



# **STATE OF THE MEDIA REPORT**

**2017**

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## **Introduction**

In his inauguration speech on 24 November 2017 following the ouster of former Zimbabwean leader Robert Mugabe, President Emmerson Mnangagwa said he would ensure the pillars of democracy are strengthened and respected in Zimbabwe.

At face value, these remarks can be interpreted as realisation that during his 37-year hold on power, former president, Mugabe, failed to strengthen the pillars of democracy despite the coming into existence of the much acclaimed 2013 Constitution which was expected to open a new democratic dispensation in Zimbabwe.

In saying that, President Mnangagwa was not off mark. As the year came to a close in 2017, laws such as the discredited Access to Information and Protection of Privacy Act (AIPPA), used to license and regulate the media; the Official Secrets Act (OSA), to broadly embargo information held by public bodies and the Broadcasting Services Act (BSA), to hinder free establishment of private radio stations, remained entrenched in the country's statutes.

Other restrictive laws include the Public Order and Security Act, Censorship and Entertainment Controls Act (CECA), and the Criminal Law (Codification and Reform) Act. This should also be viewed against the government's accelerated efforts to introduce the cybercrime laws, generally perceived as intended to curb free speech online.

These laws essentially curtail citizens' right to freedom of assembly and association, demonstrate and petition, including the right to freedom of conscience, as provided for by Sections 58, 59 and 60 of the Constitution as well as Sections 61 and 62 which protect the right to free expression, media freedom and access to information.

## **Political Context and Key Events**

That Zimbabwe has not moved in aligning the afore-mentioned laws with the constitution is easily attributable to lack of political will and fear that freeing Zimbabwe's democratic space will result in loss of power, more-so for the ruling Zanu PF.

Political expediency then becomes the determining factor at the expense of the outstanding reforms critical to entrenching constitutional democracy. Political and economic reforms were thus relegated to the periphery as the succession infighting in Zanu PF persisted in 2017. This culminated in the firing of then Vice President Mnangagwa by President Mugabe before his dramatic comeback to assume the presidency in the wake of the military push which triggered mass demonstrations for Mugabe to vacate office.

The new president's pledge to break with the past, was however, severely tested in the country's second city of Bulawayo. Youth activists were arrested, detained and tortured after demanding that President Mnangagwa should come clean on his role in the mass killings of an estimated 20 000 citizens by the army during the military insurgency in Matabeleland and Midlands provinces in the early 1980s.

Section 59 provides for the right to petition and protest peacefully.

It is also instructive to note that when parliament was convening to institute impeachment proceedings against Mugabe, it cited his failure to implement devolution of power as among his major failures to comply with the constitution.

Chapter 14, of the Constitution provides for the devolution of governmental powers and responsibilities to provincial and metropolitan councils constituted by a province's MPs, mayors, and chairpersons of the provinces' local authorities, among other provisions.

However, in his 2018 National Budget presentation shortly after Mugabe's resignation, Finance Minister Patrick Chinamasa, hinted at the need to amend this provision to do away with devolution of power. "Funding of the provincial and metropolitan structures, as set out in Chapter 14 ... is not sustainable and political parties represented in Parliament should in the future give consideration to amending the Constitution to lessen the burden on the fiscus," said Chinamasa.

The 2013 Constitution has already been amended through Constitution of Zimbabwe Amendment No 1 Act, which changed the procedure of appointment of the Chief Justice, Deputy Chief Justice and Judge President of the High Court.

These statements, including the afore-mentioned Bulawayo incident and other violations of basic freedoms during the course of 2017, easily explain the government's reluctance to institute the long overdue media reforms and respect for constitutional democracy.

It is this intolerance and obsession with retention of power, policy inconsistency, corruption and economic mismanagement that resulted in acute cash shortages, sharp price increases, unprecedented company closures, more than 90 percent unemployment, low investment inflows, declining from US\$545 million in 2014 to US\$319 million in 2017.

Envisaged reforms become even more critical ahead of the 2018 elections to entrench citizens' rights to freedom of assembly, association, access to information and free expression.

