



THE STATE OF PRESS FREEDOM IN SOUTHERN AFRICA 2020-2021

This document is based on country reports for Angola, Botswana, eSwatini, Lesotho, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe. The country reports were commissioned by MISA.

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COVER PHOTO: Police arrests during Reverend Thuso Tiego’s protest in September 2021 in Gaborone, Botswana. The priest had called for President Mokgweetsi Masisi’s resignation and he was arrested.

CREDIT: Thalefang Charles





Independent journalist Thembeke Gamedze (left) celebrates with women rights activist Nontobeko Mbuyane after being released at the Mbabane Police Station. The journalist known for exposing corruption was targeted by the police and arrested after she tried to take pictures of traffic officers, who were allegedly taking a bribe. CREDIT: Mciniseli Kunene

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Foreword

DIGITAL SURVEILLANCE: AN EXISTENTIAL THREAT TO FREEDOM OF EXPRESSION

THE internet is increasingly becoming ubiquitous, thereby enhancing the exercise and enjoyment of citizens' rights to access to information, freedom of expression and the broader democratisation agenda.

Thanks to the internet and new digital technologies, journalists can now reach more audiences than ever before.

The long and short of it is that the citizens of Southern Africa now have access to information at the tip of their fingers, literally.

While the democratising effect of the internet and new technologies is beyond doubt, many governments are turning to surveillance, which threatens the very democratic rights that citizens seek to enjoy.

Protecting sources of confidential information is at the heart of journalism.

UNESCO notes that privacy is a prerequisite for journalists to do their work and ensure access to fact-based and reliable information.

Privacy is necessary for journalists to communicate freely with sources, receive confidential information, investigate corruption, and guarantee their safety and that of their sources.

Therefore, it is worrying

that governments and big corporations are working to undermine the right to privacy by acquiring advanced software to spy on citizens and, by extension, journalists.

The acquisition of digital surveillance tools and other forms of spyware will translate to fewer people willing to pass confidential information to journalists and this will undermine the right to access to information and ultimately affect democracy.

“UNESCO notes that privacy is a prerequisite for journalists to do their work and ensure access to fact-based and reliable information.

In Southern Africa, **Botswana**, **Zambia** and **Zimbabwe** are some of the countries that have been reported to have acquired sophisticated software to surveil their citizens. ⁽¹⁾

These governments have so far not been transparent about how they intend to use these technologies in the surveillance of their citizens.

A common retort is that surveillance tools will aid in the fight against crime.

However, there is need to strike a balance between fighting crime and protecting citizens' rights, such as the right to privacy and to access information.

Building up on last year's World Press Freedom Day, which recognised information as a public good, in 2022, we can also argue that transparency is a public good.

Governments should be transparent about what information they collect from citizens and what they intend to use it for.

There should always be transparency and accountability backed by judicial oversight on the data that they collect to minimise infringements of citizens' right to privacy.

Surveillance of citizens should not be indiscriminate and should serve a clear purpose.

Among others, Principle 41 of the Declaration on Principles of Freedom of Expression and Access to Information in Africa provides that states shall not engage in or condone acts of indiscriminate and untargeted collection, storage, analysis or sharing of a person's communications.

In addition, the International Principles on the Application of Human Rights to Communications Surveillance highlights that any form of surveillance should be guided by the principle(s) of legality, legitimate aim, necessity, adequacy and proportionality.

If left unchecked, digital surveillance of citizens and, by extension, of journalists is the latest threat to freedom of expression, freedom of the media, access to information and the right to privacy.

STATE OF PRESS FREEDOM IN SOUTHERN AFRICA REPORT FOR 2021

BACKGROUND

EVEN before the global pandemic descended upon African shores, the media ecosystem in southern Africa was afflicted with numerous challenges.

The COVID-19 pandemic brought the industry hurtling towards the minefield of issues it had been grappling with, into sharper focus:

- Dwindling advertising revenue was now reduced to a trickle;
- Increasing production costs no longer mattered as businesses closed down;
- Already shrinking newsrooms were further reduced in size as media outlets were forced to lay off staff;
- From dealing with seepage of skilled staff from newsrooms, there was a dramatic move to the introduction of shift work;
- From retaining its relevance amidst waning public trust, the media was propelled to capture the public's fleeting and easily diverted attention away from unverified information on online platforms;
- New business models came into consideration with big tech like Google and Meta attracting almost half of all global digital advertising spend, media outlets are looking into new business models;
- The sector's deeper commitment to maintaining and elevating professional standards were being pitted against the growing industry of skilfully targeted mis- and dis-infodemic campaigns;
- The escalation of attacks

on the media by State and non-State actors, members of political parties on all sides as well as the private sector protecting their illicit deals;

- The rise in authoritarian states' use of the law to persecute journalists and restrict the free flow of information;
- The disturbing escalation of online violence particularly against female journalists.

This pressure cooker situation, has to an extent battered and bruised the media, but it has also fortified the sector to look inward and to strategically rail against the constricting space and the controls around access to information, media freedom and freedom of expression and at the same time connect these rights to issues of media sustainability, professionalism, online and offline safety and protection of journalists and in particular women.

This inspiration that the media and media advocacy organisations are looking for can be found in the very document that African freedom of expression and access to information advocacy organisations presented to the world during World Press Freedom Day celebrations — the Windhoek+30 Declaration.

In fact, the 18 November adoption of the principles contained in the Windhoek+30 Declaration is indicative of its significance.

The adoption was via a unanimous vote in favour of Namibia's resolution by the 193 Member States at the 41st

session of the UNESCO General Conference. ⁽¹⁾

The Windhoek+30 Declaration, which places the notion of "information as a public good" is building on MISA's guiding star — the historic Windhoek Declaration launched three decades ago. This historic text went on to become a universal declaration calling for a free, independent and pluralistic press and gave birth to World Press Freedom Day.

The Windhoek+30 Declaration, which places the notion of information as a public good at the heart of the media, provides an ideal springboard for the media to ponder the many issues at the core of its struggles, particularly when engaging around the topic of viability and sustainability.

The Declaration calls upon all governments to create positive enabling environments for freedom of expression and access to information online and offline in line with international guarantees of these rights.

It urges governments to ensure a free, independent and pluralistic media, through adopting appropriate legal measures in a transparent manner and following adequate public consultation, guaranteeing the exercise of journalism free of governmental interference, promoting universal access to the internet and taking measures to reinforce the safety of journalists.

Together with the revised African Commission on Human and Peoples Rights (ACHPR) Declaration on Access to Information and Freedom of Expression, the Windhoek+30 Declaration offers the most solid building block to fostering media freedom safeguards which encompass — safety, sustainability and professionalism — from which to springboard advocacy initiatives.

The reinforcement of rights and outlining of ideals are an antidote to governments' tendencies to utilise laws and policies that unjustifiably restrict the right to freedom of expression and access to information.

By unpacking and expanding on the contents, relevant stakeholders can formulate and adopt advocacy strategies towards the promotion and protection of these rights.

IMPACT OF REGULATION RELATED TO COVID-19

Even before the spread of the virus on the continent, southern African countries implemented their partial and full lockdowns through a range of swiftly enacted regulations, orders, decrees or executive orders/decrees.

The governments of **Botswana, South Africa, Eswatini** and **Zimbabwe** hurriedly legislated laws criminalising the sharing of "false information".⁽²⁾

Botswana was one of the first countries to institute a law that made it illegal to share COVID-19 information that had not been obtained from the director of Health Services or the World Health Organisation.⁽³⁾

These restrictions were indiscriminately being used to **threaten, intimidate, assault and arrest journalists covering the COVID-19 pandemic** with Zimbabwe recording the highest number of violations.⁽⁴⁾⁽⁵⁾

These initial attempts to cage access to information failed, as citizens demanded a deeper understanding of the global pandemic.

Mitigating against the constant harassment of journalists, the Zimbabwe chapter of the Media Institute of Southern Africa filed an urgent chamber application with the High Court seeking to put an end to the police harassment of accredited journalists.

MISA Zimbabwe **also went on to file an urgent application** "compelling the government to publish and disseminate with immediate effect information on the private and public testing and treatment centres at national, provincial and district hospitals allocated for dealing with COVID-19 cases".⁽⁶⁾

At this juncture — as all the issues came colliding together — journalists were forced into fighting a battle on many fronts.

The media was trying to make sense of what was happening with the fluid and fast moving COVID-19 situation, while trying to keep themselves safe from contracting the virus with limited available resources.

What became evident was the need for accurate news and information to help people stay informed and safe.

The role of the media became indisputable and there were countries who of course recognised the media's role as a primary disseminator of information and one of the pillars of support in curbing the spread of the pandemic.

With just 16 confirmed cases in the country, Namibia's ministries of Health and Information jointly launched the COVID-19 Communication Centre in April 2020, replete with scheduled daily press briefings during which journalists were given the opportunity to ask questions.⁽⁷⁾

The shortcoming was that COVID-19 regulations allowed authorities to select who would be allowed to attend the press briefings.

In a separate incident, the Namibian government was forced to apologise after private media journalists were forcefully barred from attending an opening of a COVID-19 facility by President Hage Geingob.⁽⁸⁾

South Africa was salient in how it creatively shared statistics and live daily updates, co-opting entertainment and



Botswana media workers during a march

new websites to include a COVID-19 panel through which audiences could easily access this information.

ECONOMIC IMPACT

As the business and manufacturing sector in the Southern African region that were not classified as essential services slowed down or completely shut down, the ripple effect on the media industry was devastating.

The most immediate challenge that was catapulted to the forefront, during global spread of the pandemic, was the issue of sustainability — a concern that is also emphasised in the Windhoek+30 Declaration, with a recommendation to ensure collective collaborative action is taken to address the “severe economic crisis, which is posing an existential threat to independent news media worldwide”.

The point was reinforced by the shocking news of the closure, after 38 years, of Associated Media Publishing (AMP) — the largest independent South African media house — with its host of magazine titles. ⁽⁹⁾

In **Zimbabwe**, Alpha Media Holdings announced that it had temporarily stopped printing hard copies of its three major titles and would e-publish instead.

Zimpapers, which houses numerous public media titles, laid off staff, as did *Business Times* and radio station *ZiFM*. ⁽¹⁰⁾

News Company Botswana admitted the pandemic related lockdown had a similar impact and made a similar declaration — its 36 year print publication the *Botswana Gazette* would now only be distributed online.

JOURNALISTS SAFETY AND PROTECTION

Media freedom, access to information and freedom of expression have been under renewed pressure in the last two years, with attacks on the media increasing in volume and frequency and the lack of investigations into these crimes is driving the rising culture of impunity.

At the core of these attacks is the contestation over resources and political power.

Where it was once easy to identify the source of attacks, this has now shifted as the media is being assaulted by both State and non-State actors.

As an ispeak.Africa article on impunity explains — the settings in which journalists are particularly at risk are: ⁽¹¹⁾

- In rich resource States that fall into the category of failed States with flailing economies. This is especially so, where the State has tight control over those resources and government officials are benefiting from the sales of these resources;

- In countries where the economy is in decline and there are subsequently high levels of corruption; ⁽¹²⁾

- In countries where there is the lack of political will to carry out independent and thorough investigations into the death of journalists;

- In countries where the security sector — the army and police become political captives and so crimes against the media are politicised and subsequently not investigated;

- When reporting people-driven protests demanding democratic reforms in authoritarian States; and

- To the growing intolerance in the political sector with ruling parties brutally opposing views and opposition parties attacking the media for reporting their inadequacies.

In **Angola**, the licences of three television channels, *Zap Viva*, *Vida TV* and *TV Record Africa* were suspended for operating under provisional registrations and not regularising their status. ⁽¹³⁾

The three media companies were taken by surprise as they allegedly did not receive prior information or notification of any administrative procedure against them.

On 9 April 2020, **Zambian** authorities ordered the cancellation of independent television news channel *Prime TV*'s broadcasting licence. ⁽¹⁴⁾

The decision was made after the station allegedly refused to air the government's COVID-19 public awareness campaigns because it was owed money for airing previous State-sponsored advertisements.

Journalists in *Lesotho* are concerned for their safety as the country heads to elections in September 2022, as there is a tendency by security agencies and political parties to unlawfully arrest, harass, assault and torture journalists.

In November 2021, a radio presenter at 357FM Lebeso Molati, was detained and interrogated by the Pitso Ground and Maseru Central police.

This was in connection with his alleged reports at the private radio station, about “disappearance” of police guns and connecting the incident with a certain senior police officer. Molati reported how he was tortured and nearly suffocated to death during the police interrogation.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Optics play an essential role in Southern African governments' approach to digital rights — particularly around protection of personal data and surveillance.

Governments in the region want to be seen as being democratic and progressive, by passing data protection and cybercrime laws that may outwardly seem to be in line with regional standards.

However, the laws are being crafted with little distinction between their intended purpose and their actual consequence.

Cybercrime laws, which are meant to protect against online threats include hacking, identity theft, fraud, phishing, pharming, spoofing, profiling, spyware, tracking cookies, online witch hunting, bullying and stalking, tend to include "backdoor clauses" that allow countries to spy on their citizens without protective judicial oversight mechanisms to determine whether the surveillance is in the interests of national security or is unwarranted.

The timing of the passage of these laws and their selective application against journalists and human rights defenders in particular is also indicative of the intent behind the use of the regulations.

An analysis of Zimbabwe's Data Protection Act 2021 by MISA highlights: "that the government is operating under a very misled presumption that cybersecurity equals national security."

The **Zambian** government passed the contentious Cyber Security and Cyber Crimes Act 2021 just a few months before the scheduled August 2021

elections despite vehement opposition from civil society organisations.

Alongside **South Africa**, **Botswana** is one of the countries known in recent times to have requested user data from global technology company, Facebook.

Journalists and other media practitioners in **Botswana** have also reported suspected phone tapping and other communication surveillance by the Directorate of Intelligence and Security (DIS).

Newsrooms have been turned from being bastions of freedom of expression to closed and tension-filled spaces dominated by fear and suspicion of infiltration.

At the end of 2021, Botswana seemed to be frantically pushing to pass what was described as one of the most contentious surveillance laws in the region.

The amendment of the Criminal Procedure and Evidence (Controlled Investigations) Act was due to be brought before the country's legislature in early 2022.

The Botswana government argued that the law was being amended to comply with the recommendations of the Financial Action Task Force (FATF).

South Africa, in this respect, leads its regional peers through its Regulation of Interception of Communications and Provision of Communications Related Information Act (RICA), which requires a judge's assessment to allow for surveillance. ⁽¹⁵⁾

But even with its robust law, the Constitutional Court found that sections of RICA violated the Constitution, in a case brought by journalist Sam Sole of *AmaBhungane*, who was being spied on by the state without his knowledge. ⁽¹⁶⁾

Save for the **Comoros** and **Namibia**, all other SADC countries have strict laws which make SIM card registration mandatory. ⁽¹⁷⁾

While SIM card registration is said to aid the fight against crime, which is yet to be proven, this registration actually violates people's right to communicate online anonymously, particularly because telecommunications providers, depending on their licensing conditions, are compelled to give information about certain subscribers, if ordered by the State.

For example in the Democratic Republic of Congo Article 7 of a 2015 Ministerial Order 15 empowers the government to have unlimited access to subscribers information held by telecommunications companies. ⁽¹⁸⁾

INTERNET ACCESS

Accessing the internet is gradually becoming inexpensive, but it is still out of the reach of many Africans. Internet access is hindered by taxation of internet services, the licensing of online users, such as YouTubers and news sites, and infrastructure such as electricity supply and base stations.

It is estimated that nearly 45 percent of Africa's population are 10 kilometres away from network infrastructure. ⁽¹⁹⁾

The vast majority of citizens in Southern Africa access the internet through mobile network operators.

Base stations are sparsely distributed in rural areas compared to urban areas, which means that rural areas do not have access to internet services.

Erratic electricity supply also impacts internet access and reports of load-shedding in **Zambia** and **Zimbabwe** adversely affecting the quality of internet services abound. ⁽²⁰⁾

According to a Collaboration on International ICT Policy for East and Southern Africa (CIPESA) brief, **Mozambique** has the most expensive data per gigabyte, costing an exorbitant US\$2.79 per gig, **Lesotho** follows closely, charging US\$2.66 per GB. On the other side of the price spectrum, **Tanzania** has the cheapest data at US\$0.75 per gigabyte. ⁽¹⁷⁾

Although **Tanzania** has the most affordable internet in the region, it is also notorious for imposing levies on electronic money transactions, which impact the cost of using the internet. ⁽²¹⁾

Through the Electronic and Postal Communications (Online Content) Regulations imposed in 2018, online content creators are required to license their websites and YouTube channels with licence fees pegged at US\$437. ⁽²²⁾

The two most worrying trends around digital rights is the tendency and frequency of governments resorting to disrupting online services during critical moments — such as riots and elections and online gender based violence.

In a big win for freedom of expression and access to information in southern Africa — the Zambia Information and Communication Authority (ZICTA) — the country's regulatory body, entered into a consent judgement and agreed "not to act outside its legal authority to interrupt access to the internet in future".

ZICTA also agreed "to inform the public of the reason for any interruption in access to the internet within 36 hours of any such event".

This was after Chapter One Foundation, a local organisation working on protecting the rule of law through strategic litigation — filed a judicial review proceeding against ZICTA, challenging the internet shutdown during the 12 August 2021 general elections. ⁽²³⁾

The realisation of Target 5B of Sustainable Development Goal 5 calling for enhancing the use of enabling technology, in particular information and communication technology, to promote the empowerment of women is hampered by lack of education, resources and cost of connecting to the internet. ⁽²⁴⁾

More worrying is the rise of online gender based violence on the continent.

Although there has not been a comprehensive assessment of the prevalence of this form of gender based violence, statistics from **Uganda** and **Kenya** can be used to extrapolate and generalise on the situation in Southern Africa. ⁽²⁵⁾

Online gender-based violence or OGBV is one of the leading causes of women not going online, as they are victimised by men, who make the majority of users and use pseudonyms online. Women are subjected to non-consensual sharing of intimate images (incorrectly referred to as revenge porn), body shaming and trolling.

The UN Special Rapporteur on violence against women, its causes and consequences, has stated that some groups of women including human rights defenders, women in politics, journalists, bloggers, women belonging to ethnic minorities, indigenous women, lesbian, bisexual and transgender women, and women with disabilities are particularly targeted by ICT-facilitated violence.

INDEPENDENT CONTENT PRODUCERS

For decades, the outline of the media landscape in Southern Africa consisted of legacy media, which was largely characterised by the dominance of State-controlled broadcasting and privately owned media outlets struggling to survive. The environment is, however, shifting.

Community media has yet to make an impact in other Southern African countries, as it has in Zambia, which has more than 200 local community radio stations.

For the first time, Zimbabwe licensed 14 community radio stations and six television stations.

However, a concern remains that the new television stations lack diversity as the six television stations are all linked to the government of **Zimbabwe** and instead of promoting diversity and a plurality of voices, they may well be replicating the government's already existing hegemony in the broadcasting sector.

The radio industry grew exponentially towards the end of the 20th century when regional governments took a bold decision to liberalise the airwaves.

In **Lesotho**, for example, this brought to an end the 40-year dominance of the airwaves by state-owned *Radio Lesotho*.

There are now close to 27 terrestrial radio stations and one online radio station, but television broadcasting remains 100% state-owned, with the Lesotho National Broadcasting Services (LNBS) dominating the television broadcasting airwaves.

The advent of the internet is reshaping the media backdrop, as creatives explore the space to express themselves freely on the internet, using social media and websites to reach younger tech conversant audiences.

Political satire, discussions on LGBTQIA communities and their issues and frank social and political conversations not aired on State broadcasters have become popular with online viewers and listeners.

Not only has the internet provided a platform for freedom of expression, it has opened an avenue for creatives to make an income from advertising. YouTube views and the sale of merchandise.

There is also training conducted by some of these creatives that empowers other younger performers to improve their craft.

The Journalism and Media Lab or JamLab, a project of Wits University, which aims to enhance journalism and media in Africa, runs a mentorship project known as the JamLab Accelerator Programme for early career journalists. It also runs a week-long JamFest which showcases innovation in media.

Similarly, The Hub in Lesotho provides digital media training and live events which promote freedom of expression.

Long known for its presentation of contentious issues, Magamba Network in Zimbabwe, promotes democracy, freedom of expression and access to information by creating digital content, producing political satire, video productions and live events.

It also provides a space where these young, resourceful political commentators can also create their content.

Bloggers of Zambia, a non-profit organisation that

promotes internet governance, digital rights and media rights, works on media and information literacy programmes.

Both Magamba Network and Bloggers of Zambia run programmes that promote participation in parliamentary processes targeted at younger audiences, called Open Parly Zimbabwe and Open Parly Zambia, respectively.

Magamba Network's annual Shoko Festival — the region's largest urban culture festival allows for creatives and their entities from the region to showcase their work.

Also, becoming one of the most popular forms of expression online, is 3D animation.

The appeal of anime content such as that produced by *PaGhetto* is that it is relatable to its audiences, gives a comical take on "serious social, economic and subliminally political issues and is produced in vernacular languages".

Set in the "hood", the series tackles some serious social, economic and subliminally political issues.

These types of anime productions are also being used as election related explainers and their generic content allows the material to be used across regions and borders.

This new found form of commentary offers much needed comic relief to audiences always looking for great content, but tends to offend the ruling elite, who literally can't take a joke.

Tanzanian comedian, Idris Sultan was arrested by Tanzanian police twice during the reign of the late President John Magufuli.

