatement of journalism in the list of priority areas sponsored by the Swaziland Government Scholarship programme in institutions of higher learning. Efforts by MISA Swaziland and its media partners bore the desired fruits, with aspiring journalists enrolled for journalism at universities in Southern Africa. The Ministry of Labour and Social Security, responsible for training, had kept the programme on hold for five years.

To press government to liberalise the airwaves, the Swaziland Community Multimedia Network (SCMN) stepped up its campaign for the issuance of community radio licences. It formed the Broadcasting Bill Committee (BBC) to lobby legislators to speed up the process of passing the Swaziland Broadcasting Bill into law. In response to this campaign, the Information and Media Development Directorate drafted the Swaziland Broadcasting Bill of 2016. The ICT Ministry also issued two one-day provisional community broadcasting licences to community radio initiatives in the year under review.

To crown it all, there was a two-week People's Parliament held in the cattle byre at the traditional headquarters, Ludzidzini Royal Residence, in early August 2016. Swazis from all walks of life enjoyed their constitutional right of free speech. The leadership and government were criticised for poor governance. Speaker after speaker called on the powers-that-be to completely overhaul the non-partisan *tinkhundla*-based system of government. At the end, King Mswati III promised to implement the people's recommendations.

Notwithstanding positive developments, 2016 proved to be a mixed bag as there were few noticeable negative developments in the media sector. The security forces disregarded the royal command to allow every Swazi access to the cattle byre. As usual, they targeted journalists covering the People's Parliament. Journalists were refused entry into the royal byre. The police also tracked down people who criticised the authorities during the two-week People's Parliament.

On the media front, the Swaziland Television Authority (STVA) struggled to pay its staff members on time in the year under review. The television station was

reportedly under a heavy deficit of 40 million emalangenzi. Hot on the heels of the financial woes, the ICT Ministry suspended the financial director and chief executive officer.

Both state broadcasters made headlines following under-reported stories of sexual harassment of female media practitioners. Instead of dealing with this serious matter, the ICT ministry and management of the state broadcasters swept it under the carpet. Even the Swaziland Editors' Forum (SEF) failed to raise this issue at its quarterly breakfast meetings with the prime minister.

After the collapse of salary negotiations between the Media Workers Union of Swaziland (MWUS) and the Swazi Observer Group of Newspapers, MWUS members embarked on a strike to press the media company to meet their demands for a salary hike. *Swaziland Shopping*, a weekly business newspaper, reported that one of the staff grievances was sexual harassment of female media workers perpetrated by one of the male media managers. No action was taken by media bodies, media owners and editors to investigate allegations of sexual harassment.

In 2016, two journalists working for the *Times of Swaziland* were arrested for corrupt practices. One was accused of taking money from a subject of his story in order to suppress his story. The other was accused of extorting money from people by impersonating investigators from the Anti-Corruption Commission (ACC). After a disciplinary hearing, the *Times* dismissed the former while the latter was arrested by ACC investigators.

Media Landscape

Instead of experiencing any appreciable growth, the Swazi media sector

remained stagnant due to the shrinkage of advertising revenues. The two struggling tabloid newspapers, namely the *Swazi Mirror* and *Ingwazi News* had to close shop. In 2016, there were only two media start-ups, namely *Buzlink Sports*, a sports and business magazine, and a business weekly, *Business Express*. These privately owned publications were struggling as they could not command regular space in the newsstands.

The media environment favours the *Times of Swaziland* Group of Newspapers and *Swazi Observer* Group of Newspapers. The former publishes the *Times of Swaziland*, *Swazi News* and *Times of Swaziland Sunday* while the latter the *Swazi Observer*, *Observer on Saturday* and *Sunday Observer*. Small publications such as *Independent News* and *Swaziland Shopping* are struggling to keep afloat due to scarce advertising revenues. Swaziland has two monthly magazines: *The Nation* and *Agribusiness*, which are also limping along.



Victory for media sector when government heeded calls for reinstatement of journalism in list of priority areas.