"We fully reaffirm our membership to the family of nations and express our commitment to playing our part in regional and international organisations and arrangements in order to make our modest contribution towards a prosperous and peaceful world order," said President Mnangagwa in his inauguration speech.

The first step towards commitment to regional and international organisations and arrangements should be through the ratification of instruments such as the African Charter on Democracy, Elections and Governance (ACDEG), which came into force on 15 February 2012.

Five years later, Zimbabwe is still to sign, let alone ratify this Charter. A total of 45 African countries have signed the Charter, of which 30 have since deposited their accession/ratification instruments, minus Zimbabwe.

Southern Africa Development Countries (SADC), countries that have either signed or ratified the instrument include, among others, Zambia, Swaziland, Namibia, South Africa, Mozambique, Malawi, Mauritius and Lesotho. In fact, Zimbabwe, Botswana and Tanzania were the only three countries that were still to sign or ratify the Charter as of November 2017.

The pillars of democracy cannot be strengthened through failure to comply and domesticate regional and continental instruments such as the ACDEG and the continued existence of repressive laws such as AIPPA and BSA, among others.

These laws impinge on citizens' right to freedom of expression and free flow of information which is critical in shaping a new democratic dispensation. The Zimbabwe Broadcasting

Corporation (ZBC) should thus be transformed into a truly independent broadcaster that is open to diverse views and opinions from Zimbabwe's multi-sectoral populace.

## Media Environment

The year under review passed without the envisaged media legislative and policy reforms compounded by conflicting statements by the Executive on the way forward, four years after inception of the 2013 Constitution.

At the centre, if not the purveyor of these conflicting statements, was George Charamba, the Information ministry permanent secretary. On 18 February 2017, Charamba appeared before the Parliamentary Portfolio Committee on Media, Information and Broadcasting Services.

Speaking under oath, he said laws such as AIPPA and BSA were archaic and out of sync with 21st Century media regulatory frameworks. He outlined six compelling issues as to why these laws were no longer fit for purpose, notably:

- Need to comply with the new (2013) constitution
- Developments in the broadcasting and print sectors
- Macro-technological changes
- Changing societal tastes
- Need for conformity to the strategic goals of the nation and convergence of technological and global factors on information

"... we have a new constitution which we embraced in 2013. It's the new rules book to which everything else must cohere to," said Charamba.

And as the year came to an end, Charamba brewed a scapegoat for non-implementation of the reforms. In an interview with the *Zimbabwe Independent* on 18 December 2017, he said:

"The only problem that I have is that the agitation for media reforms is prompted by transient calculations. The state of Zimbabwe subsists *ad infinitum* and the state is much more than institutions that make it. There are seismic changes happening in the media sector.

“It is futile hurrying to write a law which will prove perishable only the morning after.”

Zimbabwe’s 2013 Constitution imposes on the State, among other obligations, to ensure practical measures are taken to protect and promote fundamental rights and freedoms enshrined in the Bill of Rights for their realisation and fulfilment.

Remarks by bureaucrats, such as Charamba, betray the government’s determination to maintain the status quo and proceed to the 2018 elections without reforms despite pledges by President Mnangagwa to break with the past. Such statements smack of insincerity on the part of government and a great betrayal to the multitudes that marched in November 2017 demanding Mugabe’s departure in the hope of a new constitutional dispensation. Over and above the obligations imposed on the State by the constitution, Charamba should be reminded of the findings and recommendations of the government-sanctioned Information and Media Panel of Inquiry (IMPI), spearheaded by his very own ministry.

The 666-page report released on 18 March 2015, recommends the repeal of laws such as AIPPA, Criminal Law (Codification and Reform) Act (CODE), BSA, Censorship and Entertainment Controls Act (CECA), Official Secrets Act (OSA) and Copyright and Neighbouring Rights Act.

The report notes that:

*“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 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.*

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

To therefore act otherwise, would be a serious subversion of the people’s will as expressed through their endorsement of the 2013 Constitution and the IMPI public outreach programmes’ findings and recommendations.

## **Arrests, threats and harassment of journalists**

While there was a marked decline in the number of cases involving media violations during the period under review compared to the previous year, the severity of the nature of the violations was cause of great concern.