He was first arrested in October 2019 for posting a face-swap picture with Magufuli

on Twitter, and charged with impersonating the president.⁽²⁶⁾

In May 2020 he was arrested again, this time after he posted a video of him laughing at a picture of Magufuli in an oversized suit, this time he was charged with using a SIM card that was not registered in his name.⁽²⁷⁾

Samantha Kureya, who is also known as Gonyeti — part of a popular comedy series *Bustop TV* — was allegedly abducted from her home in Zimbabwe in August 2019 by masked gunmen, who stripped her, assaulted her and dumped her in a secluded place. The government spokesperson said Gonyeti lied about her kidnapping.⁽²⁸⁾

Fumba Chama who goes by the stage name Pilato had to go into exile in 2017 after releasing a song — *Kuswe Mumpoto* (rat in the pot in Bemba language), which criticised Zambia then President Edgar Lungu's government. He started receiving death threats over the song from Lungu's supporters and fled to South Africa.⁽²⁹⁾

Upon his return from exile in May 2018, he was arrested at Kenneth Kaunda International Airport and detained.

He was then charged for participating in a demonstration, which took place before he left Zambia.

In addition to these attacks on content creators, governments are seeking ways to control online content.

Already Tanzania's cyber-crime law requires content creators to pay registration fees to the communications regulator, the Zimbabwean government has started a process of exploring how to tax content creators. Internet costs are still prohibitive, making access to content expensive.⁽³⁰⁾

JOURNALISM UNDER SURVEILLANCE IN SOUTHERN AFRICA



By Nompilo Simanje

INTRODUCTION

WHEN the Windhoek Declaration was signed in 1991 it aimed at promoting independent, pluralistic and free media, and the following was acknowledged:

While the practice of journalism in Southern Africa has been under threat given the circumstances noted in the declaration, the digital age has presented new challenges

“In Africa today, despite the positive developments in some countries, in many countries journalists, editors and publishers are victims of repression, they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries and across national borders. In some countries, one party States control the totality of information.”

while amplifying old problems regarding the safety and security of journalists.

Among these are the introduction of new channels for news distribution, which has brought with it increased responsibility with regards to information verification and fact checking.

The issue of media sustainability has also been expounded by the growth of the digital era, as advertising revenue continues to dwindle due to increased uptake of technology offering direct advertising channels to consumers.

With increased development in technology and the embracing of convergence by the media, there is now a heavy integration of digital platforms as a means to source, receive and disseminate news. Consequently, this has resulted in states' interests in surveillance.

Evidence in the Southern African region shows increasing investment in surveillance tools and methods by governments characterised by the setting up of cyber teams for purposes of monitoring, tracking and intercepting communications.

Such monitoring activities have unfortunately not spared journalists, compromising their safety and violating the confidentiality of their sources.

Prior to rapid technological developments and the sprouting of channels for news production and dissemination, States had monopoly over information and could regulate access to information or the nature of information consumed by citizens.

With digitisation, however, the government's stranglehold on information has been loosened, with information

being disseminated easily and quickly through messaging applications and other forms of technology.

This has given rise to continued attempts by governments to unjustifiably limit freedom of expression using surveillance.

Of note are several reports in 2020 and 2021, highlighting that African states have been relying on spyware for purposes of surveillance on journalists and political leaders, among others. ^{(1) (2) (3)}

Further during the onset of the COVID-19 pandemic in 2020, several countries deployed various technological tools for purposes of monitoring and tracking the spread of the virus. ⁽⁴⁾

These tools included monitoring of mobile phones and access to location data through mobile network operators as well as deployment of contact tracing applications in countries that include South Africa and Botswana.

Consequently, these tools have also opened potential loopholes for surveillance. Governments have, therefore, been urged by civil society and human rights activists to ensure that such measures guarantee anonymity and confidentiality of government sources. ⁽⁵⁾

This research, therefore, interrogates the state of surveillance towards media practitioners from countries in Southern Africa and posits necessary interventions that can be implemented by stakeholders to address vice.

Examples will be drawn from countries like **Malawi, South Africa, Botswana, Mozambique, Namibia, Tanzania, Zambia, Zimbabwe, Lesotho and eSwatini.**

THE STATE OF SURVEILLANCE IN THE SOUTHERN AFRICA REGION

Evidence to date, shows that countries in Southern Africa have been deploying various strategies and tools for purposes of surveillance, in countries such as Zimbabwe, South Africa and Zambia.

It has been recorded that online harassment, mass and targeted surveillance, data storage vulnerabilities, and digital attacks (including hacking) are among the many ways that digital tools have been used to jeopardise the safety and integrity of journalists as well as their sources. ^{(6) (7) (8) (9) (10) (11) (12) (13) (14)}

Both State and non-State actors use these tactics to gain access to confidential information and intimidate journalists. ⁽¹⁵⁾

The right to privacy is at the centre of concern regarding surveillance in journalism because it is an enabling right that facilitates the exercise of other rights like the right to access to information, political rights, media freedom and freedom of expression, among others.

Within the context of Southern Africa, the right to privacy is a constitutional provision in countries such as South Africa, Zimbabwe, Zambia, Malawi, Mozambique and Tanzania, among others.

Unlawful mass or targeted surveillance is, therefore, a threat to the privacy of journalists, particularly the privacy of their property, which includes mobile devices or computers, the privacy of their communication and also the confidentiality of their sources, which also contravenes the

right to media freedom.

The Botswana Constitution, in particular, is one exception, as it provides for the privacy of the home or property, but does not provide clear and comprehensive protection of data or communication that adequately safeguards the rights and interests of individuals, including journalists in line with the latest trends. ⁽¹⁶⁾

Apart from the Constitution, the surveillance of media practitioners can also be appropriately addressed by data protection laws that would ideally address issues relating to the collection or accessing, the use and transmission of personal information.

Eswatini, Tanzania, Lesotho, Namibia, Mozambique, Malawi, South Africa and Zimbabwe are among the countries in Southern Africa that have primary legislations on data protection and privacy.

While data protection and privacy are protected in several countries, as highlighted above, both in constitutions and also in data protection and privacy laws, there are also other pieces of legislation that impact the two rights by authorising or legalising surveillance.

The following is a regional outlook with regards to interception of communications through provisions within laws:

In 2020, several African countries including Zimbabwe, Zambia and Botswana were reported to be customers of Circle, a surveillance firm that reportedly exploits weaknesses in the global mobile phone system to snoop on calls, texts, and the location of phones around the globe. Circle is reported to be an affiliate of the Niv, Shalev and Omri Group Technologies (NSO Group) that develops Pegasus Spyware, which has been used

	Is there a law?	Is there judicial oversight?		Is it restricted to serious offences?	Is there user notification?	Are metadata and content given equal protection?	Does law require metadata to be retained?	SIM registration?	NOTES
		Police	Intel						
South Africa	✓	✓	✓	✓	✗	✗	36 months	✓	*Only access to content is restricted to serious offences. Metadata may be accessed for any offence †Courts may overturn this
DRC	✓	✓	✗	✗	✗	✗	✗	✓	
Tanzania	✓	✗	✗	✗	✗	✗	✗	✓	*Except using the terror law
Angola	✓	✓	✓	✓	✗	✗	✗	✓	*Restricted to offences with a maximum prison penalty of more than two years
Mozambique	✗	✗	✗	✗	✗	✗	✗	✓	*There is a law but it is deemed non-functional
Malawi	✗	✗	✗	✗	✗	✗	✗	✓	
Zambia	✓	✓	✓	✗	✗	✓	3 months	✓	
Zimbabwe	✓	✗	✗	✗	✗	✗	6 months*	✓	*De facto – no clear legal provision
Namibia	✓	✓	✓	✗	✗	✗	✗	✗	*There is a law but it is only partly implemented
Botswana	✓	✓	✓	✗	✗	✗	✗	✓	
Lesotho	✓	✓	✗	✗	✗	✓	36 months†	✗	*Some scope for warrantless access †De facto – no clear legal provision
eSwatini	✗	✗	✗	✗	✗	✗	✗	✓	

Source: A Patchwork for Privacy-Mapping Communications Surveillance Laws in Southern Africa, Murray Hunter and Admire Mare, 2020

in several African countries for surveillance purposes.^{(17) (18) (19) (20)}

Pegasus is used to gain access to one's device and stored data, including passwords, calendars, contacts, SMS records, browsing history and direct call applications.

It works through a phishing link that is sent to the targeted person, who upon clicking it, unwittingly downloads and installs Pegasus in the background without the user knowing it.

This allows the spyware to bypass all the digital protection features that might have been set up on the mobile devices. This, therefore, poses a great risk to journalists that are not equipped with knowledge and tools for purposes of digital safety and security, thus, putting them and their confidential sources of

information at risk.⁽²¹⁾

Monitoring of bank transactions is also another form of surveillance that African governments are using.

In Zimbabwe, the government once attempted to acquire private information of over eight million subscribers of the largest mobile network operator Econet Wireless under the guise that the firm's mobile money platform — Ecocash — was being used for money laundering purposes.

The warrant for seizure, allowed the police to collect information on mobile money transactions for all subscribers between January and July 2021.⁽²²⁾

On behalf of the media sector in the country, the Media Institute of Southern Africa (MISA) Zimbabwe had to approach the High Court

for a prohibitory interdict against the enforcement of the warrant on the basis that it was disproportionate and posed a threat of mass and targeted surveillance, hence, a grave violation of the right to privacy.⁽²³⁾

Further, governments in the region are also arresting human rights defenders, journalists included, on unfounded charges and then using that channel to confiscate gadgets, including laptops and mobile phones in order to snoop into their communications.

In brief, what has been noted in several countries in the region are the following aspects:⁽²⁴⁾

- There are several legal provisions enabling surveillance as found in different laws;
- Independent oversight bodies to monitor the activities of law enforcement authorities are absent;
- Investigating authorities do not publicly report on their activities;
- Individuals subject to surveillance are not notified about it nor are they afforded the opportunity to appeal.

The following are examples of cases of surveillance of journalists in three countries in the region:

South Africa

According to Reporters Without Borders, while press freedom is guaranteed in South Africa, it is fragile. The report indicates evidence of a State security agency spying on some journalists by tapping their phones.

Others are harassed and subjected to intimidation campaigns if they try to cover certain stories involving the ruling ANC, government finances and redistribution of land to the black population or

corruption.⁽²⁵⁾

The 2018 report by Right to Know on Surveillance of Journalists in South Africa details about 12 cases of surveillance, interception of communications and illegal accessing of call records by private investigators and the State. This has been conducted through the criminal intelligence system, which carried out surveillance on journalists that were working on various cases, including those on public corruption.⁽²⁶⁾

More recently, in March 2021, investigative journalist Jeff Wick was reported to be under illegal surveillance and his communication was intercepted by the police's crime intelligence in their attempt to determine his sources behind the News24 coverage of issues happening within police management.⁽²⁷⁾

Of note, however, was the landmark ruling by the South African Constitutional Court in a case involving the AmaBhungane Centre for Investigative Journalism and Sam Sole, a journalist, whose communication was being monitored and intercepted, against the Minister of Justice and Correctional Services and others.

In this case, the court declared that the Regulation of Interception of Communications Act (2021), RICA is unconstitutional on the basis that it fails to:

(a) provide for safeguards to ensure that a judge designated for purposes of a warrant of interception is sufficiently independent;

(b) provide for notifying the subject of surveillance of the fact of her or his surveillance as soon as notification can be given without jeopardising the purpose of surveillance after surveillance has been terminated;

(c) adequately provide



Zimbabwean President Emmerson Mnangagwa
CREDIT: NewsDay

safeguards to address the fact that interception directions are sought and obtained ex parte;

(d) adequately prescribe procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully, including prescribing procedures to be followed for examining, copying, sharing, sorting through, using, storing or destroying the data; and

(e) providing adequate safeguards where the subject of surveillance is a practising lawyer or journalist.

This judgment protects journalists and their sources from surveillance abuses and also confirmed that bulk or mass interception of ordinary citizens' data and communication is illegal.⁽²⁸⁾

This was a win for media practitioners in South Africa and highlighted the need to push for the repeal and or amendment of the Act.

Zimbabwe

In Zimbabwe, in November 2017, the police raided offices of Magamba Network, a civil society organisation made up of journalists and content creators, where they seized devices belonging to the organisation such as laptops and printers on allegations of attempting to subvert

a constitutionally elected government.

More recently, from 2020 to date, several indications and attempts at mass surveillance have been noted, pointing to the possibility that journalists have not been spared in such blanket surveillance.

In March 2020, the then army commander Edzai Chimonyo said the security forces would start snooping into private communications between citizens to 'guard against subversion' and claimed that the use of social media posed a threat to national security.⁽²⁹⁾

In October 2020, President Emmerson Mnangagwa addressed chairpersons of Zanu PF's provincial women, youth and war veterans wings at the ruling party headquarters, where he revealed that through the use of ICTs, the government had the capacity and was tracking the locations of certain individuals and their communication details.⁽³⁰⁾

The above clearly highlights the depth of surveillance in Zimbabwe in addition to the aforementioned reports implicating the government in the use of cyberespionage tools.⁽³¹⁾

Further, the numerous arrests of prominent freelance journalist Hopewell Chin'ono between 2020 and 2021 also indicated elements of

social media monitoring or surveillance by the State.

Chin'ono was arrested on three different charges, which included incitement of violence, obstructing the course of justice and publishing falsehoods. ⁽³²⁾

⁽³³⁾ ⁽³⁴⁾

All these charges were based on messages that Chin'ono posted on his social media pages on Facebook and Twitter.

These arrests and the prolonged pre-trial detention contributed to the infringement of freedom of expression and promoted a culture of self-censorship by media practitioners and members of the public, which ultimately would lead to the shrinking of democratic spaces online.

More recently in November 2021, the Information, Publicity and Broadcasting Services minister said the government had set up a cyber team to "monitor what people send and receive." ⁽³⁵⁾

This is a clear indicator of the repressive environment in which media practitioners are operating in as their right to privacy and more so the confidentiality of their sources is not guaranteed.

From a legislative perspective, the Data Protection Act, enacted in December 2021, amended the Interception of Communications Act, the Zimbabwean law that provides for lawful surveillance.

The Data Protection Act established a Cybersecurity and Monitoring of Interceptions of Communications Centre that is housed in the Office of the President and presents a legal basis for the government, and allows the executive branch of government to be monitoring and intercepting communications of targeted persons, who are believed, reasonably or not, to be enemies of the State, especially political opponents. ⁽³⁶⁾

Botswana

Botswana has been implicated in the surveillance of journalists. In late 2021, the Botswana government began procedures to enact the Criminal Procedure and Evidence (Controlled Investigations) Bill, a proposed law that contained provisions that would allow authorities to intercept communications of journalists and force them to disclose their sources. ⁽³⁷⁾

Following an intervention by media organisations in Botswana, who were supported by their partners in the region, the proposed provisions were eventually withdrawn. However, the pattern of surveillance has been happening prior to this proposed legislation.

The Botswana police was reported to have been using Israeli technology to snoop on journalists, particularly to verify or check the identity of their sources.

In July 2019, the police seized devices belonging to journalist Tsaone Basimahotlhe and proceeded to use technology sold by the Israel-based company Cellebrite to extract and analyse thousands of her messages, call logs, and emails, and her web browsing history, according to an affidavit from the police forensics laboratory. ⁽³⁸⁾

In April 2020, journalist Oratile Dikologang was arrested and had his phone searched by police after he wrote articles critical of the government.

It is reported that the police "successfully extracted" and "thoroughly analysed" thousands of the journalist's messages, contacts, images, audio files, and videos, as well as social media accounts and applications, according to an affidavit that they submitted to court to support the



Justice Motlhabani (left) and Letsogile Barupi, followed by Oratile Dikologang, leave the magistrate's court in Gaborone, Botswana, on April 14, 2020.

CREDIT: Mmegi/Thalefang Charles

prosecution. ⁽³⁹⁾

In March 2021, Botswana also seized computers and phones from arrested reporters and media workers with the *Moeladilothoko News Boiler*, a private Facebook-based news outlet and demanded their passcodes, answered calls on their behalf and read messages on their devices. Two of the phones were kept as evidence post the withdrawal of the charges. ⁽⁴⁰⁾

What is, therefore, clear from the above examples in the region, is that surveillance has adverse effects or adverse effects on free expression and media freedom.

INTERNATIONAL LAW POSITION ON SURVEILLANCE

While surveillance seems to have been normalised, in its unlawful and disproportionate state, it should be noted that there are various international and regional human rights instruments, as well as declarations, resolutions, principles and guidelines developed by the international human rights community that guide states with regards to monitoring, tracking and interception of citizens and their communication, and more so high risk groups like media practitioners.

Of note is Principle 41 of the Declaration on Principles of Freedom of Expression and Access to Information in Africa ⁽⁴¹⁾ which provides as follows:

1. *States shall not engage in or condone acts of indiscriminate and untargeted collection, storage, analysis or sharing of a person's communications;*
2. *States shall only engage in targeted communication surveillance that is authorised by law, that conforms to*

international human rights law and standards, and that is premised on specific and reasonable suspicion that a serious crime has been or is being carried out or for any other legitimate aim;

3. *States shall ensure that any law authorising targeted communication surveillance provides adequate safeguards for the right to privacy, including*

a) the prior authorisation of an independent and impartial judicial authority;

b) due process safeguards;

c) specific limitation on the time, manner, place and scope of the surveillance;

d) notification of the decision authorising surveillance within a reasonable time of the conclusion of such surveillance;

e) proactive transparency on the nature and scope of its use; and

f) effective monitoring and regular review by an independent oversight mechanism.

The above is also buttressed in the 2013 International Principles on the Application of Human Rights to Communications Surveillance, which highlights that any form of surveillance should be guided by the principle(s) of legality, legitimate aim, necessity, adequacy and proportionality.

It is a requirement that if the State seeks access to protected information through communication surveillance for a purpose that will not place a person at risk of criminal prosecution, investigation, discrimination or infringement of human rights, the State must establish to an independent, impartial, and competent authority that:

a) other available less invasive investigative techniques have been considered;

b) information accessed will be confined to what is reasonably relevant and any excess information collected

will be promptly destroyed or returned to the impacted individual; and

c) information is accessed only by the specified authority and used for the purpose for which authorisation was given.

The key takeaway is, therefore, highlighted in the General Assembly resolution 73/179 on the right to privacy in the digital age, being that surveillance of digital communications must be consistent with international human rights obligations and must be conducted on the basis of a legal framework, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory. ⁽⁴²⁾

RECOMMENDATIONS

In light of the demonstrated cases, targeted surveillance of journalists is a violation of their fundamental rights, including the confidentiality of their sources.

Whistleblower protection is one critical enabler for the realisation of media freedom and the promotion of transparency and accountability as whistleblowers are some of the key sources for journalists, especially in investigative journalism.

In undertaking their watchdog role, media practitioners receive and store sensitive information thus unlawful violation on their data privacy would not be warranted. Similarly, targeted interceptions for purposes of determining or exposing journalistic sources should not be allowed.

The following are recommendations, that should ensure that any form of unlawful surveillance is done away with while in instances wherein it is argued that possibly the surveillance is lawful that such surveillance

should be justifiable, necessary and for a legitimate purpose.

Civil society organisations and media practitioners should advocate and lobby for the following interventions:

- Support towards relocation of journalists to a safe place in the event of imminent threats;
- Safety and security trainings that are holistic in nature, including a focus on digital safety and also physical security;
- Rapid response to incarcerated journalists;
- Use of applications or panic buttons should any journalist feel that they are in danger;
- Advocacy and lobbying towards transparency in the acquisition and deployment of surveillance tools by States in the region; ⁽⁴³⁾
- Solidarity among human rights activists and civil society organisations in calling for respect of the right to privacy; ⁽⁴⁴⁾
- Strategic litigation is also very key. Any form of surveillance should be within the precepts of the law. This means that it should fall within the ambit of the three pronged test to permissible limitations of rights;
- Media practitioners should increasingly embrace the use of encryptions and anonymity to create the necessary privacy that allows them to freely exercise their right; and
- Media practitioners should utilise disappearing messages features on platforms like WhatsApp and Signal.

Governments also have a role to play in addressing the

surveillance of journalists including that states should:

- Cease the use of State-sponsored hacking to engage in the surveillance of journalists
- All data collected as part of COVID-19 contact tracing should be strictly protected from any other use by intelligence agencies and other government agencies or corporations.

“In undertaking their watchdog role, media practitioners receive and store sensitive information thus unlawful violation on their data privacy would not be warranted. Similarly, targeted interceptions for purposes of determining or exposing journalistic sources should not be allowed.

- Review laws that allow or legalise surveillance and ensure that they are in keeping with international standards and uphold fundamental rights in line with the International Principles on the Application of Human Rights to Communications Surveillance (the Necessary and Proportionate Principles);

- Ensure that data protection authorities are independent from State interference; and

- Provide for judicial oversight in any attempt at monitoring or tracking of individuals including the deployment of surveillance tools for the same purpose

Private players like big tech companies or internet companies can also contribute strongly to the safety and security of journalists in the digital age. This can be achieved through the following interventions:

- Adopting and implementing the guiding principles on business and human rights;
- Ensuring that requests by governments to access private information of users are lawful, necessary and justified and in compliance with the protection of rights;
- Constant review of policies to ensure that they include and promote the right to privacy, including data protection and privacy principles that should guide them in the collection, processing, use, transmission and storage of personal information; and
- Ensuring that new technologies are human rights centred from their development to their deployment

CONCLUSION

From the above, it can be noted that journalists continue to be under threat particularly through targeted surveillance.

While this report focused on specific incidents in Southern Africa, journalists in other countries beyond the region such as Togo, Senegal, Nigeria and Rwanda have faced similar threats to their privacy as they are targeted for their work.