Two state broadcasters dominate the electronic media, namely the Swaziland Broadcasting and Information Service (radio) and Swaziland Television and

Broadcasting Corporation (TV). A private television station, Channel Swazi, has been unable to maintain consistent broadcasts over the years. There are currently no commercial, public service and community radio stations in Swaziland. The Swaziland Community Multimedia Network have lobbied and applied for community radio licences to no avail. However, the ICT Ministry has agreed to issue one-day provisional broadcasting licences to SCMN members. They broadcast the King's Birthday and University of Swaziland Graduation Ceremony.

Media Regulation and Laws

In March 2016, the ICT Ministry Parliamentary Portfolio Committee lobbied other MPs in its campaign against the ICT Minister in the House of Assembly. Collectively, they got him to issue a public statement in the print media lifting the ban from the state broadcasters. This also stopped it from enforcing the Public Service Announcement Guidelines (PSA) which excluded them from accessing the airwaves at the radio and television stations.

Heeding calls for the liberalisation of the broadcasting industry, the Information and Media Development Directorate set in motion the tabling of the Swaziland Broadcasting Bill 2016 before Parliament. This sought to introduce a three-tier broadcasting regimen namely commercial, community and public service broadcasting.

The Directorate also organised a two-day consultative stakeholders' meeting in July 2016 to discuss the proposed Swaziland Broadcasting Bill 2016. This was followed by its validation by media stakeholders. This was welcome news to the Broadcasting Bill Committee, which has been pushing for the licensing of

community radio stations and MISA Swaziland, which has been canvassing for the transformation of the state-broadcaster into a public service broadcaster.

Against this background in the kingdom of Swaziland, the Swazi High Court ruled in September last year that the Suppression of Terrorism Act and the Sedition and Subversive Activities Act were unconstitutional. It was a ruling welcomed by Swazi pro-democracy groups but one that might be challenged or simply annulled by royal proclamation.



Swaziland Broadcasting Bill was tabled before Parliament.

Local Content Development

May 2016 saw the Information and Development Directorate bringing together the key players around a discussion table to deliberate on the issue of local content in the broadcasting sector. These included the Swaziland Independent Film and Television Producers Association (SIFTPA), SBIS, STVA, Voice of the Church, Channel Swazi, SCMN and MISA Swaziland. Its purpose was three-fold. Firstly, to assess the capacity and capabilities of the producers. Secondly, to establish the local content quota at the state broadcasters. Thirdly, to identify the shortcomings of local content producers.

It was a huge success as the Directorate invited ICASA and SABC to share their

experiences with local content producers and media stakeholders. Soon after, the STVA went on a study tour to the SABC, which resulted in the signing of a Memorandum of Understanding. Within the scope of the MOU, the SABC started assisting the STVA in developing its local content quota strategy. They agreed on an employee exchange programme that would enable the SABC to train and mentor STVA employees.

Digital Migration

Having failed previously to meet the deadline agreed by the International Telecommunication Unions (ITU) for digital migration, Swaziland migrated on the 31 December 2016 deadline. By this set date, the ICT Ministry assured the public that the state broadcasters had successfully switched over to digital without any glitches. Reasons given for the delay were that the country had been held back by the delays experienced by its neighbours, Mozambique and South Africa. They had asked Swaziland to delay its switchover because they were not ready. This was meant to address the issues of frequency sharing and frequency coordination, common among neighbours.

The ICT Ministry, STVA and MVtel, a company selling the set-top-boxes (STBs), mounted a national campaign educating people about digital migration and the need to install the STBs that enable non-digital television sets to receive the digital signal. However, TV watchers and radio listeners made numerous complaints about the quality of the STBs and their failure at times to function properly on other television sets. They also complained that the price of STBs was prohibitively expensive for ordinary Swazis.

Violations of the Right to Freedom of Expression

Security forces continued to infringe on the constitutional right of freedom of expression and media freedom during the People's Parliament at the Ludzidzini Royal Residence cattle byre. Journalists were denied entry to the cattle byre and detained for an hour in August 2016. The security forces did not want the journalists to take their cameras into the venue, thus preventing them from taking pictures. However, they relented later after discussing the matter with the press control corps.