A total of seven (7) journalists were unlawfully arrested or detained in 2017 compared to 23 journalists the previous year. This marks a decline of almost 70% (69.5%).

In 2017, MISA Zimbabwe recorded the specific assault of eight (8) journalists during the course of their duties compared to the 12 recorded in 2016. (***Refer to 2017 Media Violations Statistics for details***).

The majority of the cases of assault of journalists on duty were perpetrated by the police serve for three which involved army personnel and ruling Zanu PF youths. This was indeed worrying as this came on the backdrop of the September 2016 meeting between the police and a media delegation led by MISA Zimbabwe. At that meeting the police undertook to ensure the security and safety of journalists.

Worried by these wanton acts of lawlessness on the part of the police, Harare-based journalists led by MISA Zimbabwe Chairperson Kumbirai Mafunda, on 28 July 2017, marched to Harare Central Police Station protesting the assault by the police of three colleagues employed by the privately owned *NewsDay* daily newspaper.

The Harare-based journalists marched to the police station from the Ambassador Hotel through the central business district following the assault on 27 July 2017 of journalists Obey Manayiti, Sherpherd Tozvireva , Abigail Mutsikidze, and their driver, Raphael Phiri.

Manayiti sustained a bruised lip and swollen eye while Tozvireva and Phiri were also roughed up by the plainclothes police.

Upon arrival at the police station, the journalists requested to meet the officer-in-charge following the assault of the journalists who were on duty in the central business district.

Journalists Blessed Mhlanga and Philemon Jambaya, representing their colleagues, then held a meeting with Inspector Ziburubudu in the presence of MISA Zimbabwe Legal Officer Farai Nhende. The journalists expressed their concern with continued cases involving the harassment and assault of journalists on duty by the police.



On 29 September 2017 journalists Mugove Tafirenyika and Brighton Goko, who work for the privately owned *Daily News*, sustained serious injuries after being assaulted by the police while covering demonstrations in Harare's central business district.

Other cases involve the manhandling of *NewsDay* senior reporter Richard Chidza by ruling Zanu PF youths who shoved and slapped him at the end of a press conference in Harare on 19 October 2017 demanding that he reveals the source of a story regarding an alleged fallout within the youth league's leadership ranks.

The previous year on 1 September 2016, freelance photojournalist Crispen Ndlovu, was admitted at a private hospital in Bulawayo after he was reportedly assaulted and arrested by members of the anti-riot police on 31 August 2016.

According to media reports, Ndlovu was arrested while taking pictures of the police as they allegedly assaulted Alfred Dzirutwe, spokesperson of the Bulawayo Youths Arise during protests against then President Mugabe's leadership and rising unemployment.

Meanwhile, MISA Zimbabwe looks forward to working with the police and other security arms of the state to secure a safe media environment ahead of the 2018 elections following yet another meeting with the police in December 2017.

The Zimbabwe Republic Police and representatives of media organisations led by MISA Zimbabwe Trustee, Cris Chinaka, on 20 December 2017, met in Harare and agreed on a raft of actions to secure a safe and conducive working environment for journalists.

The police delegation was led by Police Spokesperson Senior Assistant Commissioner Charity Charamba.

In attendance during the meeting brokered by MISA Zimbabwe as a follow-up to the one held in September 2016, was Zimbabwe Union of Journalists (ZUJ), Secretary General Foster Dongozi, Media Alliance of Zimbabwe (MAZ), Co-ordinator Nigel Nyamutumbu, MISA Zimbabwe Programmes Co-ordinator Nyasha Nyakunu and freelance journalist, Godwin Mangudya.

The proposed resolutions and action plans are aimed at improving the professional working relationship between the media and the police through agreed work plans and timeframes for ease of monitoring of progress.

Senior Assistant Commissioner Charamba, said on their part, the police would be guided by the resolutions of the meeting towards ensuring pledges committed to come to fruition. She said the meeting marks a “new note” in shaping professional relations and the way forward between the two parties.

She said the new era as stated by President Mnangagwa, would see a change of approach in the way the police conducts its business right down to the last person on the ground.