In that regard, it is crucial to facilitate a regional response mechanism that strengthens the digital safety and security of journalists as well as lobbying states through their different agencies to desist from unjustifiably interfering with the work of journalists.

GENDER AND ICT IN SOUTHERN AFRICA



By Nashilongo
Gervasius

A COMPARATIVE MEDIA FOCUSSED ANALYSIS OF 'UNDERSTANDING ONLINE GENDER BASED VIOLENCE IN SOUTHERN AFRICA' REPORT

INTRODUCTION

THE internet has created what some observers refer to as the "digital public sphere". This sphere has become what is all around humanity to date, thereby, reproducing social structures similar to those in the physical realm.

Further, the internet has become a space of expansive human freedom facilitating multitudes of opportunities for the media and related industries on one hand, while on the other hand, consensus also exists that the internet and its associated technologies have opened doors to new and reconfigured forms of abuse such as hate speech, misogyny, dark forms of participation, information disorders that have

also become the norm.

While it is known that the social ills mentioned have always been part of most patriarchal and gerontocratic societies, evidence clearly exists that the internet and its accompanying digital platforms have amplified the occurrence of these dark forms of online participation, particularly disproportionately affecting women and girls.

This has caught the attention of international bodies such as the UN Special Rapporteur on violence against women, who in 2018, highlighted that:

...consequences of and harm caused by different manifestations of online violence are specifically gendered, given that women and girls suffer

from particular stigma in the context of structural inequality, discrimination and patriarchy. ⁽¹⁾

This fact has been reiterated by UN Women (2021) who pointed out in a report about online and ICT facilitated violence against women that; *not only were women and girls disproportionately affected, but women in politics and the media are at higher risk due to their public personas and nature of work. This kind of abuse often becomes worse when women belong to LGBTIQ and other disenfranchised groups.* ⁽⁷¹⁾

While journalists are people of interest due to their roles, in society female journalists in particular, become targets of the violence facilitated through online platforms, where digitally enabled abusive and manipulative behaviours constitute infringements on their rights and freedoms.

This is confirmed by a UNESCO (2021) discussion paper that highlighted widespread *instances of online violence against female journalists.* ⁽²⁾

In this international study, UNESCO, in collaboration with the International Centre for Journalists (ICFJ), revealed that there are psychological, physical, professional, and digital safety and security impacts associated with this escalating freedom of expression and gender equality crises that are converging in complex ways. ⁽³⁾

A 2021, Meta (former Facebook) supported study (yet to be published) titled "Understanding Online Violence Against Women in Southern Africa", confirms global positions regarding online violence in the region that ICT enabled violence disproportionately affects girls, women, children and LGBTIQ persons in the SADC region, further indicating that

the most targeted people are women and girls, human rights defenders, activists, politicians, journalists, social media influencers and celebrities, and politicians.

The above mentioned report, supported by Meta, which was initiated by consulting agency NamTshuwe Digital and conducted through various partners, further indicates that not only are prominent women and girls more often than not the victims of ICT enabled violence, it also emphasises that even ordinary women and girls in society are suffering from violence online.

This article provides an analysis of how ICT enabled violence manifests in the media in Southern Africa, with particular emphasis on gender. Its findings are based on the above-mentioned report supported by Meta Southern Africa Public Policy set to be published by the University of Pretoria in the near future.

Through a birds-view approach, this article shares diverse case studies from the eight countries of focus, with the aim to present the multi-faceted manifestation and impact of ICT generated violence in the media industry from a gender intersection.

This article is aimed at shedding light on this unfolding social crisis facing women in the media.

ICT ENABLED VIOLENCE AGAINST WOMEN IN THE MEDIA

It has been acknowledged that there is a dearth of literature on ICT enabled violence in Africa. However, anecdotal evidence suggests that the vice mimics real world

violence that journalists face offline.

The full extent of online violence against female journalists remains, for the most part, unknown, particularly in Southern Africa.

This is partly because of conservative practices that female journalists and women sources have been subjected to and treated in an industry that is characterised by oppressive patriarchal cultures that inhibit individual women from speaking out, and limit women, girls and marginalised groups from accessing and utilising the internet and its associated technologies.

Notwithstanding the well-known fact that digital inequality is endemic in Africa, including Southern Africa, women and girls are increasingly becoming more active on the internet and social media platforms, which consequently has resulted in them facing violence online in the forms of cyber harassment, trolling, stalking, body shaming and non-consensual creation of sexual images through artificial intelligence.

These are perpetrated by violators, who take advantage of technical affordances of the internet and social media platforms, by hiding under the cloak of anonymity to inflict harm on vocal and visible female journalists, activists and politicians, confirming the globally acknowledged evidence that the violence online is gendered.

While it's crucial to emphasise that the scourge of violence is gendered, men and boys also fall victim to this emerging practice.

In general, there are several concepts that are often used synonymously to refer to ICT enabled violence. The commonly identified ones are cyber harassment,

cyberbullying, hate speech; cyberstalking, non-consensual pornography — or image-based sexual abuse, or non-consensual sharing of intimate images, is the distribution of sexual acts in video or picture format without the individual's consent; trolling and doxing ⁽⁴⁾

⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾

EVIDENCE OF GENDER-BASED ICT ENABLED VIOLENCE AGAINST FEMALE JOURNALISTS IN SOUTHERN AFRICA

The 2021 report by UNESCO and ICFJ highlights that ICT enabled violence is highly complicated, due to its intersectional nature and the evidence provided in this section supports this position by presenting the myriad of ways on how women in the media are experiencing the violence online.

From abusive online comments and cyber harassment, to the perpetuation of harmful stereotypes through social media and online imagery, this section details incidents collected from online sources including opinion and editorial pieces, news reports and research studies collected to inform this report.

The evidence here supports findings of the UN Women in their report on online and ICT facilitated violence against women that not only are women and girls disproportionately affected, women in politics and the media are at higher risk due to their public personas and nature of work. ⁽⁸⁾

It is reported that the violence online often becomes worse when women in the media belong to LGBTIQ and other disenfranchised groups. Below

are the specific cases from eight countries of focus, namely **Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia** and **Zimbabwe**.

In South Africa, over the past decade, a new threat to women in journalism has emerged: cyber misogyny (hatred of women online), trolling or online social media bullying. ⁽⁹⁾

A 2018 research report by Gender Links and the South African National Editors' Forum (SANEF) showed that of the journalists surveyed in the research 30 percent women and nine percent men agreed that women journalists do face cyberviolence.

While only a few women reported cyberstalking with a few saying they had been victims of unknown email or cell phone correspondence issuing violent threats, bullying and trolling, often of a sexual nature. ⁽¹⁰⁾

Politicians have often been caught in the crosshairs of online violence, especially against journalists. Earlier in 2021, SANEF noted "the harrowing online attack on another female journalist by a senior politician."

In this instance, the president of the African National Congress (ANC) Women's League, Bathabile Dlamini, singled out journalist Qaanitah Hunter on Twitter following a story authored by Hunter titled "Bathabile Dlamini faces resistance over calls for ANCWL to support Magashule". ⁽¹¹⁾

In her tweets, Dlamini accused Hunter of deliberately "spreading lies" and being "bankrolled" by a "master" to "destroy the ANC". Her tweets further referred to Hunter as "misogynistic" and "an insult to the struggle for women's emancipation", and labelled her



Qaanitah Hunter
CREDIT: Creamer Media

as an "information peddler". ⁽¹²⁾

In 2019, the late Karima Brown, who was a prominent journalist, took the Economic Freedom Fighters to court in a case of doxing where her mobile phone number was published on the social media platform Twitter and following that she experienced harassment, intimidation and received death and rape threats. ⁽¹³⁾

In 2018, Ferial Haffajee, a prominent journalist and editor, was threatened with getting "a bullet in her head" via a Twitter message. ⁽¹⁴⁾

In a case study written in The Glass Ceiling Research by Gender Links and SANEF, Haffajee notes that the violence is patriarchal and gendered and growing concerns about cyber misogyny might lead to female journalists withdrawing from online platforms, further depriving an already male-dominated public sphere of female voices. ⁽¹⁵⁾

In Botswana, female journalists also experience online violence. Here evidence supports UNESCO's position that noted the role of political actors, including presidents and elected representatives, party officials and members in instigating and fuelling online violence campaigns against

women journalists as a major issue. ⁽¹⁶⁾

In a particular case that appeared at the height of electioneering in 2019, a Member of Parliament for Selibe Phikwe West, Dithapelo Koorapetse was accused by the media union of cyberbullying a female reporter, Tirelo Ditshipi.

During a public spat with another journalist, Philemon Mmeso, who is also Ditshipi's husband, Koorapetse shared the female journalist's pictures on social media platforms, ridiculing her.

Koorapetse's party president refused to call the MP to order, saying Ditshipi was "collateral damage". In another incident, MISA Botswana documented a case regarding a *Botswana Guardian* investigative journalist, Yvonne Mooka, who exposed a prophet for illegal activities bordering on money laundering. ⁽¹⁷⁾

The journalist was trolled online and harassed by those who did not like her investigative story, something which they noted does not often happen to male journalists. ⁽¹⁸⁾

In Malawi, it was found that incidences of online violence often stem from events

occurring offline, which then spread onto online platforms.

For instance, in 2019, Malawian WhatsApp groups were awash with a video of a woman who was being stripped naked by men for wearing political party regalia.

The woman was stripped naked and ridiculed by men of an opposing political party. The men were eventually arrested and charged with insulting the modesty of a woman, robbery, and use of force under the Penal Code. ⁽¹⁹⁾

In Namibia, an Internet Society Namibia Chapter (ISOC) campaign raising awareness on online violence, shared a story of NBC journalist Blanche Goroses, who had suffered violent rape and murder threats in the wake of the 2019 general elections. ⁽²⁰⁾
⁽²¹⁾

Goroses' case became one of the few recorded in the country. Another female journalist reported of incidents where empty coffins were sent to her on Facebook Messenger after her newspaper published an article she wrote.

In the ISOC campaign, other female newsmakers and celebrities such as musician Top Cherri and entrepreneur/analyst and musician ML Musik as well as a former Miss Namibia finalist Rejoice Marowa narrated their ordeals of having been at the receiving end of damaging remarks and derogatory comments about their bodies or sexuality via social media platforms, which they see as a form of forcing them to tone down their online presence. ⁽²²⁾ ⁽²³⁾

Further cases of violence online reported involve a celebrity, who filed a defamation case against a politician who called her a "prostitute". ⁽²⁴⁾

Female politicians are

constantly compared to animals or are taunted about their dressing. In an environment where existing laws are outdated, gender blind and at most leave legal interpretations to courts, the situation is exacerbated. ⁽²⁵⁾ ⁽²⁶⁾
⁽²⁷⁾

The Zambia report shows the role of political events in worsening the violence online, further revealing how women in the limelight are faced by the violence online.

When former President Edgar Lungu announced his female running mate, Nkandu Luo, she faced cyberbullying as she was targeted over what she wore to the press briefing.

In this instance, social media in Zambia was awash with memes of her outfit, illustrating the harsh realities that female politicians face online.

Another case was that of Iris Kaingu, a young woman who aspired for a parliamentary seat in the 2021 elections. ⁽²⁸⁾

She was the centre of attraction because of a "sex tape" that was leaked in 2011 and kept emerging during the campaigns leading up to the 2021 elections.

In another incident, a socialite called Mwizukanji sued and received a cash settlement of K50 000 (US\$2,900) from a person, who defamed and harassed her on Facebook. ⁽²⁹⁾

It is not clear what law was used in this lawsuit, however, it is noteworthy that a cyber-related crime received judgment in the complaints favour.

In Mozambique, in 2019, Fátima Mimbire, a female human rights defender and former Centre for Public Integrity (CIP) researcher said she had received intimidating messages and death threats on

social media. ⁽³⁰⁾

These abusive messages were allegedly sent by FRELIMO militants, who have publicly advocated for violence against Fátima on social media. In May 2019, Alice Tomás, a FRELIMO Member of Parliament called on Facebook for Fatima "to be raped by 10 strong and energetic men to teach her a lesson". ⁽³¹⁾ ⁽³²⁾

In response, civil society called for the State to investigate the threats on social media networks and take action to guarantee the protection of activists. These attacks against women activists on social media networks were condemned by international organisations like Amnesty International and Human Rights Watch. ⁽³³⁾ ⁽³⁴⁾

In Angola, Freedom House (2021), reported that there were sporadic government efforts to manipulate online content. It was further reported that online activists and journalists are sporadically targeted with threats, though they face less violence and harassment than journalists who operate mainly in the traditional media sphere. ⁽³⁵⁾ ⁽³⁶⁾

Some independent online news outlets report receiving regular calls from government officials directing them to tone down their criticism or refrain from reporting on certain issues. ⁽³⁷⁾

As a result, civic activists, journalists, trade unionists, politicians and academics are increasingly muting their voices largely because of reprisals and state-sponsored harassment

In Zimbabwe, an interview with the Media Institute of Southern Africa (MISA) Zimbabwe revealed that female journalists and female politicians bear the brunt of cyber bullying, harassment and non-consensual sharing of intimate images. ⁽³⁸⁾

Female journalists such as Ruvheneko Parirenyatwa and Samantha Musa (MisRed) have been bullied online while female celebrities are also affected. A case in point is the attack on female celebrities by a social media personality called Shadaya Knight. ⁽³⁹⁾

Further, women and sexual minorities are mostly affected by ICT enabled violence in the form of online sexual coercion and extortion, emotional blackmailing, cyber bullying, verbal attacks and defamation of character. ⁽⁴⁰⁾

An interview with the Gays And Lesbians Association of Zimbabwe (GALZ) highlighted that the LGBTIQ community faces online violence with their personal information often exposed by intolerant members of the community. They also face threats of physical harm and even murder as a result of intolerance and homophobia. ^{(41) (42)}

The chilling effect associated with OGBV often pushes women and girls offline.

FINDINGS, CONCLUSION AND RECOMMENDATIONS

In summary this article presents an analysis of the cases of violence online from a gender and media perspective in the eight countries where a gender based violence online research was carried out.

The article presents unique manifestations of violence online, as cyberbullying, trolling, hate speech, body shaming and non-consensual sharing of intimate images/videos; further demonstrating that female media practitioners and journalists, celebrities and political aspirants, socialites, media persons, activists,

bloggers bear the brunt of cyberbullying and sexual harassment, among many other violent online actions.

Abusive comments and hate speech create a chilling effect on political participation and are consistently being used to silence female journalists. This scourge poses a real threat towards the safety and security of female journalists and prominent personalities in the media.

In return, victims of ICT enabled violence have resorted to an array of coping mechanisms, including reporting the abuse to law enforcement agencies, deleting social media posts, blocking and withdrawing from using social media platforms for a specified period of time.

However, the efficacy of these actions remains unknown given the culture of silence prevailing among victims of online abuse and violence.

Evidence on follow-up by law enforcement agencies is lacking, which further complicates the situation.

While current legal and policy reforms, sensitisation and mitigation efforts by the government and other stakeholders are encouraging, more tailored efforts are necessary to ensure that women and girls in the media fully participate in the digital sphere.

The fact that social media platforms do not have a physical presence in most of the countries is seen as contributing to a lack of understanding local context and inaction with regards to timeous taking down of abusive content on their platforms leading to lack of effectiveness in protecting female journalists in their work and preventing female personalities from engaging in democratic discourses and other opportunities available



Ruvheneko Parirenyatwa
CREDIT: zimetro.co.zw

online, that the internet has become to be known for.

ICT enabled gender based violence is set, in the long run, to hamper the achievement of diversity of voices in the public sphere. It impacts negatively on the enjoyment of freedom of expression and freedom of assembly.

The lack of aggregated data on online violence in the Southern African region hampers reporting and consequent action in dealing with online violence in each country.

Although gender based violence predates the digital age in the region, this article highlights how the mass permeation and adoption of digital media technologies has amplified cases of gender based harassment, stalking, trolling, body shaming, hate speech and so forth.

By hiding behind the cloak of anonymity, perpetrators of digitally-enabled harassment and cyberbullying have created a toxic atmosphere on various social media platforms. This kind of harassment has disproportionately targeted female journalists as well as women in the media.

The situation was reported to have been worsened by the COVID-19 pandemic when most people migrated online to access information, education, social services, buying and selling as well as entertainment and socialisation.

Findings of this analysis supports UNESCO arguments that within the journalism fraternity, online violence against women journalists is designed to belittle, humiliate, and shame; induce fear, silence and retreat; discredit them professionally, undermining accountability journalism and trust in facts; and chill their active participation (along with that of their sources,

colleagues and audiences) in public debate.

This amounts to an attack on democratic deliberation and media freedom encompassing the public's right to access information, and it cannot be normalised or tolerated as an inevitable aspect of online discourse, nor contemporary audience-engaged journalism.⁽⁴³⁾

As long as this growing phenomenon is not well-documented in the global South

"This amounts to an attack on democratic deliberation and media freedom encompassing the public's right to access information, and it cannot be normalised or tolerated as an inevitable aspect of online discourse, nor contemporary audience-engaged journalism.

including Southern Africa, it is pertinent to note that its impact has a far reaching impact on women in the media furthering digital equality, freedom of expression and civic participation.

Further evidence from the eight-country report suggests that existing policy and legislative frameworks have no specific provisions to address these emerging dark forms of participation, while most countries in Southern Africa have outdated interception of communication, cybersecurity and cybercrimes and data

protection laws. In rare cases some legal frameworks focus on cyber harassment, stalking, image based abuse and cyberbullying.

However, these frameworks exist in silos and do not talk to one another.

Finally, it will take combined efforts from various stakeholders to contribute towards the creation of an enabling environment for freedom of expression, privacy, access to information and safety online.

In order to change the current situation, it is important to offer some gender-sensitive advice to policy makers, platform companies and law enforcement agencies in order to turn the tide.

There is need to promulgate new laws and amend old ones so that they address the necessary and proportionate principles as well as uphold the human rights-based approaches. To improve this situation, the following recommendations are put forth:

Governments:

- States must take measures to ensure the safety of female journalists and media practitioners by addressing gender-specific safety concerns, including sexual and gender based violence, intimidation and harassment.⁽⁴⁴⁾

- Disseminate information and sensitise the public on the responsible use of the internet.

- Ensure protection for female journalists and media practitioners in promoting Article 9 of the African Charter.

- Promote equal participation of women in politics in promoting Article 9 of the Maputo Protocol by ensuring a safe space for women in politics

offline and online.

- There is a need for cross sectoral capacity building workshops on online GBV.

Media

- Media, through its power to reach people en masse with information, should provide education on online violence and how this can be prevented or prosecuted, as well as meaningful engagement online;

- Must ensure training on online safety;

- Should ensure development guidelines on online safety for newsrooms;

- Should ensure investigative reporting on how cases of ICT enabled gender based violence are dealt with and their detrimental effects on society is critical;

- Develop in-house strategies to tackle online harassment and cyber sexism against female journalists;

- Invest in digital safety and security training as well as tools for journalists in newsrooms; and in particular provide specific training for women journalists to help them deal with cyber misogyny;

- Establish partnerships between private and public media for publicising mechanisms of protecting women in the online space and sharing information on essential contacts and action platforms;

- There is need for the media to join in the sensitisation of the social media platform users on the adverse effects of online GBV;

- Should engage in awareness raising and enhanced storytelling on what ICT enabled violence entails

and the extent and prevalence of it, including highlighting ways and tools that provide protection and justice to women and girls; and

- Should benefit from tailored training on how to identify and report on gender-based violence online.

Academia

- Increase research on ICT enabled gender based harms and violence online to add to the body of knowledge and sound evidence based on the prevalence, nature of violations, and mitigating strategies developed;

- Raising awareness amongst journalism and media studies students on the new and emerging threats encountered by journalists and giving them practical guides and tools to stay safe online;

- Create databases with statistical data to guide evidence-based research in order to better understand ICT enabled GBV in the region. This can be done at the request of digital platforms, respecting the data privacy of users;

- Establish partnerships with survey/polling centres and research institutes that already have advanced research experience on online violence elsewhere in the world; and

- Invest in action research as a way to better disseminate the results of studies conducted by academia, so that there is acceptance of the research within the community.

Internet intermediaries

- Enhance awareness of community standards locally and through local partnerships and provide user-friendly reporting mechanisms;

- Taking down content that violates human rights

timely and with local context understanding. Machine automated decisions seem ineffective given the diversity of languages and culture;

- Continue working with different communities in the region so that the responses to online GBV are tailored to the challenges that exist in individual countries;

- Create industry engagement platforms for sharing of best practices, challenges, common solutions and joint standard setting by internet intermediaries on handling online GBV occurrences across different social media platforms; and

- Facilitate the reporting of cases of violence against women online, as well as removal of offenders from the online space in the event of violation of social networks' rules of use.

Civil society

- Implement advocacy and awareness raising campaigns on ICT enabled data;

- Partner with the government, internet intermediaries and other relevant stakeholders to raise awareness of the impact of online GBV and also gather evidence on this phenomenon;

- Provide digital security training for at risk internet users and support for victims of online GBV, such as strategic litigation, funds for victim support and counselling; and

- Expand communication platforms between civil society organisations.

In this article, the terms **ICT enabled violence is interchangeably used with, **online violence**, **online gender based violence (OGBV)** and **Online violence against women (OVAW)***

COUNTRY REPORTS

■ ANGOLA

MEDIA FACES NEW CHALLENGES DESPITE EARLY PROMISE OF IMPROVEMENT



By Andre Mussamo and Dércio Tsandzana

INTRODUCTION

THE swearing in of a new president, João Lourenço, in Angola in 2017 promised much in terms of media freedoms. Despite the early promises, widespread

violations of fundamental freedoms still persist.