Senior *Times of Swaziland* journalist, Sibongile Sukati, seized the opportunity to voice his concerns on the harassment of journalists by the security forces in the line of duty. She reported the unabated violations of the right of media freedom to higher authorities. She mentioned that the harassment of journalists in the line of work amounted to denying the public the right to information as they too played a public service role of purveying information.

During the People's Parliament, police tracked down an elderly man from the Vuvulane area for criticising the King and Queen for their involvement in land evictions. An evicted Vuvulane small-holder farmer, William Nkhosiyemantjoli Mkhaliphi, was arrested shortly after for making scathing submissions at the People's Parliament. Reportedly, they questioned him about his statements in the cattle byre. This was, however, denied by the police, who claimed that his arrest was linked with theft of tractor parts belonging to the liquidated Vuvulane Irrigated Farms Company.



Key players deliberate on the issue of local content in the broadcasting sector.

Access to Information Campaign

MISA Swaziland stepped up its national campaign for the enactment of the ATI law in the country. Its first port of call was the Information and Media Development Directorate responsible for media laws. The Institute brought to the attention of the Director, Phesheya Dube, that the Freedom of Information and Protection of Privacy Bill, 2007 was gathering dust. He assured the media fraternity that government had already engaged a media consultant to review it.

MISA Swaziland turned its attention to lobbying the ICT Ministry Parliamentary Portfolio Committee and other MPs to enact an ATI law. It organised two media literacy workshops for legislators in May 2016, with a focus on the benefits of access to information, which has a direct correlation with development. Civil society actors were also sensitised about the significance of access to information for achieving development goals. They pledged their support for the access to information campaign.

Safety of Journalists

Concerned about threats to the safety of journalists, the Institute hosted three separate seminars for civil society actors, journalists and editors in June 2016. The

purpose was to create awareness about the threats to the safety of journalists. The Resident Coordinator of the United Nations addressed participants on the UN Plan of Action on the Safety and Protection of Journalists endorsed by the UN agencies in May 2012. As a way forward, civil society actors committed to the safety of journalists in the line of duty. Journalists called for the strengthening of the mechanisms available for the reporting of threats to the safety of journalists while editors promised to raise awareness of the safety of journalists

CONCLUSION

The move to create a media literate society is beginning to bear the desired fruits. Civil society actors and lawmakers have gained a better understanding of the benefits of a free, independent and pluralistic media. The adage: “It is time to engage not carp” has won MISA Swaziland the support of the ICT Ministry, Information and Media Development Directorate, lawmakers, civil society actors and media partners

In two years’ time, the Institute intends to focus on the ATI campaign, media professionalism and liberalisation of the airwaves. It will rely on the collaboration of civil society actors, media partners, ICT Ministry Parliamentary Portfolio Committee and Information, ICT Ministry, and Information and Media Development Directorate to fast track the review of the Freedom of Information and Protection of Privacy Bill, 2007 and passage of the Swaziland Broadcasting Bill 2016 into law.

In addition, it will step up the advocacy campaign for media law reform aimed at repealing or amending archaic and draconian media laws to align them with the Constitution. A starting point would

be the five media bills drafted in 2007, which are still gathering dust in the ICT Ministry. There will also be a thorough review of the 33 laws that curtail media freedom.

With the dropping of journalism standards, the Institute sets out to strengthen media bodies such as SNAJ, MWUS and SEF. It intends to resuscitate the Media Women Association of Swaziland (MWASA) to tackle gender inequality issues in the newsrooms. Practical training courses will be organised to equip young journalists with journalistic skills. This is imperative in the wake of fake news and alternative facts. Investigative journalism and human rights training will form an integral part of the journalism training. Training in the safety of journalists will also be included to empower journalists in the line of duty.

As government tightens its grip on state-owned broadcast media, lawmakers and civil society actors now understand the need for a public service broadcaster, where the public speaks to itself. People are tired of the propaganda churned out by the state broadcasters. Finally, the mainstream media need to up their game if they are to withstand the competition posed by social media.