Chinaka stressed the need for continued dialogue to improve relations and ensuring the media also appreciates and understands the role of the police in a modern state. “We do pledge to continue working with you and finding solutions in areas where there are difficulties,” he said.

The September 2016 meeting came on the backdrop of assaults of journalists during the course of their duties, confiscation of cameras and deletion of video clips by the police, thereby souring relations between the two parties.

It was also noted then, that journalists should be professional in their conduct and report the good work of the police as opposed to writing negative things only.

## **Access to Information/Freedom of Expression**

While Section 62 of the Constitution provides for the right to access to information and urges the enactment of the requisite law to give effect to the enjoyment of this right, the widely discredited AIPPA remained firmly entrenched in the statutes.

In fact, the government demonstrated its determination to close the democratic space through a spew of threats to clamp down on, among other repressive measures, social media and those who abuse it.

This came at a time of acceleration of its intention to enact the Cybercrimes and Cybersecurity Bill culminating in the establishment of the responsible ministry late in 2017 – Ministry of Cybercrimes, Threat Detection and Mitigation.

The ministry’s lifespan was short lived as its responsibilities were later incorporated into that of ICTs upon President Mnangagwa’s ascension to power.

In a press statement issued on 24 September 2017, then Minister of Home Affairs, Dr Ignatius Chombo, made clear government’s intentions in that regard.

Minister Chombo accused the press and social media of spreading alarm and despondency warning that government would take “decisive action to deal a telling blow” to the perpetrators of crime.

The minister’s statement was a blatant threat against the exercise of freedom of expression on the part of both citizens and the media as provided for in Sections 61 and 62 of the Zimbabwean Constitution.

In a country with high voice-call rates, coupled with a political environment where freedom of association is sometimes restricted, social media has provided affordable and relatively safe platforms for Zimbabweans with similar interests to “meet and share their views. This has significantly improved the flow and accessibility of information in the country.

Unfortunately some of the information shared by citizens also reflects on governance issues, including important ones such as management of the current economic crisis.

For example, towards the end of September 2017, Zimbabwe experienced sporadic price increases, which citizens documented and shared on social media. The statements released by government after that spell of price increases, blamed inaccurate social media posts for causing panic buying which then led to opportunistic retailers hiking their retail prices.

The minister’s remarks were thus calculated at instilling self-censorship on the part of both the individual and the media, to curb the free flow of information on pertinent socio-economic and political issues. Subsequently, Martha O’Donovan, an American citizen working with Magamba Network Trust, a social media network, was in November 2017 arrested and charged with subversion and insulting the president through a tweet in which she allegedly called then president Mugabe a “sick man”.

Martha’s arrest serves as a warning on how closely state authorities are now monitoring statements made through social media. She was charged under Section 33 (2) of the existing Criminal Law (Codification and Reform) Act [Chapter 9:23] which criminalises the making of statements which undermine the authority of the president.

During the same month, members of the Criminal Investigations Department raided Magamba offices and confiscated desktops and laptops.

O’Donovan spent seven days at Chikurubi Maximum Prison in Harare before being granted bail by the High Court. The offence carries a maximum sentence of 20 years imprisonment. If past trends are anything to go by, there is high probability that the proposed cybercrimes

and cyber security laws will be selectively applied through various state institutions to persecute any dissenting voices on online spaces.

Suffice to say, citizens have the right to freely express themselves online and offline while the media has the right to truthfully report and inform the nation on events as they unfold without fear and undue hindrances as constitutionally guaranteed.

## **Print media**

As the media struggled for survival and solutions to the unfolding technological advances compounded by dwindling advertising revenue in an unfavourable economic environment, it also came under the spotlight following accusations of its capture, more-so in the context of the Zanu PF succession fights.

Both the public and private media were accused of being factional, biased and partisan in their coverage of the Zanu PF succession story. Though unsubstantiated, some journalists were accused of being in the pockets of high ranking politicians, businesspersons and prominent church leaders.

During a meeting convened by MISA Zimbabwe and the Zimbabwe National Editors Forum in Zimbabwe's second city of Bulawayo, journalists in attendance acknowledged there were, among them, journalists working in cahoots with politicians across the political divide to the detriment of media professionalism.