Most violations recorded are round freedom of association and freedom of expression, with journalists regularly

facing intimidation.

Upon assumption of power, Lourenço eased restrictions on the media and civil society that were commonplace during the longtime reign of his predecessor, Eduardo dos Santos.

While the changes have been largely positive, there are still challenges that remain for freedom of expression and of the media in Angola.

Violence against protestors and journalists is contributing to self-censorship and this has reinstated an environment of fear that in the past limited public discussion of governance issues. ⁽¹⁾

Social media presents a new frontier that Angolans can use to express themselves, but information and communication technologies are prohibitively expensive for the majority of Angolans, partially due to a lack of competition in the ICT industry.

Angola is ranked 106 out of 180 countries in the 2021 World Press Freedom Index, although it is noteworthy that no journalist was killed that year.

LEGAL AND REGULATORY FRAMEWORK

Freedom of expression and access to information have been enshrined in the Angolan Constitution since 1991, when the country abandoned the one-party regime to establish a multiparty system.

Article 40 of the Constitution states that “everyone has the right to freely and publicly express and share opinions in words, images or by any other means”.



Angolan President João Lourenço
CREDIT: African Business

This right includes the right to be informed or to inform others, that is, the right to be able to transmit information or access information.

The Constitution goes further by providing that such rights must be maintained and realised without hindrance, discrimination or censorship, as well as guaranteeing every individual or legal entity equal right of reply, correction and compensation for any damage suffered as a result of such free expression.

Article 44 of the Constitution stipulates that the rights to freedom of the press and information cannot be subject to prior censorship, namely of a political, ideological or artistic nature, admitting restrictions only in the case of accommodating other rights and interests or the limitations arising from the protection of the dignity of natural persons.

To ensure the materialisation of such rights, the legislature enacted the Media Legislative Package in 2017, which includes the Broadcasting Law, Television Law, Journalist Code of Conduct and Press Law.

Among other issues, this package aims to eliminate obstacles and bureaucracies that journalists and the press have historically faced in Angola, creating an enabling environment for the establishment of radios, including community ones, clubs and journalistic associations, as well as, the fostering of diversity and multiplicity of media channels.

However, despite these legislative developments, the package of laws in itself presents a threat to the exercise of press freedoms.

A number of articles contained in the Press Law violate Angola's international

obligations in respect of media freedom.

These include: Article 29 which gives the Ministry of Social Communication the authority to oversee how media organisations carry out editorial guidelines and punish violators with suspension of activities or fines; Article 35 imposes excessive fees to establish a media group of 35 million kwanzas for a news agency (US\$211,000) and 75 million kwanzas (US\$452,000) for a radio station; and Article 82 criminalises publication of a text or image that is "offensive to individuals".

The Penal Code, approved in January 2019, contains articles on media activity.

These include fines and up to six months in prison for "abuse of press freedom", which can include incitement, the dissemination of hate speech and the advocacy of fascist or racist ideologies.

Under the Penal Code, defamation and slander are punishable with fines and imprisonment for up to six months.

The law's overly broad definition of defamation opens the door for the government to arbitrarily prosecute journalists, who report on illegal or improper activity by officials and others.

Computer crimes are also included in the new Penal Code, which, for example, it punishes illegitimate access to information systems.

Article 444 of the same code stipulates that "if the access is gained by violation of security rules or if it was gained to a protected service, the penalty is two to eight years of imprisonment".

MEDIA PLURALITY AND DIVERSITY

The Angolan media remains largely controlled by the ruling People's Movement for the Liberation of Angola (MPLA) party.

The government owns the only radio and television stations that broadcast throughout the country, as well as the official news agency.

With elections scheduled for August 2022, Angola is experiencing some tense moments, marked essentially by protests that began in 2021, with the approval of an electoral law that was not met with consensus from the country's main political actors.

To add to the tensions, a media group, which operated television channels called ZAP was suspended on allegations that the stations were improperly registered.⁽²⁾

The Committee for the Protection of Journalists has noted that citizens do not have access to a free, diverse and pluralistic broadcast media, stressing that the only conclusion to be drawn is that the Angolan government is trying to control the media narrative, especially because of elections scheduled in August.

CPJ also documented how criminal defamation has become the weapon of choice to intimidate and harass journalists in Angola, including virtual media.

Also in 2021, Freedom House reported that the government's ability to monitor and intercept the data and communications of Angolan citizens is of major concern.⁽³⁾

JOURNALISTS' SAFETY AND PROTECTIONS

In 2021, Angola recorded an escalation in media violations. For example, in April, police officers arrested Jorge Manuel, a reporter for the radio station *Rádio Despertar*, while he was covering protests against the eviction of people in the municipality of Sequele, in Luanda, the capital, by local authorities.

He was detained for five days after which he was released on condition that he reports to the police station every 15 days, while authorities investigate whether he was part of the protest against the evictions.

Police officers confiscated Manuel's phone and recorder during his arrest and did not return them after his release.

In other high profile cases, on 23 April 2021, Angolan journalist Francisco Rasgado, director and founder of Chela Press newspaper, was arrested by order of the Benguela District Court, following criminal proceedings brought

by the former provincial governor, Rui Falcão Pinto de Andrade. ⁽⁴⁾

On 13 September 2021, the Provincial Court of Luanda convicted Carlos Alberto, editor of the news website *A Denúncia*, on charges of criminal defamation, denunciation for damages, and violation of press freedom.

The charges were prompted by a complaint filed by Angolan Deputy Attorney General Luís Liz, in response to a 15 May video by *A Denúncia* about his alleged illegal appropriation of land for a shopping centre.

The court sentenced Alberto to two years in prison and a fine of 110 million kwanzas (US\$176,000), but allowed him to remain free and suspended the sentence for 20 days to allow Alberto to make a public apology, according to these sources.

The court required him to publish an apology every five days on his Facebook page for 45 days to have the fine and prison sentence lifted.

DIGITAL RIGHTS AND THE EXPANSION OF THE COMMUNICATIONS SECTOR

Internet freedom in Angola improved in the first years of the administration of Lourenço.

By the end of 2021, Angola had three mobile phone companies, Movitel, UNITEL and state company Angola Telecom.

UNITEL is the largest telecommunications operator in Angola, with a 73% market share.

In December 2021, Africell became the fourth phone company to enter the Angolan market.

Internet penetration in Angola represents 36% of the total population.

From this perspective, these user numbers reveal that 22 million people in Angola were not using the internet at the beginning of 2022, meaning

Press freedom still fragile despite the old dictator's departure

The installation of a new president, João Lourenço, in September 2017 ended four decades of rule by the Santos family, but the few TV channels, the radio stations and the 20 or so newspapers and magazines are still very largely controlled or influenced by the government and ruling party. A series of laws passed in 2016 facilitate criminal defamation suits and force TV and radio stations to broadcast presidential addresses to the nation. Nonetheless, there have been encouraging signs. One was the acquittal of two investigative journalists in 2018 on the grounds that they had an 'obligation to report with complete objectivity'. The other was the publication of opposition op-eds in state newspapers. But the media continue to push for the decriminalisation of press offences

Follow the news on Angola

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103

in the 2021 World Press Freedom Index

RANKING

+3
106 in 2020

GLOBAL SCORE

+0.14
33.92 in 2020

Ranking since 2013

CONTACTS

Facebook
RSF_Africa
RSF_pt



that 64% remained offline at the beginning of the year.

Angola is soon to roll out a 5G network.

The data indicates that 15 million people have access to the internet, representing 46% of the population.

However, despite the above advances, the price of mobile data, call plans, and broadband internet access in Angola are high compared to neighbouring countries — 10 times higher than South Africa's, for example.

One gigabyte for mobile internet in Angola costs an average US\$1.61 in 2021.

The country ranked 89 in a list of 228 countries worldwide, from the cheapest to the most expensive for mobile data.

Poor infrastructure particularly affects rural residents, for whom voice and data services are of much lower quality and are subject to frequent cuts and extremely slow connection speeds.

Due to the country's fractured electricity system, urban areas are more likely to have connectivity.

It is important to note that during the period under review, despite a history of censorship in print and broadcast media, there have been no known incidents of the government blocking or filtering online content in Angola, and there are no restrictions on the type of information that can be exchanged through digital media.

There were no public reports of forced content removal during the coverage period, though informal government demands on users to remove content from the internet have been documented periodically.

COVID-19 AND DIGITAL RIGHTS

During the pandemic, State security forces were implicated by human rights groups and media in serious human rights abuses, including killings, harassment and arbitrary arrests, as they tried to enforce lockdown rules and restrictions.

In the media sector, under COVID-19 emergency measures imposed since

effect, there are concerns that it may be used to manipulate Angola's media environment.

However, there were no specific cases related to COVID-19 and violation of press freedom in the offline or online space during the period under review.

GENDER AND ICT

In Angola, different laws are in place to protect women. In addition, policy measures under the National Development Plan aim to promote the full realisation of human rights and fundamental freedoms for men and women and promote all equal-opportunity aspects in employment policies.

This includes reduction of occupational segregation and assistance in reconciling work and family life, as well as to counter the persistent under-representation of women in all decision-making spheres.

It also aims to promote equal access and full enjoyment of social rights such as access to the same job opportunities for men and women, in order to eliminate gender disparities in primary and secondary education and at other educational levels by 2025.

However, the policy lacks a specific approach on women-ICT and online gender-based violence (OGBV).

During the period under analysis it was noted that there was almost no public debate on the situation of women in the digital space, not only because of the absence of concrete policies, but also because of the poor access to digital spaces by women due to the limited expansion of the network, as well as the costs, which, as mentioned above, are still high.

"The Committee for the Protection of Journalists has noted that citizens do not have access to a free, diverse and pluralistic broadcast media, stressing that the only conclusion to be drawn is that the Angolan government is trying to control the media narrative, especially because of elections scheduled in August.

March 2020, State and private media outlets are obligated to collaborate with "competent authorities," which the decree defines as the government bodies responsible for security, civil protection, and public health.

Though it is not clear how this provision has been put to

■ BOTSWANA

QUIETLY, BOTSWANA INCREASINGLY BECOMING HOSTILE



By Queen Mosarwe

INTRODUCTION

BOTSWANA emerged as an area of concern during the period under review due to the government's desire to introduce draconian laws and also to use controversial statutes to harass journalists. Considered one of the most

peaceful and stable countries in Africa, Botswana came under the spotlight for the wrong reasons following repeated cases of harassment of journalists and snooping on private communications for citizens.

LEGAL AND REGULATORY FRAMEWORK

Botswana has four laws that regulate the media and when invoked by the State, they override constitutionally guaranteed freedoms by giving discretionary powers to government officials and impose harsh fines on those who breach the laws. ⁽¹⁾

The laws accommodated under section 12 (2) of the Constitution, permit restrictions on the exercise of freedom in areas of defence, public security, public order, public morality, and public health.

Section 44 of the Directorate of Corruption and Economic Crime Act, for instance, prevents journalists from reporting on cases under investigation until such a matter reaches the courts or investigations are concluded.

On the other hand, the National Security Act (1986) regulates anything that might threaten the security of the country.

Several calls have been made for the government to repeal the Media Practitioners Act 2008 (MPA), which has been labeled draconian.

The opposition has, on several occasions, sought the repeal of MPA through Parliament, but the motions have been blocked by the ruling Democratic Party through several votes.



Source: Dr Mokgweetsi E.K Masisi official twitter page (2019) ⁽⁸⁾

Overall, the MPA criminalises journalism, intimidates journalists, and restricts media work, while also promoting self-censorship by journalists, editors and publishers

The year under review saw growing intolerance of media criticism by the government. The government has shown little appetite to repeal the offending laws, but there is eagerness to introduce more draconian legislation.

MEDIA PLURALISM AND DIVERSITY

Botswana has 12 print newspapers of which 11 are privately owned and one is controlled by the State, five radio stations (three privately owned and two controlled by the State), one State owned television station and one privately owned television station as well as a handful of digital platforms.

State run media outlets

dominate the broadcasting sectors and have been accused⁽²⁾ by opposition parties of being pro-government and being biased towards the ruling party in their reporting.⁽³⁾

JOURNALISTS' SAFETY AND PROTECTION

Botswana still does not have a law that explicitly guarantees freedom of expression and this does not promote government's transparency.

There is no law implementing right to information provisions enshrined in the Constitution despite pressure from certain quarters for the enactment of a Freedom of Information Bill.

In 2010, an opposition Member of Parliament tabled the Freedom of Information Bill and 11 years later, the authorities are still reluctant to enact it into law.

The absence of an access to information law has seen some journalists resorting to using

underhand means to obtain information, often leading to their arrests.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Botswana does not have laws on surveillance, but a number of court cases involving journalists have exposed police and other State security agents for routinely snooping on media practitioners.

Botswana is one of three Southern African countries that were named in a report on State surveillance.⁽⁴⁾

The government has moved to introduce the Criminal Procedure and Evidence (Controlled Investigations) Bill, which media organisations fear would be used to intercept private communications by citizens.

The Bill was brought to Parliament in early 2022.

State media under presidential control

Under the previous president, Ian Khama, press freedom declined alarmingly, investigative journalists were arrested, a news website was subjected to a massive cyber-attack and Botswana fell eight places in the World Press Freedom Index from 2013 to 2018. But press freedom violations have declined under his successor, Mokgweetsi Masisi, who has at least given frequent press conferences, unlike Khama, who gave none during his ten years as president. Nonetheless, there is still no law on access to information, which journalists have long been demanding. The state-owned media still fall far short of providing a public news service and continue to be under the government's sway, to the point that they are now directly supervised from the president's office. The few privately-owned newspapers depend on

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38

in the 2021 World Press Freedom Index

RANKING

+1
39 in 2020

GLOBAL SCORE

-0.31
23.56 in 2020

Ranking since 2013

CONTACTS

RSF
RSF_Africa
RSF_en



0

journalists killed in
2022

0

citizens journalists
killed in 2022

0

media assistants
killed in 2022

The spy agency, Directorate of Intelligence and Security Service (DISS), has been reported to be using surveillance and jamming technology developed by Elbit Systems to conduct 'electronic warfare' against the media.

Online news outlet editor Oratile Dikologang was arrested in April 2020 with police saying they used a Universal Forensic Extraction Device (UFED) sold by Israel-based Cellebrite and a Forensic Toolkit (FTK) to examine his mobile phone.

The police said they had "successfully extracted" and "thoroughly analysed" thousands of the journalist's messages, contacts, images, audio files, and videos, as well as social media accounts and applications from his phone.

after he refused to reveal his sources when requested to. ⁽⁵⁾

MEDIA INDEPENDENCE

Botswana's State media is controlled by the Office of the President.

Despite persistent complaints about the State media's biased coverage by opposition parties, the trend continues.

In 2017, media ombudsman Augustine Makgonatshothe revealed that the State-owned broadcaster, *Botswana Television (Btv)* gave the ruling Botswana Democratic Party (BDP) 82 percent of its airtime compared to the 18 percent shared by all opposition parties.

He ruled that *Btv* had not lived up to its mandate by favouring the BDP in its coverage of political events.

Private media covers opposition activities including campaigns and have been instrumental in exposing scandals ⁽⁶⁾ associated with the ruling party.

They also cover government activities and ruling party campaigns.

The 2021 Freedom House report ranks Botswana amongst the freest countries in the world at number 72 out of 100 countries.

Botswana is considered as one of the stable democracies in Africa, but the report



Police disperse protesters during State of Emergency
CREDIT: The Parrot Online (2020) ⁽⁹⁾

states that Botswana's press freedom remains under threat as incidents of harassment and intimidation of journalists have been reported under the current administration.

Botswana also lacks a freedom of information law, thus limiting government's transparency. ⁽⁷⁾

IMPACT OF COVID-19

The Botswana media industry continues to face challenges caused by the COVID-19 pandemic.

Media houses, especially print, are arguably operating during the worst possible time in the history of the industry.

Dwindling sales and plummeting advertising revenue, 10 a decade old advertising ban on the private media imposed by the government have worsened the plight of media houses.

During the year under review, some established media houses like *The Botswana Gazette* had to stop producing their print editions to publish exclusively online due to rising costs and dwindling revenue from street sales and advertising.

While producing online is seen as a cost-saving initiative, advertisers in Botswana still prefer the traditional platforms and have been slow in shifting to online, thereby depriving media houses of the much needed revenue.

INTERNET ACCESS AND AFFORDABILITY

A 2021 Alliance for Affordable Internet report, ranked Botswana number two on the

continent in terms of internet affordability.

The previous year, the Botswana Communications Regulatory Authority (BOCRA) embarked on a deliberate strategy to reduce broadband prices and engaged mobile operators to lower prices of mobile broadband or data bundles.

Botswana citizens are now reaping the fruits of that proactive approach with relatively cheap data tariffs.

INDEPENDENT CONTENT PRODUCERS

Botswana has a very small community of independent content producers, who largely do it as part of their hobbies instead of commercial purposes.

Most independent content producers resort to using social media pages as they cannot afford publishing platforms such as news websites.



Female journalists and co-founders of the online news platform The Argus Online

■ eSWATINI

COVID-19, PRO-DEMOCRACY PROTESTS USED TO CLAMP DOWN ON FREE SPEECH



*By Zweli Martin
Dlamini*

INTRODUCTION

JOURNALISTS in eSwatini endured a tough time in 2021 as the Kingdom witnessed unprecedented anti-government protests that resulted in a brutal clampdown by the authorities.

The media was often targeted as the government tried to quell the unrest and access to information was severely restricted.

As the protests intensified, the government shutdown the internet, crippling operations of media outlets that primarily

distribute their content using digital tools such as online radios and news websites.

Social media platforms such as Twitter, WhatsApp and Facebook were restricted while leading publications such as *The Times* and *Observer* were forced to suspend printing their newspapers amid the killing of civilians in the ensuing clampdown.

LEGAL AND REGULATORY FRAMEWORK

The media in eSwatini remains severely constrained in its operations by a plethora of laws meant to shield the monarch from scrutiny. ⁽¹⁾

According to a 2002 audit of Restrictive Media Laws and African Media Barometer, there are approximately 32 laws that restrict media freedom in eSwatini, including harsh defamation laws and the Suppression of Terrorism Act (STA) that the government has threatened to apply to critical journalists.

King Mswati as the head of State enjoys immunity from criticism and his actions cannot be questioned by journalists without them falling foul of the country's laws.

Although eSwatini's Constitution that was promulgated in 2005 promotes press freedom and freedom of expression, the government has not aligned the various laws with the supreme law and restrictions on civil and political rights remain firmly in place.

As King Mswati became increasingly under pressure from citizens demanding political reforms and a democratic transition, authorities used the Sedition and Subversive Act to target journalists that were



Wonder Dlamini of the *Eswatini Observer* shows off his injuries

critical of the way the political crisis was being handled. ⁽²⁾

MEDIA PLURALISM AND DIVERSITY

There is no media diversity in eSwatini because of restrictive media laws.

Prohibitive cash bonds required from investors seeking to set up media platforms and draconian laws such as the Books and Newspapers Act are discouraging the establishment of new media outlets while government's reluctance to issue new broadcasting licences is retarding the growth of the sector in a big way.

JOURNALISTS' SAFETY AND PROTECTION

Attacks against journalists by State security agents intensified following protests against the government erupted in June 2021 while others were threatened with arrests.

A number of journalists were caught in the crossfire as police used force to put down the protests, including shooting of live ammunition. ⁽³⁾

One of the journalists, Wonder Dlamini from the State owned *Eswatini Observer* was injured when he was hit by a teargas canister while covering protests in Siteki in the eastern part of the country. ⁽⁴⁾

Dlamini was treated for his injuries and was left traumatised by the incident.

Prior to the unrest, there were two cases of editors that had been forced to flee eSwatini due to persistent persecution by the authorities for doing

their journalism work.

Eugene Dube, editor of *Swati NewsWeek*, a prominent online publication, was forced to go into temporary exile in South Africa after he was attacked by armed police officers for interviewing the then president of eSwatini opposition movement Economic Freedom Fighters Ncamiso Ngcamphalala who spoke about "removing the King from power."

Dube eventually returned home after the charges against him were withdrawn.

In a similar case, Zweli Martin Dlamini, editor of the privately owned *Swaziland News*, fled to South Africa after he was tortured by the police for writing stories deemed critical of King Mswati.