They said media capture was in the form of interference with editorial independence by government officials especially in the public owned media.

The capture was not only restricted to public media, but was also evident in the private media where some journalists were accused of being in the pockets of influential politicians. Appointments of editors along political lines, some of them without journalism experience, also contributed to erosion of ethical practice and conduct, they said.

Other journalists were literally moles for political and business gurus making it difficult to work on sensitive stories without being spied on and reported to their paying masters. Media capture also came in the form of intimidation by big corporates threatening withdrawal of advertising revenue in the event of negative publicity.

On corruption in the media, they attributed this to poor working conditions and low salaries. The meeting recommended, among others, that:

- MISA and ZINEF should convene a national indaba or meeting to discuss the state of affairs with the view of coming up with solutions to free the media and reinforce media freedom, professionalism and accountability.
- Media houses should be encouraged to have in-house press ombudspersons to instil ethical conduct and practice in newsrooms.
- There is need for a strong union and a compulsory media employment council that sets standards for recruitment, working conditions and salaries for the media sector as a way of countering corruption in the media.
- Media freedom and self-regulation as provided for in the Constitution should be backed by statute to ward off unwarranted interference with media rights and editorial independence.
- Implementation of the IMPI findings and recommendations.
- Revival of the Mass Media Trust to protect the editorial independence of public owned newspapers from political interference.
- Internal life-style audits of editors and journalists by their employers /publishers where corruption is suspected.

## **Broadcasting/Telecommunications/ICTs**

The broadcasting sector largely remained constricted despite the licensing of eight provincial urban-based commercial radio stations by the Broadcasting Authority of Zimbabwe (BAZ), in March 2015. This was in addition to the prior licensing of the first ever national commercial stations, *Star FM* and *ZiFM Stereo*.

As of December 2017, the government was still to license a single community radio station, let alone a privately owned television station, 16 odd years after enactment of BSA, which provides for community radios. The government continued to prevaricate on the licensing of community radio stations. In 2016, the government said this would be done upon completion of the digitisation process with preference being given to rural communities.

However, in 2017, the ministry's permanent secretary, George Charamba, was to bizarrely claim by implication, that the government had licensed community radio stations, in apparent reference to the afore-mentioned commercial radio stations. Community radio stations by definition are not for commercial profit. In any case, the fact of the matter is the Broadcasting Authority of Zimbabwe has not called for applications for community radio stations, let alone licensing a single one, as provided for in terms of the BSA.

The Zimbabwe Broadcasting Corporation (ZBC), which is supposed to be a public broadcaster, firmly remained in the clutches of the state and continued with its partisan coverage to the exclusion of diverse views and opinions.

This is despite assertions to the contrary by the then Minister of Media, Information and Broadcasting Services Christopher Mushowe, relating to ZBC's impartiality.

Mushowe was responding to questions raised by parliamentarians on 2 August 2017 relating to ZBC's programming and its licence fees. Harare West MP, Jessie Majome, asked the minister whether it was ZBC's editorial policy to 'favour' the ruling Zanu PF against other political parties.

In his response, the minister said Zimbabwe's opposition political parties should inform the public broadcaster when they have programmes that need coverage. He said ZBC was ready to cover 'any worthy' programmes or activities by the opposition and that this was already happening.

However, ZBC's partisanship and biased coverage is well documented. Reports by civil society organisations such as Media Monitors Zimbabwe (formerly Media Monitoring Project of Zimbabwe), and Zimbabwe Election Support Network (ZESN), attest to ZBC's inequitable and biased coverage of political parties, especially during elections.

Observations by the Constitutional Court in July 2016 when it affirmed the legality of ZBC licence fees, are also telling in that regard. The court stressed the need for ZBC to be impartial and afford fair opportunity for presentation of divergent views and dissenting opinions.

Several reports, including those by relevant parliamentary committees; even the ministry's very own sanctioned Information and Media Panel of Inquiry, Zimbabwe Electoral Commission's 2013 report and elections observer missions, have repeatedly pointed out

ZBC's deficiencies as a public broadcaster due to its political capture and abuse by the ruling party and government.