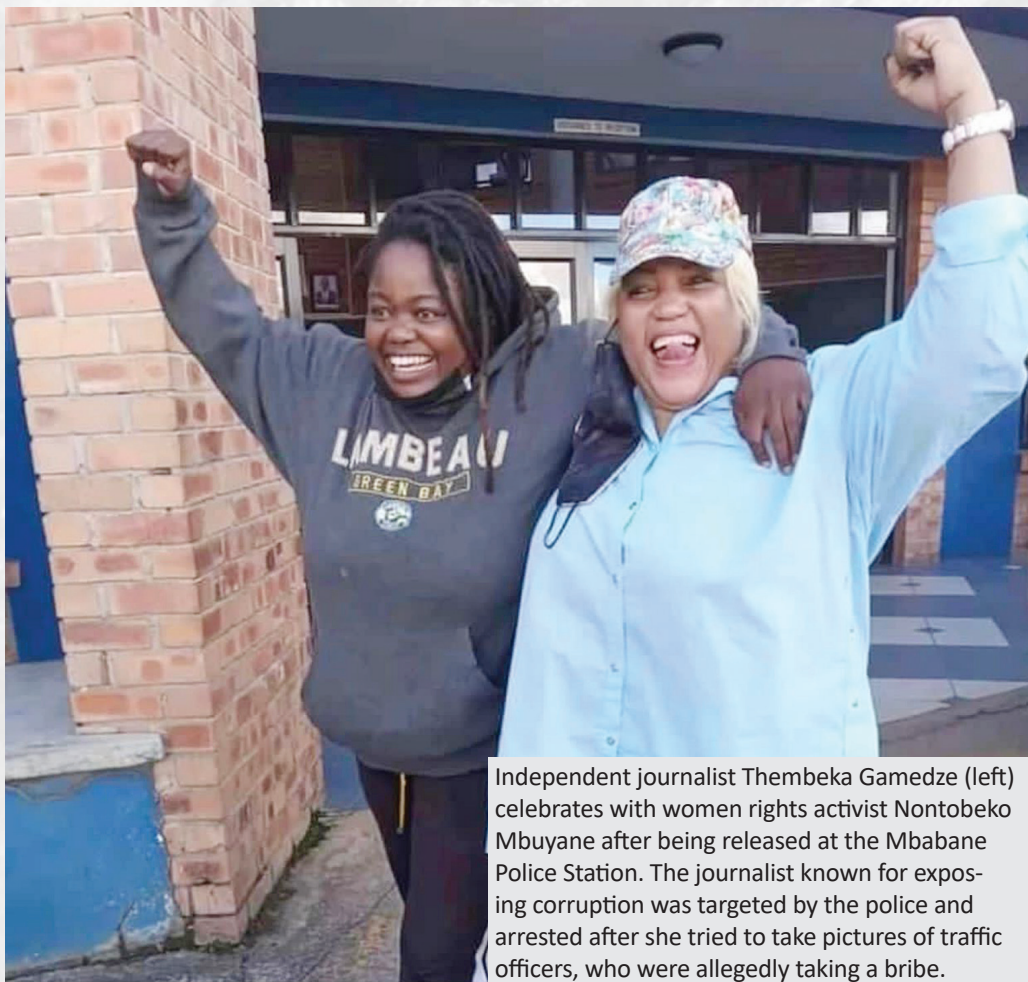
After learning that Dlamini had skipped the country, police raided his home and arrested his wife Nompandolo Nokuthula Mkhonta who was later released.

MEDIA INDEPENDENCE

There was a high degree of censorship of both the independent and state-owned media in eSwatini during the period 2020 to 2021 with the Covid-19 pandemic and later political protests being used as an excuse to either limit public information that could be shared with the media or to harass journalists in order to force them to toe the line.

Independence of the *Times*, eSwatini's largest and oldest daily newspaper, was brought into question after it was reported that its editor Martin Dlamini had been engaged as King Mswati's speech writer on a part time basis.

Arrests and intimidation of journalists and editors engendered self-censorship in the media industry.



Independent journalist Thembekha Gamedze (left) celebrates with women rights activist Nontobeko Mbuyane after being released at the Mbabane Police Station. The journalist known for exposing corruption was targeted by the police and arrested after she tried to take pictures of traffic officers, who were allegedly taking a bribe.

However, there were still some publications that managed to produce quality journalism in the face of the threats during the deadly protests.

There was also commendable work during the period by the state-owned eSwatini Observer and the eSwatini Broadcasting Information (EBIS) that covered the protests within their own limitations.

INTERNET ACCESS AND AFFORDABILITY

According to the Datareportal's 2021 report, internet penetration in eSwatini stood at 47 percent of the population. ⁽⁵⁾

The number of mobile phone connections was at 99 percent of the population in January 2020.

Social media penetration was at a lowly 23 percent. The number of internet users remains low because the majority of the population cannot afford highly priced

smart phones and high data tariffs.

MEDIA REGULATION

The effectiveness of civil society, including unions representing journalists, has over the years been curtailed by the tough political environment in eSwatini.

There have been calls to strengthen the capacity of existing media bodies so that they can effectively represent the interests of journalists and offer media workers protection in light of the clampdowns witnessed in the last two years.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

The Kingdom of eSwatini has no law that specifically deals with privacy and data protection, but there are two proposed laws on the cards namely the Computer Crime and Cyber Crime Bill of 2020 and the Data Protection Bill of 2020.

The government has repeatedly denied accusations that it intends to use the proposed laws to limit freedom of expression and muzzle the media, but the Cyber and Crime Bill seeks to criminalise what the government says is "fake news that is damaging to the country."

Critics say once it becomes law, the legislation could see online news sites, even Facebook and Twitter users, being targeted.

INDEPENDENT CONTENT PRODUCERS

Independent content producers in eSwatini lack a viable market for their content as the country has only one television station, *eSwatini TV*.

The national broadcaster collects money for TV licences, but has no budget for content producers.

Content producers, like journalists, also have to navigate a treacherous environment characterised by draconian legislation.

No media freedom

A small enclave within South Africa that was renamed the Kingdom of Eswatini at King Mswati's behest in 2018, the former Swaziland is an absolute monarchy that prevents journalists from working freely. No court is allowed to prosecute or try members of the government, but any criticism of the regime is liable to be the subject of a prosecution. Far from being an independent protector of rights and freedoms, the judicial system is often used to undermine journalism. In 2019, for example, a court decision banned articles about the circumstances in which a new bank obtained a licence to operate in the kingdom. A ubiquitous obsession with secrecy makes it hard to access information and the state wields total control over the media. The king's speechwriter is the editor in chief of the country's oldest and most

Follow the news on Eswatini

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141

in the 2021 World Press Freedom Index

RANKING

= 0
141 in 2020

GLOBAL SCORE

+1.19
45.15 in 2020

Ranking since 2013

CONTACTS

RSF
RSF_Africa
RSF_en



0

journalists killed in 2020

0

citizens journalists killed in 2020

0

media assistants killed in 2020

■ LESOTHO

ATTACKS AGAINST JOURNALISTS INTENSIFY



*By Lekhetho
Ntsukunyane*

INTRODUCTION

THE 2021 World Press Freedom Index compiled by Reporters Without Borders ranked Lesotho the fifth freest country in Southern African after Namibia, South Africa, Botswana and Malawi. ⁽¹⁾

In the world rankings the country was at number 88, down from 86 the previous year, which was a worrying indicator of regression in press freedoms in Lesotho.

LEGAL AND REGULATORY FRAMEWORK

Lesotho has media laws that protect journalists and the media sector in general.

There is need for a deliberate action to amend and where necessary to repeal some outmoded, archaic and

repressive laws, which impinge on the right to freedom of expression of opinion.

However, on a positive note Parliament passed the Media Policy in 2021 following over 25 years of advocacy for its adoption by MISA Lesotho and stakeholders. ⁽²⁾

The policy offers protection for all citizens to seek, receive and impart information or ideas.

It also paves way for the development of stronger constitutional and legal safeguards governing the media sector in Lesotho.

The policy eliminated provisions that restricted media freedom and promotes the growth of a vibrant and diverse private media with the media being guaranteed access to public information.

More importantly the policy promotes the use of

co-regulation of the media industry while at the same time ensuring that journalists hold each other accountable in upholding ethics.

MEDIA PLURALISM AND DIVERSITY

Lesotho's mainstream media sector consists of 26 radio stations, 10 newspapers, one magazine, two electronic media agencies and one state owned national television station.

The print media industry's growth has been slowed down by a myriad of problems that include high printing costs and poor advertising revenues.

On the other hand, the broadcasting sector, especially radio, has registered steady growth in the last two decades.

The radio industry grew exponentially towards the end of the 20th century when the government liberalised the airwaves, bringing to a halt state-owned Radio Lesotho's monopoly.

There are 27 terrestrial radio stations and one online radio station while the state owned Lesotho National Broadcasting Services' television still enjoys a monopoly.

Digital media such as blogs, online newspapers, online radio and television stations are also mushrooming.

There are only six community radio stations, which are covering six of the 12 districts in the country.

JOURNALISTS' SAFETY AND PROTECTION

Lack of security for journalists in Lesotho remains a cause for concern, especially when the

country holds major elections.

Cases of journalists, who are unlawfully arrested, harassed, assaulted and tortured by State security agents and political activists were recorded during the period under review. ⁽³⁾

There are fears that the violations will escalate in 2022 as the country prepares for general elections in September.

Some of the prominent violations during the period under review included the detention of 357FM presenter Lebeso Molati in November

2021 over his reports on the privately-owned private radio station about the alleged disappearance of guns belonging to the police.

Molati was released without a charge after he was tortured and forced to reveal the whereabouts of a police source he had interviewed.

His station, 357FM's operations were suspended by the Lesotho Communications Authority the same month for alleged non-compliance with broadcasting regulations.

MEDIA INDEPENDENCE

The independence of Lesotho's media industry is compromised by dominance by the government when it comes to the advertising spend with 80 percent contribution as the country has a small private sector.

The government uses the advantage of this position to employ a carrot and stick strategy against critical media outlets.

Such a situation promotes self-censorship in the media as outlets tend to toe the line for their own survival.

Another big threat to media independence comes from the judiciary.

On November 15, 2021, a *Lesotho Times* court journalist Mohalenyane Phakela was barred from covering the courts by Chief Justice Sakoane Sakoane over stories published by the newspaper. ⁽⁴⁾

Sakoane declared that Phakela will not be allowed to report on the courts until his editor apologised.

In another incident during the same month, police raided a radio station, PCFM, to interrogate journalist Teboho Ratalane over his journalism work.

INTERNET ACCESS AND AFFORDABILITY

Lesotho has a 90 percent 3G coverage, but according to various reports, 57 percent of the country's citizens do not use the internet. ⁽⁵⁾



Journalist Lebeso Molati
CREDIT: Bokamoso/Twitter

Of those who can afford data, 86 percent access it using smart phones. ⁽⁶⁾

The majority of the population cannot afford the devices because of the poverty levels.

Lesotho's telecommunications market is dominated by Vodacom Lesotho, which enjoys 80 percent of the mobile phone market share and Econet Liquid with a lion's share of the various segments of the fixed market.

In the Internet using population, 86% use smartphones for access, but the cost of devices prevents others coming online.

MEDIA REGULATION

MISA Lesotho has been leading vigorous campaigns

to advocate for the rights of journalists in the country by challenging potentially harmful legislation.

Such lobbying culminated in the eventual adoption of the Media Policy and the withdrawal of the Crime and Cyber Security Bill 2021 on citizens, which sought to limit citizens' freedom in the use of social medium platforms continues to unsettle the media industry and civil society. ⁽⁷⁾

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Spirited attempts to railroad the Crime and Cyber Security Bill 2021, which sought to limit citizens freedom in the use of social medium platforms

continued to unsettle the media industry and civil society.

In its analysis of the Bill, MISA Lesotho warned that the law was a huge threat to freedom of expression, which is enshrined in the country's constitution

It pointed out to possible infringement of the right to access to information, especially by erroneous criminalisation of what could be ordinarily, normal access to information activity or exercise by members of society or the media.

Activists warned that the proposed law was not in tandem with technological advances, especially in the information and technology sphere and might be used to snoop on private communication by journalists and ordinary citizens.

COUNTRIES & REGIONS

OUR ACTIONS AND SOLUTIONS

GET INVOLVED

Helping journalists

Who are we?

Growing pressure

In 2018, Lesotho joined the still very small club of countries that have declared the criminalisation of defamation to be unconstitutional, but the authorities have continued to step up pressure on the media and journalists. During a demonstration in 2020, the police fired on a female journalist and arrested several other reporters arbitrarily. The authorities also proposed an alarming set of online broadcasting regulations in 2020 under which anyone with more than 100 social media followers would have to register and submit to the same requirements as broadcast media. In recent years, the government has brought a complaint against a radio station for "incitement to violence" after a series of critical reports, while the army accused an investigative reporter of spying when she reported the demands for

Follow the news on Lesotho

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88

in the 2021 World Press Freedom Index

RANKING

↓ -2
86 in 2020

GLOBAL SCORE

↓ +1.16
30.45 in 2020

① Ranking since 2013

CONTACTS

RSF

RSF_Africa

RSF_en



0

journalists killed in
2022

0

citizens journalists
killed in 2022

0

media assistants
killed in 2022

■ MALAWI

NEW ACCESS TO INFORMATION LAW BRINGS HOPE



*By Teresa Temweka
Chirwa-Ndanga*

INTRODUCTION

THERE was marked improvement in Malawi's media environment in the period between 2020 and 2021 with the coming in of the new government of President Lazarus Chakwera.

LEGAL AND REGULATORY FRAMEWORK

After years of lobbying by the Malawi's media industry, the Access to Information Act was gazetted in January 2021.

The new law brought the country closer to achieving targets set in Sustainable Development Goal 16, which seeks to "ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements."

The government has made assurances that it will train more than 150 public information holders in various government departments and ministries on the new provisions of the law that compel them to release public information whenever they are requested to do so.

Chakwera's government has also been taking practical steps to implement initiatives that promote openness such as introducing State House press briefings and "face the press briefings" conducted by the Information ministry on a regular basis.

The briefings afford journalists from across the divide access to the highest office in the land.

However, there are laws that remain in the country's statute books that are a threat to freedom of expression and are from time to time used by the government to silence critics.

Such laws include the Penal Code, Official Secrets Act (1913), Printed Publications Act (1947) and Censorship and Control of Entertainment Act and the Protected Flags, Emblems and Names Act, among others.



Malawi President Lazarus Chakwera
CREDIT: The Times

Lobbying for the repeal of the laws continues.

MEDIA PLURALISM AND DIVERSITY

Malawi has a diverse media industry where both the government and private owners have a significant role in the market in both the print and broadcasting media sectors.

The country also has a significant number of community radio stations and privately owned radio stations that have a national reach.

Malawi also has over 13 privately owned newspapers with the Nations Publications Limited and Blantyre Newspapers Limited enjoying a fair share of the media market.

JOURNALISTS' SAFETY AND PROTECTION

Journalists' safety remained an issue of concern in the period between 2020 and 2021.

In the first six months of Chakwera's administration, cyberbullying was increasingly used as a new tool to silence critics of the government.

Hiding under pseudonyms, online trolls targeted mostly columnists and journalists that were deemed too critical of the new administration.

The Malawi Police Service (MPS) topped the list of perpetrators of attacks against journalists in 2021 and the attacks were both physical and online.

MPS officers continued to assault journalists on duty, routinely summoning

journalists for questioning over published stories and arresting media workers while they were in carrying out their duties.

Five journalists were attacked by police during the period under review, exposing lack of safety guarantees for media workers even from the law enforcement agents. ⁽¹⁾

There have also been reports of journalists receiving threats via the phone and social media from government officials after publishing stories that are deemed too critical of the establishment.

MEDIA INDEPENDENCE

Concerns are also growing

over the government's continued tight control of the Malawi Broadcasting Corporation (MBC), which critics say is being treated as mouthpiece of the ruling party instead of being allowed to play its public service role as a national broadcaster.

Provisions of the Communications Act of 2016 guarantee the MBC's independence, which are being ignored by the government.

There are also concerns about political interference in the operations of the Malawi Communications Regulatory Authority (MACRA), which has at times banned live broadcasts and phone-in programmes as part of government's efforts to curtail criticism.



Journalist Oliver Malibisa
CREDIT: MISA Malawi

INTERNET ACCESS AND AFFORDABILITY

Freedom House's Freedom of the Net 2020 report notes that with a population of more than 17.6 million people, Malawi "has one of the lowest and slowest-growing rates of internet access in the world, in contrast to the exponential growth in access among its neighbours on the continent."

According to the International Telecommunication Union, Malawi's internet penetration stood at 13.8 percent between 2017 and 2018.

DataReportal put the internet penetration rate at 15 percent as of January 2020.

Malawi's mobile phone penetration rate is low at 39 percent. The few internet users experience slow speeds.

The perennial poor performance of the economy

means that Malawi's poor cannot afford data tariffs, hence they struggle to access the internet.

MEDIA REGULATION

The Media Council of Malawi (MCM) that was set up in 2020 with the help of MISA Malawi has been filling a big void in the protection of journalists in the absence of vibrant unions.

MCM provides a platform for people aggrieved by stories published by the media where complaints are lodged.

The council handles cases where journalists are accused of unethical conduct to the satisfaction of all the parties.

Instead of routinely arresting journalists for alleged transgressions, authorities are continuously encouraged to use the MCM platform to get redress whenever they feel aggrieved by content in the

media.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Police are increasingly using the Electronic Transactions and Cyber Security Act of 2016 to target citizens and journalists that use social media platforms such as Twitter, WhatsApp and Facebook to express themselves.

In 2020, police arrested a 20-year-old woman, who allegedly shared a video via WhatsApp which was deemed offensive to the president.

The woman is still on trial for allegedly violating provisions of the Electronic Transactions and Cyber Security Act.

Last year police arrested a social media influencer for allegedly posting a document on Facebook that purported to unmask corrupt people in Malawi.

Progress that needs consolidating

Several cases of attacks against journalists, especially by police or members of political parties, were registered in 2020. The new president nonetheless sent positive signals by having the law on access to information finally take effect, 13 years after it first began being discussed, and by introducing the practice of holding regular press conferences. This was good news after the disputed 2019 presidential election, which had a negative impact on the media. Social media were disconnected, two commercial TV stations were vandalised and radio phone-in programmes were banned when the election results were announced. In 2018, the Daily Times media group had to apologise after the ruling party criticised a report that appeared to favour the main opposition political party, and the tax department closed the headquarters of

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62

in the 2021 World Press Freedom Index

RANKING

+7
69 in 2020

GLOBAL SCORE

-0.52
29.32 in 2020

Ranking since 2013

CONTACTS

RSF
RSF_Africa
RSF_en



0

journalists killed in
2022

0

citizens journalists
killed in 2022

0

media assistants
killed in 2022

■ MOZAMBIQUE

ARMED CONFLICTS WORSEN PLIGHT OF JOURNALISTS



By Ernesto Nhanale

INTRODUCTION

OVER the last 10 years, press freedom has been on a decline in Mozambique owing to a rise in armed conflicts and government intolerance to criticism.

Throughout this period, MISA Mozambique and other international organisations have been reporting about cases of violence against journalists ranging from killings, kidnappings and disappearances, illegal detentions, seizure of journalists' equipment, physical and psychological torture, restrictions on access to relevant news, assaults and arson against organisations and as well as frivolous lawsuits to intimidate independent journalists, among other forms of intimidation.

LEGAL AND REGULATORY FRAMEWORK

In 2021, the government showed its concrete intentions to restrict press freedoms.

After being forced to repeal Decree 40/2018, which put various restrictions on operations of the media, the government still tried to put together instruments to limit press freedom. ⁽¹⁾

The government has shown its intention to create a body to oversee the media sector and there are real fears that the authorities want to curtail freedoms enjoyed by journalists.

Mozambique's draft press law that was first debated in Parliament in 2021 proposes a new regulatory body, which would be essentially controlled by the government.

Critics say there is no need for such a body as the Higher Mass Media Council, a creature of the country's Constitution, is already doing the job and this

could mean that the proposed law would be unconstitutional.

The draft also seeks to limit the number of foreign correspondents a media house can deploy in Mozambique to just two and this poses a serious threat to media freedom.

Besides, the draft laws Mozambique has several laws in its statute books that need immediate amendment or repeal for the country to be considered compliant when it comes to respect for press freedom.

MEDIA PLURALISM AND DIVERSITY

Mozambique's media sector has been growing exponentially since the adoption of a new Constitution in 1990 and the end of a brutal civil war in 1992.

Despite a tough operating environment characterised by armed conflict in some parts of the country, legal restrictions on press freedom and economic difficulties, there has been a marked growth in the privately owned media sector.

Some of the recently established privately owned media companies include *O Escorpião*, *O Magazine Independente*, and the first free newspaper, *A Verdade*.

There are also private broadcast companies such as *Miramar Communication Network* and *SOICO TV (STV)*.

On the other hand, State-run media outlets have been doing well to stick to their public service role and community radio stations are serving the rural areas.

However, there remains a need to improve the legal framework and business

environment for the media to operate in a more sustainable manner.

JOURNALISTS' SAFETY AND PROTECTION

In the year 2021, MISA Mozambique registered 23 violations of press freedoms, 10 less than those recorded in 2020.

However, the cases were more severe compared to the previous year largely because of journalists that were caught up in the conflict in the Cabo Delgado region, where Ismalic insurgents have been waging a brutal war since 2017.

On the other hand, it is important to note that in 2022, MISA Mozambique made a revision in the methodology it uses to classify violations by ranking them according to the number of journalists involved.

MISA Mozambique registered three events where 15

journalists were physically assaulted, one assault against a newsroom, one case of censorship against journalists, one case of arrest of a journalist, one case of a threat made against journalists and two cases of a legislative nature.

One of the challenges that the country has been facing is lack of action by authorities where crimes are committed against journalists.

Only a few cases were handled by the Attorney-General's Office.

In 2020, MISA Mozambique reported 33 cases of violations against press freedoms.

Part of these cases were linked to the conflict in Cabo-Delgado where a journalist from *Palma Radio and Television*, Ibraimo Mbaruco was kidnapped.

Mbaruco sent a message to colleagues informing them that he was surrounded by soldiers and despite an outcry from several national and

international human rights organisations, his whereabouts remain unknown and the government has remained silent about his disappearance.

MEDIA INDEPENDENCE

Although Mozambique's Constitution and the press law (18/91) guarantee editorial independence in the public media, there is perception that journalists in those institutions are not allowed to operate independently by politicians.

Analysis of coverage during elections and political programming in the public media, especially the state-owned television and radio stations as well as newspapers show bias towards the ruling FRELIMO party.