Without its transformation, ZBC as it is currently constituted, cannot objectively and impartially evaluate the 'worthiness' of opposition political parties activities, as posited by the then minister.

Despite this, ZBC has statutory obligations to exercise editorial discretion and judgments in the public interest. This should include creatively covering political parties instead of waiting for notification of their activities. This would ensure desired balance in the coverage of political parties.

As the 2018 elections draw closer, transformation of ZBC to ensure equal and equitable access by political parties and the generality of Zimbabweans despite their political affiliations is of imperative urgency.

Transformation of ZBC from a state-controlled entity into a truly independent public broadcaster is urgent given its strong bias and partisanship towards Zanu PF, which is afforded more airtime compared to other political parties. This also entails the repealing of the Broadcasting Services Act.

## **Digitisation**

Zimbabwe missed the 17 June 2015 International Telecommunications Union's (ITU), deadline for migration from analogue to digital broadcasting. Thereafter, Zimbabwe said it would, however, be on course to meet the Southern Africa Development Community (SADC) June 2016 deadline.

Suffice to say, 2017 came and went with the country now way beyond the deadline. In 2016, the government attributed this to lack of funds.

## **Mobile penetration/telecommunications**

In its 2017 Q3 (third quarter) Report, the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), reported an increase in Zimbabwe's mobile penetration rate from 97% in Q2 to 100.5% in Q3.

POTRAZ attributed this to an increase in mobile subscriptions which rose from 13,799,648 compared to 13,311,223 during the previous quarter. However, the Minister of ICTs, Supa Mandiwanzira, said while the penetration had hit the 95% mark, the statistics might be misleading. He said this could be so because a number of people have two or three mobile lines each.

With an estimated population of 13 million, this could mean that almost every citizen now has a mobile phone. This comes at a time when the minister is on record saying a suitable pricing model for the country would be arrived at following the conclusion of a survey currently being undertaken by POTRAZ. The survey is being conducted to establish the cost of landing bandwidth in the country by Mobile Network Operators.

In January 2017, the minister issued a directive for the suspension of an increase in mobile network voice and data charges following a public outcry. While this was commendable in the context of citizens' right to communicate and share information, according to Research ICT Africa, Zimbabwe's data charges remain the third highest on the continent. The cheapest monthly 1 GB data package in the country is set at \$30.

As the prices of Internet enabled smartphones have steadily dropped, more Zimbabweans are connecting to the Internet via these mobile devices. This is reflected in the quarterly reports published by POTRAZ in the past two years.

As mentioned earlier in this report, these developments came at a time of spirited efforts by government to enact cybercrime laws.

In his address during the opening of the 5th Session of the 8th Parliament, President Robert Mugabe, before his removal, expressed hope that Parliament would debate and finalise the three cyber law related Bills Zimbabwe has been working on since mid-2013.

With that in mind, the government created the Ministry of Cybersecurity, Mitigation and Threat Detection. At face value, such actions give the impression that the Zimbabwean government is taking serious measures to combat any potential cyber threats.

Government efforts in combating online criminal activity have resulted in the passing of the National ICT Policy, the National Cyber Security Policy (both in 2016), and the updating of the draft Cybercrimes and Cybersecurity Bill, which is currently in its third draft. On paper, these policies are aimed at fighting cybercrime in Zimbabwe in a manner which also purports to promote fundamental rights enshrined in the Constitution.



For example, the draft Cybercrime and Cybersecurity Bill's main focus is to consolidate cyber-related offences with due regard to the Constitution's Declaration of Rights as well as the public and national interest. Furthermore, the Cybersecurity Committee to be established when this draft Bill is gazetted into law, has a mandate to produce annual reports on how national cyber security initiatives/activities impact on fundamental rights such as the right to privacy and freedom of expression.

However, as Zimbabwe inches closer to the 2018 general elections, a gap is emerging between the proposed cyber security policies and the government's actual intentions. One example of this discrepancy came in the wake of remarks by presidential spokesperson George Charamba in clarifying the role of the Ministry on 10 October 2017.

Charamba was quoted saying:

"... ndiyo riva redu kubata makonzo aya anoita mischief using cyber space [this is the trap to catch mischievous mice) .....This is coming against the background of the abuse that we saw not too far back on social media, where the social media then causes some kind of excitement to the country, not on the basis of fact, but generation of copy which is in fact calculated to trigger a sense of panic in the economy, and that in itself suggests that it is indeed a major threat to State security."

Charamba also revealed how now former president Mugabe had drawn lessons on controlling cyberspace from countries such as Russia, China and "the Koreans." This is a chilling admission given the fact that these three nations are notorious for clamping down on online rights and freedoms, with China going as far as setting up its own parallel internet network from the rest of the global internet.

While officially opening the Nkulumane Community Information Centre in Bulawayo on 4 November 2017 Mugabe said:

"We have set up the Cyber Security Ministry to build our own cyber systems to defend ourselves from cybercrime. We are aware that there are some people who use the internet to fight us and implement what they say is regime change.

"This is not a first, actually some nations are at an advanced stage in controlling this social media, which is why we thought that Minister Chinamasa as a lawyer can help in controlling our cyber space."

In revealing the dual purpose of the Ministry of Cybersecurity in preventing abuse of social media, and protecting the State's interests, there has been no reference to the actual cybercrimes or cyber security threats faced by Zimbabwe. Summarily, these remarks have escalated free expression on social media to a cyber-security threat which government took seriously enough to warrant the creation of the responsible ministry.

Furthermore, the draft Bill's long title pays homage to the protection and promotion of fundamental rights. However, some sections of the draft Bill actually infringe on the same fundamental rights.

## **Way Forward in 2018**

- Media reforms before elections

The government should urgently implement the long overdue media reforms by aligning restrictive laws such as AIPPA, BSA, POSA and sections of the Criminal Law (Codification and Reform Act) as provided for in terms of the Constitution's Chapter 4 Declaration of Rights as well as the findings and recommendations of the IMPI report.

- Ratification of the African Charter on Democracy, Elections and Governance (ACDEG)

Zimbabwe should sign and ratify the ACDEG which promotes the consolidation of democratic governance and human rights in Africa through adoption of the Charter's relevant clauses into domestic law and policies ahead of the 2018 elections.

- Proposed cybercrimes and cyber security laws.

Government should formulate the cyber security framework in sync with national and regional principles that protect privacy of communication, private property and the right of all citizens to freedom of expression, media freedom and access to information.

- Transformation of ZBC into a truly independent broadcaster

Authorities must ensure citizen participation in the transparent and democratic appointment process for the ZBC board, while securing and guaranteeing its independence and accountability in carrying out its public service mandate.

- License community radio stations

The Broadcasting Authority of Zimbabwe should call for applications for community radio stations and license successful applicants as provided for by the Broadcasting Service Act.

- Journalism Safety and Security

The government, and fundamentally, its security arms as well as political parties, should ensure a safe working environment for journalist and provide leadership within and outside government in raising awareness on the need to ensure the safety of journalists and media workers.

- Police /Media Relations

The police and the media should implement the resolutions and action plans agreed to in December 2017. These are aimed at improving the professional working relationship between the media and the police through agreed work plans and timeframes for ease of monitoring of progress. The police should investigate cases involving the unlawful assaults and arrests of journalists and bring the culprits to book.

- Media Professionalism and Accountability

The media industry and in particular, the Zimbabwe National Editors Forum (ZINEF), should address concerns pertaining to media capture, declining professional ethics and corruption to reinforce media freedom, professionalism and accountability.

## **Conclusion**

In his pledges to break with the past, President Mnangagwa, should walk the talk and implement the long overdue media reforms before the 2018 elections. He should crack the whip against bureaucrats dilly dallying on the implementation of media reforms which should

serve as key results areas, among other expected changes, to entrench democracy in Zimbabwe.

The president should also ensure the safety and security of journalists conducting their lawful professional duties. Above all, he should also be accessible to the media as it fulfils its watchdog role to foster transparency and accountability.

Suffice to say, media law and policy reforms can easily be an overnight process unlike is the case with the anticipated economic transformation which relies on international goodwill and huge foreign capital inflows and investments.