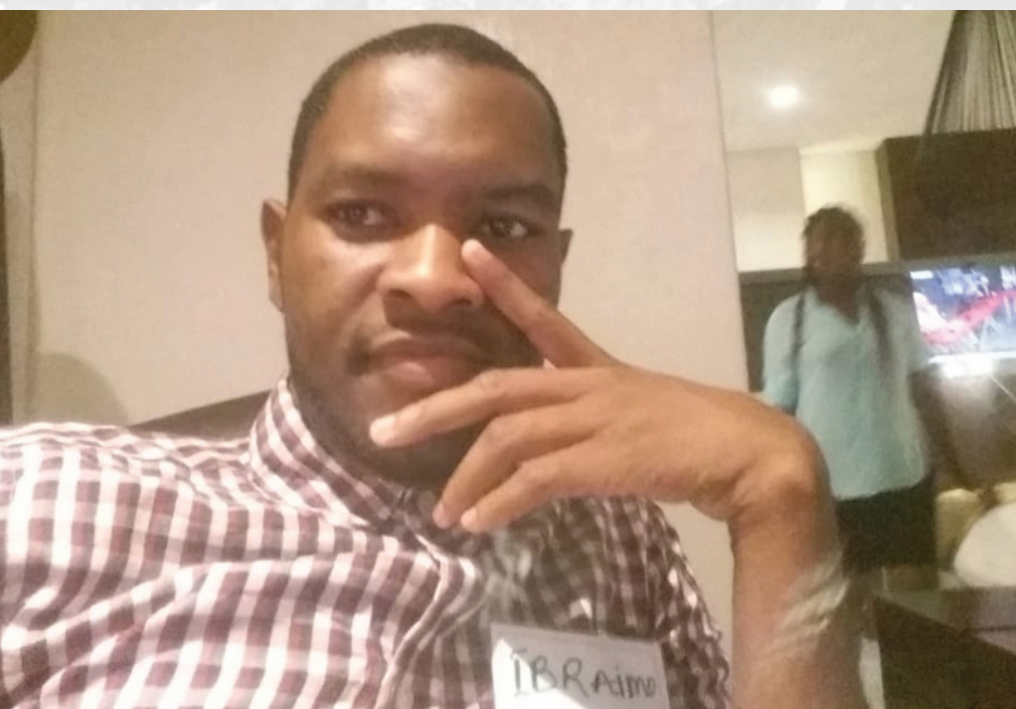
Restrictive media laws and lack of security guarantees also promote self-censorship in the privately owned media.

INTERNET ACCESS AND AFFORDABILITY

The Alliance for Affordable Internet (A4AI) in 2018 put Mozambique's internet access rate at 20 percent of the population and ranked it 45th out of 58 on A4AI's 2017 Internet Affordability Enablers Index. ⁽²⁾

With a population of 30.5 million people, Mozambique had a mobile phone penetration rate of about 17.3 percent. About 5.2 million people had access to the internet.

The high cost of data and expensive gadgets such as smart phones as well as poor services offered by network operators are the major barriers to access to the internet.



Palma Radio and Television journalist Ibraimo Mbaruco is still missing after disappearing on April 7, 2020

MEDIA REGULATION

Following pressure from media lobby groups such as MISA Mozambique, in 2020 the government was forced to repeal decree 40/2018, which imposed a regime of fees and a restrictive system for the licensing, renewal and accreditation of both local and foreign journalists.

The Constitutional Council had met the previous week and ruled the government decree unconstitutional.

MISA Mozambique and other civil society groups continue to push for the government to ensure that journalists enjoy unfettered freedoms that are enshrined in the constitution.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Mozambique's Penal Code was revised in 2019 to include provisions that outlaw invasion of privacy.

The new Code outlawed interception, recording, transmission or disclosure of online communications that include emails, messages, audio visuals and social media content without consent.

There are penalties against anyone who "captures, photographs, films, manipulates, records or disseminates images of persons or of intimate objects or spaces or secretly observes or listens to persons who are in a private place".

However, there were credible reports in 2016 that the government of Mozambique was intercepting communication by private citizens and snooping on online communications with the help of a Chinese company.

The government has also made massive investments in public and mass surveillance

technologies without any supporting legislation.

Journalists and politicians feel more and more controlled and watched, be it from phone tapping or data invasion.

INDEPENDENT CONTENT PRODUCERS

Mozambique's independent content producers received a major boost in January 2022 when South African entertainment company MultiChoice launched a new Lusophone channel to absorb locally produced content.

The Portuguese language channel Maningue Magic will show local dramas, soaps, reality shows, music, comedies and some international content.

There is also scope for independent content producers to supply locally owned television stations with local productions to ensure their own survival.

News blackout in the north

Filipe Nyusi's reelection as president and a fragile peace deal with former army rebels have not slowed the worrying decline in press freedom. The October 2019 election confirmed the ruling party's grip on most of the media while a European Union electoral observation mission described coverage of the election as one-sided. There is a great deal of pressure on independent journalists, and attacks against reporters have been common during previous elections, especially the local elections in 2018. Fortunately for the international media, plans for a drastic hike in accreditation fees for foreign reporters have yet to be implemented. A range of administrative and financial restrictions tend to hamper the emergence of new media outlets. On the eve of a papal visit to Mozambique in September 2019, RSF and 11 other human rights

Follow the news on Mozambique

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108

in the 2021 World Press
Freedom Index

RANKING

-4
104 in 2020

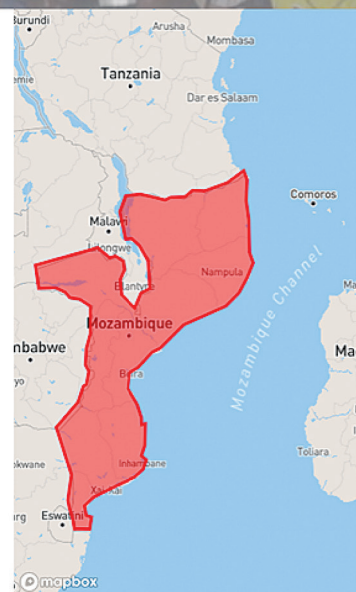
GLOBAL SCORE

+1.60
33.79 in 2020

Ranking since 2013

CONTACTS

RSF
RSF_Africa
RSF em português



0

journalists killed in
2022

0

citizens journalists
killed in 2022

0

media assistants
killed in 2022

■ NAMIBIA

A BEACON OF HOPE FOR PRESS FREEDOM



By June Shimuoshili

INTRODUCTION

NAMIBIA'S continues to be a regional and continental leader in promoting a free press and access to information.

While the country has constantly scored high in press freedom rankings, it has seen journalists and media practitioners struggling to cope during the COVID-19 pandemic.

This has been primarily because of issues related to poor working conditions.

The other challenges facing the media landscape in Namibia in the past three years have primarily been the lack of equipment for journalists to adjust to remote working as most media houses are still deeply rooted in the conventional media space of print and the transition to digital has been coming albeit slow.

LEGAL AND REGULATORY FRAMEWORK

Namibia's Constitution guarantees freedom of expression and by extension, the media. The country has an enabling environment that has allowed journalists to operate freely without fear of retribution, victimisation and arbitrary arrests.

Despite the foundation laid by the Constitution for the creation of a liberal press, journalists have been subjected to harassment as well as being dragged to court on charges bordering on harassment.

Namibia has no Access to Information (ATI), crafted along with input from civic society organisations, and while the ATI was on the cusp of being formalised in 2017, it remains not passed by Parliament. ⁽¹⁾

There has been a push for

the Access to Information (ATI) legislation to be passed in order to fully complement the progress that has been made in making Namibia a beacon of media freedom across the world.

MEDIA PLURALISM AND DIVERSITY

Namibia has four daily newspapers comprising *The Namibian*, *New Era*, *The Namibian Sun*, *Republikein*, one weekly, *Confidente* as well as daily mainstream online newspapers in the form of *The Villager*, *Windhoek Observer*.

The Namibian, *Confidente*, *The Namibian Sun*, *The Villager*, *Republikein* and the *Windhoek Observer* are non-State controlled and thus are critical of the government.

Namibia has two mainstream broadcast media platforms, the State-controlled Namibian Broadcasting Corporation (NBC1, 2 and 3), and the privately run *One Africa*.

State controlled media organisations play the role of the government's mouth-piece and cover more content on government policy while the private media run corruption stories with critical editorials.

The existence of both private and public/State-controlled media has thus created a counterbalance between government's pursuit to project its progress as well as citizens call for accountability, transparency and exposure of negative developments in high places.

JOURNALISTS' SAFETY AND PROTECTION

Journalists continue to face challenges from the Namibian Police (Nampol), especially

when covering protests.

One case in point was the #ShutItAllDown protest against gender-based violence which erupted in 2020 where journalists ended up being detained by the police while doing their job. ⁽²⁾

Although they were not prosecuted, the police later explained that they had mistaken them for protesters as their media garb was not visible to them.

This was despite the fact that the journalists had accreditation cards, which they presented to police officers.

Another incident that drew media attention was the abuse of senior journalist, Jemima Beukes from *The Namibian Sun*, by a police officer, and she ended up having to open a case with the police. ⁽³⁾

New Era managing editor, Festus Nakatana, argued that journalists' security has somewhat been compromised since the COVID-19 pandemic started in 2020.

MEDIA INDEPENDENCE

Namibia has a thriving private media that is critical of the government, a phenomenon which does not show itself in the state-run media like the *Namibian Broadcasting Corporation (NBC)*, *Namibia Press Agency (Nampa)* and the *New Era*.

This has been notable in cases where state institutions, particularly State House, would invite the *NBC* to cover an event, and instruct other newspapers to source information from the public broadcaster.

Namibia follows a self-regulatory policy for journalists,

which drastically limits the interference of government in the operations of the media and media practitioners in general.

Journalists in Namibia are guided by a code of ethics, which is crafted and supported by journalists, editors and the media industry.

The country also has a media ombudsman, who works as an adjudicator in disputes between the media and people or institutions affected by their stories.

The COVID-19 pandemic presented a myriad of challenges for journalists as certain media houses would be barred from attending certain events, which the public broadcaster would be allowed to cover.

This is serious interference in the work of journalists who are supposed to be granted access to cover events first hand without having to rely on their

competitors.

INTERNET ACCESS AND AFFORDABILITY

Latest data shows that as at 2020, internet penetration stood at 51 percent, compared to 14.8 percent in 2014. ⁽⁴⁾

The 2020 Inclusive Internet Index ranked Namibia 84th out of 100 countries on internet availability, affordability, relevance of content and readiness.

A majority of Namibians cannot access the internet because they cannot afford smart phones and the cost of data is beyond the reach of many.

The country's technology sector remains largely underdeveloped and is characterised by poor service.



Journalist Jemima Beukes
CREDIT: Hopewell Chin'ono/Twitter

IMPACT OF COVID-19

The Namibia Professionals Union (NAMPU) has been playing a prominent role in protecting the rights of journalists, especially pertaining to welfare issues, which have become more pronounced in the COVID-19 era.

A number of journalists have been made redundant while others go for months without being paid as media companies struggle for survival.

In 2021, more than 600 workers at *NBC* downed their tools, demanding a salary increment and they received support from NAMPU and the International Federation of Journalists. ⁽⁵⁾

Academic Admire Mare pointed out that while Namibia was faring much better than other Southern African countries, underpayment of journalists was a huge threat to the country's media freedoms.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Namibia's Communications Act of 2009 provides for interception of communications by establishing a centre that is charged with combating crime and protecting national security.

The law explicitly gives the centre powers to "do anything necessary in order to perform the interception or monitoring concerned) as well as any decoding or decryption necessary to make the information in question intelligible."

There are always lingering fears of State-sponsored routine surveillance of journalists and civil society by the Central Intelligence Services.

Lack of a cybercrime and data protection legislation has also left journalists, especially female media workers, vulnerable to abuse online by subjects of their stories.

INDEPENDENT CONTENT PRODUCERS

Namibia's independent content producers received a major lift in 2021 when they partnered the privately-owned *One Africa TV* to bring local content to its viewers.

The broadcaster introduced a number of local shows that are produced by Namibian content producers.

One Africa TV director and content executive Taleni Shimholipeni was quoted at the time saying: "Since 2016, we have increased our locally produced shows from two percent to 40 percent." ⁽⁶⁾

One Africa TV recently partnered with seven external, independent local producers and is broadcasting seven newly produced Namibian shows.

Independent local producers are also able to sell their productions to the State-owned *NBC*.

Real freedom but frequent threats

Press freedom has a firm hold in Namibia, Africa's best-ranked country in RSF's World Press Freedom Index since 2019, and enjoys solid guarantees. It is protected by the constitution and is often defended by the courts when under attack from other quarters within the state or by vested interests. The legal framework could be improved by the promulgation of a long-promised law on access to state-held information. The supreme court ruled in 2019 that the government could not use national security as a pretext for preventing the courts from deciding whether the media could reveal certain information. The right to information was acknowledged in a case that the Namibia Central Intelligence Service (NCIS) had brought against a newspaper that reported that former NCIS members had acquired property

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24

in the 2021 World Press Freedom Index

RANKING

-1
23 in 2020

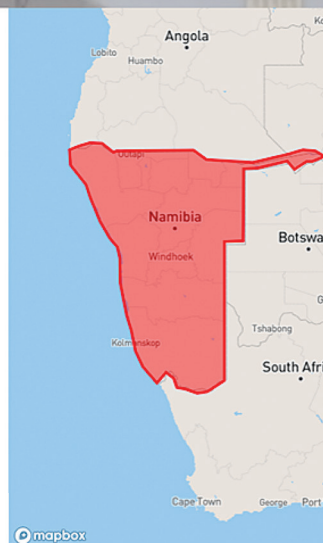
GLOBAL SCORE

+0.47
19.25 in 2020

Ranking since 2013

CONTACTS

RSF
RSF_Africa
RSF_en



0

journalists killed in
2022

0

citizens journalists
killed in 2022

0

media assistants
killed in 2022

■ TANZANIA

OPTIMISM IN THE MEDIA INDUSTRY AFTER A DARK PERIOD



*By Fumbuka
Ng'wanakilala*

INTRODUCTION

TANZANIA has experienced an unprecedented decline in press freedom over the past five years, with the East African country falling 53 places in an international ranking by Reporters Without Borders in 2021. ⁽¹⁾

In 2016, Tanzania was ranked number 71 on the World Press Freedom Index but declined to 124th position in both 2020 and 2021 rankings, marking the biggest drop during this period among all 180 researched countries.

The reversal occurred during the reign of late president John Magufuli, who died last year, and was replaced by President Samia Suluhu Hassan amid optimism that there would be a new dawn for the media industry with promises for swift reforms.

LEGAL AND REGULATORY FRAMEWORK

Tanzania's Constitution guarantees freedom of speech, but does not specifically mention press freedom and this has opened the room for the government to routinely clamp down on the media industry.

There is optimism that President Hassan's administration will repeal laws introduced by her predecessor in order to muzzle the media such as the Media Services Act, which was signed into law by Magufuli in 2016 to replace the Newspaper Act of 1976.

The Media Services Act gives the government all the power to control the operations of the media industry in Tanzania.

It gives the Information

minister the power to license newspapers annually and the government has routinely used this law to shut down publications that criticise its policies or expose corruption.

The minister can order publications to report on issues of "national importance".

Through the same law, the Information minister enjoys *de facto* control over the Journalists Accreditation Board and the Independent Media Council, bodies that are charged with upholding ethical and professional standards in the media.

All journalists are required to obtain accreditation every year and are compelled to be members of the Media Council.

Both bodies are only independent on paper as their board members are appointed by the Information minister.

MEDIA PLURALISM AND DIVERSITY

Research by the Media Council and Reporters Without Borders through the Media Ownership Monitor in 2018 revealed that Tanzania's population gets its news mostly from outlets belonging to one of the four major companies, be it in print or broadcasting. ⁽²⁾

Mwananchi Communication Limited, a subsidiary of the Nairobi-based Nation Media Group, dominates the print media market followed by the IPP Media Group, New Habari (2006) Ltd and the Tanzania Standard Newspapers, which is owned by the government.

IPP Media Group dominates the broadcasting sector. The government owns Tanzanian Broadcasting Corporation and there is Azam Media Ltd as well as Clouds Entertainment.

MEDIA INDEPENDENCE

Some journalists in small towns across Tanzania reported threats and intimidation from authorities during 2020 and 2021.

Between January and April 2020, at least 13 media workers, including seven journalists and bloggers were arrested and prosecuted for allegedly contravening the Online Content Regulations of 2018.

On June 23, 2020, the government revoked the licence of the Swahili daily tabloid, *Tanzania Daima*, citing alleged repeated violations of national laws and journalism ethics. ⁽³⁾

Newsrooms in commercial hub Dar es Salaam and other urban centres claim they routinely came under pressure

from regulatory bodies such as the Tanzania Information Services and the Tanzania Communications Regulatory Authority (TCRA) over their content.

JOURNALISTS' SAFETY AND PROTECTION

Between January and April 2020, at least 13 media workers, including seven journalists and bloggers were arrested and prosecuted for allegedly contravening the Online Content Regulations of 2018.

The charges included failure to register websites and YouTube channels at the state-run Tanzania Communications Regulatory Authority (TCRA), the country's communications watchdog, which oversees online content.

Newsrooms in commercial

hub Dar es Salaam and other urban centres claim they routinely came under pressure from regulatory bodies such as the Tanzania Information Services and the Tanzania Communications Regulatory Authority (TCRA) over their content.

INTERNET ACCESS AND AFFORDABILITY

At least 43.7 million people have mobile phones in Tanzania, but only 23.1 million have internet access.

This is despite data released by the British technology research firm Cable, which revealed that Tanzania had the cheapest internet in East Africa.

The report titled *World Wide Mobile Data Pricing 2021* said Tanzania "has the cheapest data in East Africa at \$0.75 for every gigabyte of data." ⁽⁴⁾



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"Bulldozing" the media

President John Magufuli's sudden death in March 2021, a few months after his reelection for a second term, left journalists in a state of uncertainty. Since becoming president in 2015, the man nicknamed the "Bulldozer" had become increasingly authoritarian, tolerating no criticism of himself or his policies. Erick Kabendera, an investigative reporter, paid a high price for his articles criticising the economy, the government and corruption, spending a total of seven months in prison after his arrest in July 2019. The court's inability to stand up to the prosecutors, who changed the charges three times, sent a chilling message to journalists. The authorities displayed absolutely no concern about Azory Gwanda, a Tanzanian journalist who went missing in November 2017 while investigating the murders of local officials in a coastal region. The

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124
in the 2021 World Press Freedom Index

RANKING
= 0
124 in 2020

GLOBAL SCORE
+0.44
40.25 in 2020
 Ranking since 2013

CONTACTS
 RSF
 RSF_Africa
 RSF_en

0

journalists killed in
2022

0

citizens journalists
killed in 2022

0

media assistants
killed in 2022



Tanzanian President Samia Suluhu Hassan
CREDIT: Modern Diplomacy

In the rankings, Tanzania is followed by Rwanda, where data costs US\$1.25 a gigabyte, Uganda (US\$1.56) and Burundi (US\$2.10).

There, however, remains a huge digital divide as the majority of Tanzania's population is in rural areas, where access to the internet is limited.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

Although Tanzania's regressive online content regulations were reviewed in 2020, they still fall short of international human rights standards.

Among other things, the regulations criminalise defamation, with anyone convicted of the offence liable to a fine of not less than 5 million shillings (US\$2,500) or to imprisonment of not less than one year, or both the fine and jail sentence.

The regulations also stifle freedom of expression and that of the press online by imposing punitive restrictions on anyone who comments about the Tanzanian economy, its currency and communicable diseases such as COVID-19 without the approval of "relevant authorities".

The imposition of severe penalties has thus resulted in a chilling effect, forcing many journalists and media organisations to operate in a climate of fear of reprisal from the government, hence

resorting to high levels of self-censorship.

INDEPENDENT CONTENT PRODUCERS

Tanzania, in 2021, placed heavy restrictions on independent content producers with the introduction of the Electronic and Postal Communications (Online Content) Regulations that introduced licensing and taxation of bloggers, radio and television webcasters as well as online discussion forums.

The regulations introduced steep penalties even for minor offences, including imprisonment for at least a year and sweeping content removal powers.

This promotes self-censorship and stifles creativity.

■ ZAMBIA

HOPES FOR A NEW DAWN



By Jubiel Zulu

INTRODUCTION

ZAMBIA has experienced a systematic erosion of the right to freedom of expression in the past seven years. dissent, charging critics with a wide range of offenses including criminal defamation, incitement of public disorder and sedition.

Authorities have abused the law to criminalise peaceful Opposition leaders, journalists, media houses and activists have all been targeted,

and speaking out against allegations of government corruption or abuse has become more dangerous.

LEGAL AND REGULATORY FRAMEWORK

Following his election last year, President Hakainde Hichilema promised that his new government will improve the freedom of expression and media regulation in Zambia after a tough period for the industry under the leadership of Edgar Lungu. ⁽¹⁾

In 2021, the country's broadcasting regulator, the Independent Broadcasting Authority cancelled *Prime TV's* licence on the pretext that it was doing it "in the interest of public safety, security, peace, welfare or good order." ⁽²⁾

It followed the closure of *The Post* newspaper by the government on allegations that the owners had a huge unpaid tax bill.

The Supreme Court has since annulled the liquidation of the paper and ordered a retrial of the matter in the High Court.

At the time, critics argued that the newspaper was closed because it was critical of former president Lungu's government.

Hichilema's government is yet to deliver on the promised media reforms, and the media industry continues to push for the enactment of the Access to Information Bill that was crafted and first tabled over 18 years ago.