Goodwill, or as they say, charity begins at home!

## Appendix: Media Violations Statistics 2017

ARRESTED/QUESTIONED/ SUMMONED		
Victim/Concerned Party	Issue	Date
Newsday editor Wisdom Mdzungairi and reporter Richard Chidza	Charged with insulting or undermining the president following publication of a story pertaining to President Robert Mugabe's health.	3 March 2017
Newsday editor Wisdom Mdzungairi and reporter Everson Mushava.	Questioned by police in Harare following publication of a story arising from a press conference held by former Zanu PF Mashonaland Central youth leader Godfrey Tsenengamu. During the press conference on 20 February 2017, Tsenengamu allegedly urged war veterans to push President Robert Mugabe out of office.	20 June 2017
Journalists Garikai Chaunza and Frank Chikowore.	Arrested by the police while covering the invasion of Lesbury Farm in Manicaland Province.	22 June 2017
Newsday journalists Obey Manayiti, Shepherd Tozvireva, Abigail Mutsikidze and their driver, Raphael Phiri.	Arrested and assaulted by the police on their way to Harare Central police station after taking pictures of skirmishes between the police and members of the public in Harare's central business district.	27 July 2017.
Newsday journalist Kenneth Nyangani	Arrested on 2 October 2017 in the eastern border town of Mutare and charged with criminal nuisance after writing a story in which then First Lady Grace Mugabe donated second-hand underwear.	2 October 2017.

THREATENED		
Zanu PF political commissar and Minister of Local Government Saviour Kasukuwere	Charged at a reporter from <i>The Herald</i> accusing the paper of pursuing a factional agenda during a field day in Mount Darwin in Mashonaland Central Province.	24 March 2017.
Home Affairs Minister Ignatius Chombo.	Threatened "decisive action to deal a telling blow" against the press and social media for spreading alarm and despondency on the obtaining socio-economic and political environment.	24 September 2017
Ministers Patrick Chinamasa, Mike Bimha and Chris Mushowe	Threatened to tighten control of social media claiming this was the cause of shortages of basic commodities and bank notes in Zimbabwe.	27 September 2017

<b>BANNED/CENSORED/BARRED</b>		
Vice President Emmerson Mnangagwa	The Vice President's security details barred the private media from covering a press briefing he convened at his Ministry of Justice offices in Harare.	5 October 2017

<b>PUBLIC FREEDOM OF EXPRESSION</b>		
Martha O'Donovan of social media outlet, Magamba Network	Arrested in Harare for allegedly insulting then President Robert Mugabe as a "sick man" in a tweet.	3 November 2017
Magamba Network	Members of the Criminal Investigations Department seized computers belonging to Magamba Network in connection with the case against its employee Martha O'Donovan arrested for insulting President Robert Mugabe.	14 November 2017

<b>ASSAULTED</b>		
NewsDay journalists Obey Manayiti, Shepherd Tozvireva, Abigail Mutsikidze and their driver, Raphael Phiri.	Assaulted by the police on their way to Harare Central police station after taking pictures of skirmishes between police and members of the public in Harare's central business district.	27 July 2017.
Daily News journalists Mugove Tafirenyika and Brighton Goko.	Sustained serious injuries after being assaulted by the police while covering demonstrations in Harare's central business district.	29 September 2017
NewsDay senior reporter Richard Chidza.	Assaulted and threatened by Zanu PF youths demanding he reveals the source of a story regarding an alleged fall-out within the youth league's leadership ranks	19 October 2017
Journalists Columbus Mavhunga and Garikai Fadzi	Severely assaulted at Army Headquarters in Harare where they had turned up for what was supposed to have been a scheduled press conference. The two were treated and discharged at a private clinic after they sustained injuries following the assaults.	14 October 2017.
ZBC staffers	Some ZBC staffers were reportedly assaulted at ZBC's Pockets Hill studios in Harare when army personnel stormed the station to announce its military intervention which subsequently led to President Robert Mugabe's resignation.	15 October 2017

## FOR ALL YOUR ENQUIRIES

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