There is also a push for the new government to repeal a plethora of laws that inhibit free speech.

The new government has been criticised for its continued



use of the law on defamation of the president, which makes it an offense punishable by up to three years in jail to publish any defamatory or insulting matter bringing the president into hatred, ridicule, or contempt.

During the Lunga era, government was used to arresting critical voices leading to a culture of self censorship.

MEDIA PLURALISM AND DIVERSITY

Zambia has a plural media system with private and State owned print and broadcasting media houses.

The country boasts of 150 non-public radio stations and over 45 TV stations across the provinces.

There are also about 50 different newspapers circulating in the country ranging from dailies to weeklies.

All these media houses have different sustainability challenges, but uniform among them include commercial, financial, regulatory and human resource problems.

JOURNALISTS SAFETY AND PROTECTION

President Hichilema's government has continued with the previous administration's culture of harassing the private media.

In January 2022, the privately owned KBN television station aired a leaked audio conversation between presidential aide Levy Ngoma and presidential political aide Joseph Akafumba where they were discussing ways of undermining the operations of the opposition Democratic

Party ahead of by-elections.

The government initially tried to discredit the audio as 'fake' when reacting to the ensuing public backlash before accusing the journalists of having tapped the officials' telephone conversation.

Police went on to arrest the journalists behind the report. Hichilema's government has remained silent about the arrests.

Authorities have also issued verbal threats against journalists from the privately owned media.

Ruling party legislator Heartson Mabeta threatened *NewsDiggers* — one of the most popular print publications in Zambia — with closure, after the newspaper ran a story quoting the United Party for National Development (UNDP) as saying the party did not sign any contract with anyone to guarantee them employment.

Hichilema's party was elected on campaign promises of job creation.

The statements were met with a huge backlash after *NewsDiggers* published an audio of Mabeta making the statements.

Mabeta charged that the paper faced closure if it did not change course.

The government and the ruling party did not distance themselves from the statements and this suggested that they endorsed them.

The new government is perpetuating the culture of harassment of the private media that started in the Lungu era.

Attacks against the media intensified in the run-up to last year's elections.

On February 21, 2021, the then ruling Patriotic Front (PF) supporters also allegedly attacked *Luswepo Radio* in northern Mbala district after the community radio station featured an opposition activist on one of its programmes. ⁽³⁾

The PF supporters, who were armed with machetes and stones, damaged a wire fence to gain entry into the station.

They dispersed after police fired five warning shots, while a few were arrested and later released.

In another incident, on March 10, 2021, Patriotic Front supporters tear gassed *Chete FM* in the northern district of Nakonde during a broadcast featuring members of the other opposition UNDP. ⁽⁴⁾

The PF supporters then disrupted the radio programme by pepper-spraying the station, making it hard for staff members to breathe, and beating opposition members taking part in the programme.

MEDIA INDEPENDENCE

In April 2020, the government revoked the broadcasting license of the country's leading private television station, *Prime TV*.

No specific reasons were given for the action, but the Independent Broadcasting Authority stated that the move had been taken in the public interest.

Prime TV returned to the airwaves soon after Hichilema was sworn in after his August 2021 election victory, raising hopes that the new administration was going to keep its promise to improve the media environment in Zambia.

However, there are still concerns that the new government is continuing with the culture of shutting out the private media from State events.

The new government has also continued with a tight grip on the public media and perpetuating the culture of a polarised media landscape.

INTERNET ACCESS AND AFFORDABILITY

As of December 2020, there were 10.3 million internet users in Zambia, representing a 57.6 percent penetration rate, according to the Zambia Information and Communications Technology Authority (ZICTA). ⁽⁵⁾

In contrast, estimates from the International Telecommunication Union (ITU) identify an internet penetration rate of 14.3 percent as of 2018, while a DataReportal Digital in 2021 report identified an internet penetration rate of 29.4 percent.

The vast majority of internet users in Zambia rely on mobile internet subscriptions, with

10.2 million subscribers as of December 2020, according to ZICTA data. ⁽⁶⁾

MEDIA REGULATION

In May 2019, journalists in Zambia met under the auspices of the Media Liaison Committee (MLC) and unanimously resolved to adopt a statutory self-regulatory mechanism.

The resolution was influenced by the government's threat that if journalists did not regulate themselves, the State would formulate a law to regulate them.

The MLC, therefore, constituted a Technical Working Group (TWG) led by chairperson Ernest Chanda on media regulation, which is pursuing the goal of self regulation for Zambian media.

Although voluntary regulation is the recommended option, journalists acknowledged that such a system has failed them twice before.

They, therefore, decided to have some form of a hybrid model, that is, a combination of various forms of self-regulation — picking the best from each

and putting them together.

It was also resolved that the media would form a professional body to be called the Zambia Media Council (ZAMEC) — a process that led to the crafting of the Zambia Media Council Bill 2019.

The lobbying continues and represents the untied front by Zambian journalists in support of self regulation of the local media industry.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

The previous regime of Edgar Lungu hurriedly enacted the Cyber Security and Cyber Crimes Act 2021, which imposes limitations on free speech by going to the extent of policing the use of social media by citizens.

It allows the authorities to tap into ICT devices and to confiscate electronic gadgets without proper procedural safeguards.

There are fears that if not amended or repealed the law would be abused by the new administration.

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Independent media harassed

An increase in political tension since President Edgar Lungu's reelection in 2016 has been used as a pretext for drastically restricting the freedom to inform and gagging the independent press. The authorities closed the most important independent newspaper, The Post, in June 2016 and arrested members of its staff. Several radio and TV stations also had their licences withdrawn. Prime TV, a commercial TV channel that was very critical of the government, was suspended for a month in 2019 after being accused of contributing to the ruling party's defeat in a parliamentary by-election, and was closed for good in 2020 for unclear reasons. To prosecute journalists, the government either uses financial pretexts (such as non-payment of taxes in the case of The Post) or the various laws regulating defamation and

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115

In the 2021 World Press Freedom Index

RANKING

+5

120 in 2020

GLOBAL SCORE

+1.21

37 in 2020

Ranking since 2013

CONTACTS

[RSF](#)

[RSF_Africa](#)

[RSF_en](#)

0

journalists killed in 2022

0

citizens journalists killed in 2022

0

media assistants killed in 2022

■ ZIMBABWE

ONE STEP FORWARD, TWO STEPS BACKWARDS



By Lesley Moyo

INTRODUCTION

MEDIA freedom remained quite precarious in Zimbabwe in 2021 despite the government's repeated statements that it was committed to improving the landscape governing freedom of expression.

The 2021 Reporters Without Boundaries (RSF) rankings for Zimbabwe, revealed a four-position slip, leaving the country ranked 130th. This development points to a worrying decline in press freedom in Zimbabwe. Furthermore, media rights advocacy group, MISA Zimbabwe recorded at least 27 violations in 2021, this is a marked decline from the 52 that were recorded a year earlier, although it remains worryingly high. ^{(1) (2)}

LEGAL AND REGULATORY FRAMEWORK

In 2020, the Zimbabwe government enacted the Freedom of Information Act, marking the first step towards repealing the much reviled Access to Information and Protection of Privacy Act, or AIPPA (2002).

AIPPA was to be repealed by three laws namely the proposed Freedom of Information Act, Zimbabwe Media Commission Act and finally the Data Protection Act.

The repeal of AIPPA was celebrated and firmed up President Emmerson Mnangagwa's credentials as a potential reformer and a break from his predecessor Robert Mugabe's hold on the media.

However, in 2021, the government enacted the Data Protection Act and gazetted the Private Voluntary Organisations Bill, two pieces of legislation that have the potential to infringe on freedom of expression, association and privacy.

MEDIA PLURALISM AND DIVERSITY

Zimbabwe licensed eight new community radio stations in the last quarter of 2021, bringing the total number of community radio stations that have been licensed to 14.

More than 40 years after independence, Zimbabwe has only one television station, the state owned Zimbabwe Broadcasting Corporation (ZBC).

ZBC also runs five (5) radio stations — *Classic 263*, *Radio Zimbabwe*, *Power FM*, *National FM* and the regional *Khulumani FM* and *95.8 Central FM*, these are public service broadcasters.

A number of commercial radio stations have also been licensed over the past decade these being — *Star FM*, *ZiFM*, which are national in character, and the regional *Skyz Metro FM*, *CapiTalk FM*, *Hevoi FM* and *YaFM*.

These are privately-owned, but are linked to the government. In 2020, the government licensed six more television broadcast players, but they are yet to start broadcasting.

An enduring criticism of Zimbabwe's media sector is that it lacks diversity.

ZBC has been criticised for acting like at worst a party broadcaster and at best a State broadcaster instead of being a public broadcaster.

SAFETY AND SECURITY OF JOURNALISTS

The safety and security of journalists remains a major concern in Zimbabwe.

While the government has committed to improving the safety and security environment, on the ground, the situation is markedly different. ⁽³⁾

Security officials and political operatives regularly abuse journalists with impunity.

The Constitution, in sections 61 and 62, explicitly guarantees freedom of the media and of expression.

However, with the onset of the COVID-19 pandemic, violations against media workers escalated, with journalists being routinely arrested, detained or assaulted. ⁽⁴⁾

This is despite the fact that media workers were deemed essential workers.

In 2020, MISA Zimbabwe approached the courts seeking an order barring the police and other law enforcement agencies charged with the enforcement of the COVID-19 lockdown regulations from arresting, detaining or interfering "in any

unnecessary way" with the work of journalists.

But despite this court order, media violations persisted.

This is a pattern that has continued each time the government has tightened lockdown restrictions.

Journalists also continue to be abused at rallies organised by Zimbabwe's leading political parties.

MEDIA INDEPENDENCE

Despite court rulings compelling the state controlled Zimbabwe Broadcasting Corporation (ZBC) to operate independently, it continues to be partisan, with little regard being given to opposition parties.

This is an observation that was pointed out by observer missions that observed the country's 2018 general elections. ^{(5) (6)}

A hallmark of the Zimbabwean media scene is that it is highly polarised, with the state media decidedly against the opposition, while the private media is also unashamedly anti-government.

Government officials tend to give interviews to the uncritical State media and shut out private media.

Instead of playing the normative watchdog role, public media has literally become mouthpieces of the government and are very hostile to the opposition. ⁽⁷⁾

However, in the past few years, a relatively new phenomenon known as "media capture" has emerged, where the government has sought to co-opt critical media players. ⁽⁸⁾

Media capture comes in many forms, such as sponsorship, advertisements or takeovers.

While there is general acceptance that there is media capture in Zimbabwe, this is a

position in July 2018, Emmerson Mnangagwa, Robert Mugabe's former vice-president, pledged to reinforce the pillars of democracy including the media, which were harassed and gagged for 37 years under his dictatorial predecessor. However, Mnangagwa was notorious for suppressing dissent when he was national security minister and his first steps with regard to press freedom have been marked more by promises than anything like the concrete progress for which that journalists had hoped. Access to information has improved and self-censorship has declined, but journalists are still often attacked or arrested. The blocking of social media at the start of 2019, when major protests against a fuel price hike were being organised, shows that the regime has not renounced the use of cyber-censorship to prevent information from circulating. Hopes of journalistic renewal were further dampened in 2020 when Zimbabwe positioned itself

130
in the 2021 World Press Freedom Index

RANKING
↓ **-4**
126 in 2020

GLOBAL SCORE
↓ **+2.17**
40.95 in 2020

📅 Ranking since 2013

CONTACTS

📧 RSF
📧 RSF_Africa
📧 RSF_en

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0

journalists killed in 2022

0

citizens journalists killed in 2022

0

media assistants killed in 2022

phenomenon that needs to be further explored.

INTERNET ACCESS AND AFFORDABILITY

According to the Postal Regulatory Authority of Zimbabwe report for the third quarter of 2021 the number of active internet and data subscriptions increased by 1.2 percent to reach 9.3 million from 9.2 million recorded in the previous quarter.

The internet penetration rate increased by 0.3 percent to reach 62.6 percent of the population from 62.3 percent recorded in the previous quarter.

However, Zimbabwe's data tariffs remain among the highest in the region due to hyperinflation and this means the majority of the population cannot afford the costs of using the internet.

MEDIA REGULATION

At the end of 2021, the government enacted the Data Protection Act, a new law that had been roundly condemned when it was presented in Parliament.

One of the major concerns with the Data Protection Act is that it criminalises the publication of falsehoods online (Section 164C). ⁽⁹⁾

The new provisions of the law defy earlier but related judgments such as the in the 2014 case, where Luke Malaba, who was then deputy chief justice, ruled that criminalising the publishing of falsehoods "had the effect of interfering with the exercise of the right to freedom of expression". ⁽¹⁰⁾

Despite this ruling, the

government has somewhat continued to use this law to charge people for publishing falsehoods.

Research and studies have shown that criminalising the publication of falsehoods only serves to stifle freedom of expression and of the media. ⁽¹¹⁾

Criminalising the publication of falsehoods only serves to promote self-censorship. It is a strict liability law where the onus is on the accused to prove their innocence rather than the State to prove guilt.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATION

The Zimbabwean Constitution guarantees the right to privacy in section 57.

However, the Constitution is not explicit in guaranteeing protection against the subject of physical and other online surveillance.

The main law governing online surveillance in Zimbabwe is the Interception of Communications Act.

One of the main criticisms of this law is that interception of communications warrants are issued by the responsible minister rather than by the courts, which will prevent abuse for political ends.

Under the guise of protecting national security, the Zimbabwean government faces accusations that it is snooping on citizens, activists and journalists. ⁽¹²⁾

Zimbabwe has, however, gone one step above and instead of relying on that law to surveil its citizens, the country has purchased hi-tech spyware and technology to snoop on journalists and other citizens.

Zimbabwe was named as one of the seven countries that had purchased software from Circles, a surveillance firm that reportedly exploits weaknesses in the global mobile phone system to snoop on calls, texts, and the location of phones around the globe. ⁽¹³⁾

Circles is affiliated with the NSO Group, whose Pegasus spyware has been widely used to spy on human rights defenders and journalists.

INDEPENDENT CONTENT PRODUCERS

Zimbabwe has a growing community of independent content producers, but they are largely unrecognised by bodies such as the Zimbabwe Media Commission, which means they struggle to access official information from government bodies.

The content producers also struggle to get funding and their operations remain largely informal.

ACCESS TO INFORMATION BY THE MEDIA

As part of efforts to reform the media sector, Zimbabwe enacted the Freedom of Information Act to enhance public accountability, but journalists still struggle to access information from government departments and parastatals.

The state of affairs has been attributed to lack of awareness about the new law.

There are also some government departments that remain hostile to the privately owned media for political reasons.

MEDIA FREEDOM VIOLATIONS

SELECTED MEDIA FREEDOM VIOLATIONS IN THE COUNTRIES UNDER REVIEW

COMPILED BY: Nkosikhona Sibanda

COUNTRY	YEAR	Assaulted / Attacked / Injured	Threatened /Harassed / Injured	Banned / Censored / Barred	Detained / Arrested / Wanted	Arson	Abducted /Fled	Suspended /Closed / Fined	Legislated /Sued / Regulated /Charged	Seizure of equipment / Raided / Vandalised	Summoned for questioning	Denied adverts	Convicted
ANGOLA	2020			2	3								
	2021	1	1		2			1	1		1		1
BOTSWANA	2020								1				
	2021								1				
ESWATINI	2020		2	1	2			1					
	2021	1					1						

COUNTRY	YEAR	Assaulted / Attacked / Injured	Threatened / Harassed / Injured	Banned / Censored / Barred	Detained / Arrested / Wanted	Arson	Abducted / Fled	Suspended / Closed / Fined	Legislated / Sued / Regulated / Charged	Seizure of equipment / Raided / Vandalised	Summoned for questioning	Denied adverts	Convicted
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TANZANIA	2020	3											
	2021	1											

ZAMBIA	2020	2	8	4	4			1	2		1	1	
	2021	2	2			1			1	4			

ZIMBABWE	2020		18	2	18	3	2				2		
	2021	2		4	8								

SOUTH AFRICA	2020												
	2021	1	1							1			

THE STATE OF MEDIA AND INFORMATION LITERACY IN SOUTHERN AFRICA



By Lizette Feris

UNDERSTANDING MEDIA AND INFORMATION LITERACY (MIL)

INFORMATION is an important commodity the world over. Although not always a tangible one, it is one of the basic resources for development, with the ability to be reproduced, traded, and consumed while on the other hand, it can be free.

Whether it is paid for or not, oversaturation of information is evidently taking place.

It makes relevant the question of the entitlement to this necessary knowledge, skills, and understanding the attitudes that deal with this prolific commodity.

Kofi Annan (2003, in the Literacy Day message) said: "Acquiring literacy is an empowering process, enabling millions to enjoy access to

knowledge and information which broadens horizons, increases opportunities, and creates alternatives for building a better life."

The then UN Secretary General said this because it is a prerequisite for reaching global anti-poverty goals and is very relevant in today's unequal and digitalised world.

Media and information literacy (MIL), as defined by UNESCO in 2007, "constitutes a composite set of knowledge, skills, attitudes, competencies, and practises required to effectively access, analyse, critically evaluate, interpret, use, create and disseminate information and media products with the use of existing means and tools on a creative, legal, and ethical basis."⁽¹⁾

Altogether, media and information literacy is a citizen's right, especially in the age of digital information.

A media literate society is needed to enable healthy democracies and public participation.

While MIL is a relatively new concept, and the crucial role that MIL education plays in creating an information/knowledge society at all levels, might not be understood, media and information literacy knowledge, skills and attitudes enable critical thinking in citizens and the attainment of developmental goals, especially in the evolving global environment.

As a distinction, citizens who are media and information literate can differentiate between fact and opinion, question the origins of the content they receive, and verify their sources. The saying that "don't believe everything you read" remains relevant today.

In considering MIL, that saying is extended to go a step further by "don't believe everything you see and hear".

This is in recognition to the fact that citizens now more than ever have access to sources of information which vary in quality, and media and information literate individuals are able to analyse the content and understand that there are agendas behind all constructed media and information messages, and that sometimes the news media sells a certain viewpoint and leaves out some voices on important issues.

With MIL, citizens are empowered to draw independent conclusions and to make informed decisions based on the information they choose to consume. They can discern news media bias and can then make a demand for quality and

balanced news coverage.

To meaningfully participate in a democratic society, citizens also need to produce quality content.

The need to engage with media creators and consumers and use their voices to advocate for positive changes in their communities also becomes an important aspect in the MIL movement.

In Namibia and Lesotho, the Media & Information Literacy Learning Initiative (MiLLi*), a not-for-profit organisation that provides MIL training to out of school youth, considering five dimensions such as access, analyse, create, reflect, and act.

DW Akademie is an international media organisation and is one of the main support partners of MiLLi*.

DW Akademie commissioned a study in 2018, with youth who had no MIL training, and youth who had basic MIL training, from Windhoek and Rundu and found that youth relied heavily on social media for information, and in contrast to this they still trusted traditional media more.

Other outcomes from the study pointed out that more rural younger (and older) groups preferred radio and television, while most urban groups preferred digital media.

The products from the Meta Company and co have become prime news sources for many and news apps were not prominent at all.

The participants' appraisal of media in terms of trustworthiness, was exactly the opposite of the media most of them used.

The group showed a considerable tolerance for cyberbullying, as opposed to disinformation, and hate

speech. Motivations behind such behaviour is not reflected on enough.

The study found that there is a low awareness of how to harness technical skills for more ambitious purposes, and respondents lacked advanced skills.

Youth were not aware of the potential use of journalistic media in public campaigning.

Youth largely underestimate the influence their activism can have (using social media). ⁽²⁾

The positive effects of training youth in MIL can overcome some of the shortcomings seen in the MIL index.

MEDIA AND INFORMATION LITERACY IN SOUTHERN AFRICA

SADC member states have numerous newspapers, radio stations and television channels ranging from State- owned or public media houses to private or commercial media creators to community media, which is an indication of the vast number of traditional media citizens have access to.

Wallace Gichunge, MIL practitioner and Africa regional representative on the UNESCO MIL Alliance when asked about the importance of MIL in Southern Africa for this article, responded via email that, "interpreting media messages include recognising the use of metaphors, irony, and the way that stories and events are framed to suggest certain meanings, is critical. To do this, people need to effectively use resources provided by media, libraries, archives, and other information providers."

Media shapes our perceptions

and opinions or informs our decisions, especially when it comes to elections and other central issues affecting lives, and therefore literacy in media and information is vital to make better decisions for development.

In August 2020, the SADC Heads of State and Government resolved to take pre-emptive measures to combat fake news and abuse on social media.

Many organisations have been challenged by this broad terminology used and the consequences of this approach.

As a result, MISA Zimbabwe recommended that governments should collaborate with civil society to find conducive and meaningful ways to manage information disorder, while still upholding the rights of the people. ⁽³⁾

Back in January 2017, the Angolan government passed four new laws to grant the government the ability to penalise online speech and ban content.

These controversial laws, regulated by the Angolan Social Communications Regulatory Body, was criticised as an attempt by the ruling party to control or censor the use of social media and the Internet to expose misuse of power, corruption, and nepotism. ⁽⁴⁾

These cases demonstrate that legislation which infringe on freedom of expression is not a solution to the challenges brought about by digitalisation, and that a holistic approach involving all stakeholders of society is required to ensure fundamental human rights are protected and platforms are safe and relevant for citizens.

One solution is MIL education for citizens, who are then empowered to be responsible creators and consumers of content.

UNDERSTANDING SOCIAL MEDIA AND INTERNET AS SOURCES OF INFORMATION

The collaborative 2021 Digital Report by *We are Social*, and *Hootsuite* reviewed the 16 member states of the Southern African Development Community, ⁽⁵⁾

The region has

- Close to 110 million people are Internet users, which represents an average of 36.78% Internet penetration rate;

- About 49 million citizens (which is 26% of the population) use social media and 94% of users access social media via their mobile phones;

- 283 million mobile connections are active in the SADC, given that many people have more than one mobile phone. This figure is set to increase over the coming years. With more people accessing the internet and social media platforms, the need for media and information literacy which enables citizens to navigate the world wide web, and the plethora of information safely and responsibly, while benefiting from the opportunities, is intensified; and

- The SADC community mostly engages with the following social media sites (in order of popularity): Facebook has over 47 million users, LinkedIn (12 million), Instagram (11 million) and Facebook messenger has 10 million users. Twitter comes in last with three million users. TikTok, the new kid on the block, has been very popular among Generation Z and is set to make inroads into the Digital Report in 2022 in many SADC member states.

The context above provides insights on how social media continues to play a major role in most people's lives such as availing them with opportunities to make positive changes in their communities.

Social media platforms serve as news sources; raising the need for awareness on how information received via these platforms can be manipulated and how it can influence users.

Social media through clever tactics aims to keep users engaged on their platforms, according to Tim Wu, Columbia Law School professor, and author of the book *The Attention Merchants*, "the attention industry needs people who are in a distracted state, or who are perpetually distractible, and thus open to advertising." ⁽⁶⁾

Users are the product that social media platforms sell and in return corporations target users with advertising and persuade users based on the personal information users give them access to by engaging on social media platforms.

While traditional media have editors as gatekeepers, algorithms have replaced these gatekeepers on the Internet and social media.

Understanding algorithm influence on users' engagement online is a key aspect of MIL.

It is important to understand why certain content is available to users, and why users don't see everyone's posts. With the use of algorithms users have no control over the information they get.

Platforms should make information about algorithms transparent enough for users to see what the rules are about, what gets through and what doesn't, and users should have some control over these decisions.

Media and information literacy allows users to know how information is presented to them and can have respectful dialogue with others whose views differ from theirs, which is an important element of living in a democratic society.

Algorithms cause filter bubbles, meaning users only receive information that they are likely to agree with, and this can cause polarisation.

Polarisation has dire consequences on efforts to build tolerance among the populace, and this can divide nations.

THE RESPONSIBILITIES OF SOCIAL MEDIA PLATFORMS AS INFORMATION SOURCES

There is also a need for users to know what social media platforms are doing to resolve some of the challenges they experience, and what they can do to avoid challenges that are part and parcel of the digital technology ecosystem.

In 2021, the whistle-blower Frances Haugen, a former product manager of the civic misinformation team at Meta, broke her silence and provided documents that indicated that the social media company's own research shows that it amplifies hate, misinformation, and political unrest – but the company has hidden what it knew.

Meta says it is working with 80 fact-checking organisations to fact-check content in 60 languages and once a post is labelled as false by the fact checkers, it limits the reach and informs people who may want

to share it.

In the past, the company has also taken more severe steps, resulting in the company shutting down over 260 fake news accounts, which meddled in African elections in some African countries, including Angola, even though these accounts spent over U\$800 000 on advertising since 2012. ⁽⁷⁾

This is a positive indication that social media platforms are considering the role their platforms serve in influencing major decisions in countries.

However, are they doing enough and can they keep up with the various tactics to influence and persuade for power or profit, on their platforms? Can social media platforms bridge the media and information literacy gap that exists in southern Africa?

Massive information is spread on the world's most popular instant messenger application WhatsApp, and on this platform, it is not easy to identify the source (origin) of a message.

WhatsApp is a popular application and the user-friendly platform serves the illiterate and marginalised community very well.

On this platform, the Meta company limited the number of times a message can be forwarded to curb the spread of hateful and false content, which can lead to unrest and riots.

This challenge can also be addressed with MIL education to enable users to verify and analyse information, before sharing it.

When analysing the information users can determine who benefits and what the purpose of the message is.

It would be beneficial to Southern African nations to equip their citizens with the

necessary knowledge, skills, and motivation to be critical and apply MIL on platforms that spread information like wildfire.

THE SOUTHERN AFRICA EXPERIENCES, DUE TO A LACK OF MIL

It should be noted that research on the state of media and information literacy in the region is limited. MIL education is one solution to the challenges and empowerment of citizens to identify and benefit from opportunities by engaging with media and information from a variety of sources.

Research on the current MIL competencies of citizens with regards to traditional and social media, daily Internet use, online content activities, social media behaviours and online privacy and well-being is required to inform policy makers and educators to develop interventions addressing the lack of media and information literacy.

A myriad of challenges currently plagues information and news eco-systems, with information disorder taking centre stage.

The term "Information disorder" was first used in 2017 by Dr Claire Wardle and Hossein Derakhshan as an umbrella term for three different forms of information that cause harm — Misinformation, Disinformation, and Malinformation (Wardle & Derakhshan, 2017).

The purpose of information disorder in a society is to cause chaos by supplying unstructured and chaotic information, and in most instances intends to cause harm.

Below a few cases are highlighted of how information

disorder manifests in southern Africa.

It was widely reported in the media that the July 2021 riots and looting in South Africa where lives were lost, were instigated, and propelled by users on social media. ⁽⁸⁾

A similar scenario played off in Eswatini where the pro-democracy protesters used social media to encourage protests, to which the government responded by shutting down the Internet. ⁽⁹⁾

This shows how crucial information is in today's digital world, where everyone is a content creator.

Misinformation is usually experienced when traditional media houses make an error in their reporting.

The dissemination of misinformation is often driven by the increased pressure on media houses to break a story on social media.

Most media houses are self-regulated, and, therefore, they just publish or broadcast a matter-of-fact statement and apology once the error is noticed.

When the complainant feels that the apology was not given enough prominence, or that the code of conduct and ethical standards were breached a case is brought to the media ombudsman to investigate.

In one such recent case in Namibia involving the Office of the Judiciary and a prominent daily newspaper, the complainant felt that the article intentionally and wilfully misstated or misrepresented facts, and that the headline, graphics, and images used were misleading. ⁽¹⁰⁾

The complaint was also argued that several clauses of the code of conduct and ethical

standards were breached, which the media ombudsman's office investigated and subsequently, the case was dismissed in its entirety.

Consumers of media products should make it a habit to access a variety of quality information sources to gain a better understanding of the information provided so that they are able to draw their own conclusions about the true version of the stories.

Disinformation is another challenge that is brought about by the lack of MIL in SADC and is the increase in the dissemination of fake news, which is enabled mainly by features such as anonymity, or by using pseudonyms.

In August 2020, the Digital Manipulation Project at the University of Cape Town's Centre for Analytics and Behavioural Change (CABC), investigated an orchestrated Xenophobia campaign, and unmasked the identities of those behind the malicious campaign. ⁽¹¹⁾

To identify fake news, users must be able to firstly analyse any information they receive, and then verify the source and content.

These are some of the skills that are taught in MIL education across the southern African region.

Once it has been established to be fake news, it must be debunked, and people should be informed as to why it shouldn't be shared any further.

Media consumers should be enabled to verify information by reading beyond the headline, conduct research online accessing various sources and debunk it by sharing the truth they uncover, with their sources.

Ample examples of false news in southern Africa involving photos and videos,

of for example the late former Zimbabwe president Robert Mugabe's blue roof mansion, exists.

In reality, this mansion belongs to American celebrities. The other is the infamous Pollsmoor prison photograph of former South African president Jacob Zuma that went viral in 2021 following his conviction and prison sentence. ^{(12) (13)}

In Mozambique, the Islamic State published information about an attack in Palma, but it was declared fake in April 2021 as the photos were not of Palma, but rather of Mocimboa

"Media consumers should be enabled to verify information by reading beyond the headline, conduct research online accessing various sources and debunk it by sharing the truth they uncover, with their sources."

da Praia. ⁽¹⁴⁾

These are just some of the examples of how photos can be manipulated to change the meaning of the messages and cause confusion.

In MIL, the communities are empowered with photo and video verification skills while also being educated about a variety of tools available such as Google reverse image search and TinEye to check the truthfulness and authenticity of

photos and videos.

Fake photos and videos create false narratives to elicit strong emotions and reactions from users.

Another form of disinformation is character-based rumours and hoaxes as they are fabricated and false.

More and more people are taking false news on social media to courts under the defamation of character criminalisation.

In Namibia, the first lady Monica Geingob and Justice minister Yvonne Dausab as well as several celebrities have all made police reports against those who spread defamatory and false information about them on social media. ⁽¹⁵⁾

There is no age restriction to liability of what we spread on social media. In 2020, a teenager was arrested in Zambia on three counts of libel for defaming the then Zambian president Edgar Lungu on Facebook. ⁽¹⁶⁾

The defamation laws give respite to victims; however, it points once again to a lack of MIL where a user is critical, and reflective of the information and media messages they create.

There has always been the concern that these defamation laws can be used to restrict freedom of speech.

In the early 2000s, Article 19, a worldwide watchdog organisation and champion for responsible freedom of speech and rightful access to information, examined the constitutions as well as the laws used to prosecute defamation suspects in SADC member states.

The report revealed that most countries have increasingly used these laws in recent years. ⁽¹⁷⁾

The African Commission on Human and Peoples' Rights stressed in its Declaration of Principles on Freedom of Expression in Africa that "states shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society".⁽¹⁸⁾

In 2018, the Constitutional Court of Lesotho found that criminalising defamation has a "chilling effect" on journalistic freedom of expression, resulting in self-censorship by journalists and a less informed public.⁽¹⁹⁾

Citizens need MIL education, as such laws are counterproductive to realising the right to freedom of expression.

Infodemic is a term coined by the World Health Organisation, describing the distribution of too much information, including false or misleading content, in digital and physical environments during a disease outbreak.⁽²⁰⁾

The overwhelming amount of information (a large portion being false) that users received regarding the Covid-19 pandemic has led to confusion, polarisation, risk-taking behaviour, and loss of confidence in decision-making authorities.

Some social media platforms have fact checkers in place to verify information, and then limit its spread or remove the post completely, leaving some users to believe it is censoring information, and promoting their agenda in lieu of providing independent information for users to evaluate, and use, or disregard.

This is where MIL education will again be a great asset to users to discern what is true and what is not.

The examples below demonstrate how Southern African states battled

disinformation during the ongoing COVID-19 pandemic.

To curb the spread of false information that affects people's lives, a holistic approach from several stakeholders is needed, and although certain laws and other interventions are helpful it might not be sustainable.

Some laws, however, are not suitable as demonstrated below. A sustained and structure approach is for the consumer and creators of information to be empowered to identify information disorder and deal with it accordingly.

In December 2020, Angola, and the World Health Organisation (WHO), in partnership with the Ministry of Health, set up the COVID-19 Alliance, a system to fight potentially harmful information shared mostly online.⁽²¹⁾

The alliance received about 100 calls per day from people seeking to clarify rumours or to access facts about the disease or preventative measures.

In the Democratic Republic of the Congo, the WHO employed the services of influencers on social media sites such as YouTube and Instagram to help spread factual messages about COVID-19.⁽²²⁾

They, furthermore, commissioned social media sites to filter out false information, while their communications department addressed myths and provided factual content.

In 2020, several legal policies came into force in SADC member states like Botswana, Eswatini, Zambia, South Africa, Malawi, Zimbabwe, and Lesotho to effect lockdowns.

These policies included Special Emergency Powers, Disaster Management Acts, and Declarations of State of Emergencies.

The policies severely affected free speech — not only for journalists, but for citizens as well.

In some countries, people were arrested for posting content on social media from sources outside of government or for refusing to broadcast their governments' COVID-19 messages for free.

Generally, some journalists viewed it as an attack on their freedom of speech.⁽²³⁾

In Namibia, the creation and spread of fake news regarding COVID-19 was criminalised too, and it was reported that between mid-April 2020 and mid-September 2020, 164 people were arrested and charged with spreading COVID-19-related falsehoods.

Fifty-four people were charged with publishing a "false or misleading statement about measures to combat, prevent and suppress COVID-19", while 110 people were arrested for publishing "a false or misleading statement about the COVID-19 status of any person".

After September 2020, the clause was moved to the Public and Environmental Health Act of 2015 and only included a fine of up to N\$100,000 (about U\$6,500).⁽²⁴⁾

Malinformation includes private information that is made public, harassment, and hate speech.

The spreading of this type of information can be alleviated through MIL education. It infringes upon a person's right to privacy and the right to be free from discrimination and violence.

One such recent and notorious example is that of Julius Malema, the leader of South Africa's Economic Freedom Fighters, who published the personal contact details of a

journalist he disagreed with.

The prominent journalist was subsequently harassed and threatened with racially charged messages. ⁽²⁵⁾

Another type of malinformation is when private and explicit images and videos are made public under the term "revenge porn".

In South Africa several cases were reported and this country has now enacted a law, which makes it illegal, but it is often difficult to prove who leaked the private content. ⁽²⁶⁾

MIL educates content creators on what should be private, and why it should remain private and equips them with knowledge to secure this type of content.

Hate speech is harmful messages spread mostly through social media and targets an individual or group of people based on their race, nationality, religion, or other differences.

Some of the most used forms of hate speech in southern Africa are generalisations, prejudices, creation of stereotypes and derogatory defamation, sometimes camouflaged by humour.

There is reason to believe that hate speech and harassment due to public exposure is on the increase.

At a conference in Namibia in October 2021, the UN said that "hate speech is on the rise worldwide, with the potential to incite violence, undermine social cohesion and tolerance, and cause psychological, emotional, and physical harm, based on xenophobia, racism, antisemitism, anti-Muslim hatred and other forms of intolerance and discrimination".

Namibian President Hage Geingob reiterated that "hate speech plants the seeds of

disunity, hatred and intolerance, leading to breaking down the fabric of basic human values". ⁽²⁷⁾

MIL brings clarity, where many people confuse hate speech with freedom of speech, and so might not even know that they are harming someone else.

Most constitutions in the SADC member states protect equality, dignity, and freedom of speech.

Although the Constitutional Court judge in the Qwelane case in South Africa noted that "a healthy democracy requires a degree of tolerance towards speech that shocks or offends", he also described hate speech as "the antithesis of values envisioned by the rights of free

"Some of the most used forms of hate speech in southern Africa are generalisations, prejudices, creation of stereotypes and derogatory defamation, sometimes camouflaged by humour.

speech".

The court concluded that speech, which is harmful and intended to incite harm against a person or a group of people, is not constitutionally protected by freedom of speech rights. ⁽²⁸⁾

Media and Information literate citizens can identify hate speech and report the social media account to the company or other authorities if it is severe

and causes harm and hurt to the individual or group.

Cyberbullying is nothing new; however, it is intensified as these messages go viral, and the sheer number of hurtful comments can have devastating consequences.

The harmful information and media messages perpetuated online should not be left unaddressed.

Several cases were reported where cyberbullying led to suicide, and cases of girls committing suicide as young as 13 years of age were reported in Namibia and South Africa in 2019. ⁽²⁹⁾

In 2019 the Office of the Prime Minister in Lesotho launched a manhunt for a cyberbully by offering a cash reward to hold to account the person or persons who were spreading hurtful messages against ministers and their families. ^{(30) (31)}

Another very recent example was of the South African singer Makhadzi being cyberbullied and body shamed after her performance in Malawi. ⁽³²⁾

The focus should have been on what should be done to curb cyberbullying, and being media and information literate will greatly contribute to decrease the incidences, and having more bystanders turn into defenders of the victim.

Trolls and bots: Trolls are real people, who spread destructive messages containing false information and exhibit hyperactive online behaviour. These people are often paid to promote or harass certain people or media organisations.

Late in 2021, some of the highest authorities in Madagascar were accused of financing troll farms to share biased views or disinformation for political gain. ⁽³³⁾

In the same country, trolling had more profound consequences, such as a minister resigning after being accused of fraud on social media. ⁽³⁴⁾

Trolling can also take on a humouristic approach, like the Twitter war between Kenya and Tanzania, where the motive was apparently to push Tanzanians to be more active on social media.

A bot (short for robot) is a software programme that imitates human user behaviour and continuously comments or shares content on social media to generate debates.

There are good bots, which serve communities, but in many cases, bots are used for negative purposes.

Superlinear, a company run by a data scientist, investigated how bots and Internet trolls propagate racial and political division in South Africa.

By assessing the number of accounts Twitter suspended relating to politics, social unrest, and race during 2014 and 2018, the company showed there was interference in South African politics by both local and international forces. ⁽³⁵⁾

In 2018, as the South African ruling party prepared to choose its new leader, there were a few hundred fake and apparently American accounts created on Twitter to post biased messages promoting one candidate and attacking another. It is believed that these accounts were bots. ⁽³⁶⁾

Some companies have started using bots to enhance the customer's experience on their digital platforms, and even the WHO has started using bots to provide verified information on Covid-19. ⁽³⁷⁾

Media and Information literate users need the knowledge and

skills to spot fake accounts and to deal with bots and trolls immediately.

One way to make the distinction is to check whether official company accounts or the personal accounts of prominent individuals are verified by social media sites like Facebook and Twitter.

They will have a blue tick next to the names. Another tell-tale sign is that there are often spelling errors in the URLs or profile names of fake social media accounts or websites.

Reporting the account to the hosting site will initiate an investigation into its authenticity.

MIL EDUCATION IN SOUTHERN AFRICA

A citizen has the right to access free, high quality, independent, and pluralistic media, and information.

Citizens should be empowered to make informed decisions and to contribute meaningfully to the national dialogue.

To build capacities in the competencies required for MIL is a complex, and lifelong process and requires a structured and consistent approach to be impactful.

"The inclusion of Media and Information Literacy in the curriculum means that young people must understand the functions of media and other information providers and seek, evaluate, use and create information to achieve their personal, social, occupational and educational goals. They must also possess basic skills for critical thinking, to analyse and use them for self-expression, for becoming independent learners, producers, informed citizens, professionals, and for

participating in the governance and democratic processes of their societies," Gichunge, the MIL practitioner and Africa Regional Representative UNESCO MIL Alliance, said.

A survey on fact-checking and disinformation education in Sub-Saharan Africa showed that there is a semblance of misinformation education in a province in South Africa. ⁽³⁸⁾

In Namibia, Information and Communication has been introduced as a non-promotional subject from Grade 4 to Grade 12, which is a huge achievement.

However, there are still several challenges experienced with the implementation of this subject, such as teachers' lack of understanding and schools not having the necessary tools and infrastructure to adequately deal with the complex issues under media and information literacy.

This requires more support from stakeholders to bridge the gap and meet the needs for MIL education in schools.

In so far, the only known structured MIL initiatives in the region are the Media and Information Literacy Learning Initiative (MiLLi*) projects in Namibia and Lesotho coordinated with support from DW Akademie.

The various educational products focus on out of school youth, and the interactive and practical training targets youth with no formal education, those who are connected to media, education or youth development organisations or professionals through a certificate course.

Recently a variety of online training products have also been developed, including training on platforms like WhatsApp to reach youth where they are.

Participants have noted

that they were able to identify fake news better and shared this information with their connections on social media, some who complete the traditional modules for photography mentioned that they were aware of the messages they communicate through the photos they share online, while others said they appreciate their mother tongue on radio so much more as it carries information that is essential for their communities.

There's also a robust group of Information literacy enthusiasts in South Africa operating under the auspices of the International Centre for Information Ethics (ICIE), an academic community dedicated to the advancement of the field of information ethics, whose training goes beyond the SADC region.

ICIE is a collaborative network to exchange ideas for colleagues, who work in the field of MIL.

The organisation has hosted symposia, and workshops and published a book series and the International Review of Information ethics bi-annually since 2001.

Also noteworthy are the initiatives by the Zimbabwe Centre for Media and Information Literacy (ZCMIL), a non-profit-making media organisation working to support transformational media innovations in service to civic engagement by hosting networking and educational events.

There is room for more to be done in the field of MIL.

All stakeholders should collectively find solutions for citizens to become more critical and conscious of the information and media we consume and create, as well as the sources and broadcasting platforms we use.

MIL — GOING FORWARD

A strategic, multi-pronged approach is required to develop and implement sustainable media and Information Literacy policies and programmes, which will have a real impact on individuals and communities regarding their information needs, critical thinking skills and informed decision-making.

"SADC member states should provide policy frameworks and a conducive environment that support universal media and Information literacy education and lifelong learning programmes for all citizens as an alternative to punitive measures that affect freedoms."

There is a need for more governments and civil society organisations to conduct MIL research to understand the current status quo, but also to provide data to inform policy reforms and educational initiatives.

SADC member states should provide policy frameworks and a conducive environment that support universal media

and Information literacy education and lifelong learning programmes for all citizens as an alternative to punitive measures that affect freedoms.

Governments should adopt MIL education in the formal education system and other stakeholders, including the corporate sector, should develop and financially support more MIL programmes, which will include rural citizens, minority groups, and the elderly, who often don't have access to high quality formal education.

The benefits of MIL for citizens and users of social media should be promoted.

All citizens should accept the responsibility to educate themselves through available free resources and scholarship opportunities.

Consumers and producers of media and information messages should also adopt a reflective attitude and verify information before posting and sharing.

Indications are that information and media messages will only increase — and therewith the danger of quality decreasing.

Therefore, action needs to be immediate and sustained by all members of society.

If we want humans to prosper with its democratic values intact, each player needs to do what they can to obtain the relevant knowledge, skills, and attitudes to engage responsibly with media and information.

Benjamin Franklin's truism should be the key driver in the endeavours of MIL initiatives in the SADC: "An investment in knowledge pays the best interest."

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