



STATE OF THE MEDIA REPORT

2022

PROMOTING **FREE EXPRESSION** IN ZIMBABWE

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Introduction

As the year under review drew to a close, Zimbabwe hosted the belated commemorations of the International Day to End Impunity for Crimes Against Journalists in the resort town of Victoria Falls on 11 -12 November 2022.

The event, which coincided with the 10th Anniversary of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, was jointly organised by UNESCO, the Government of Zimbabwe (Ministry of Information), MISA, Media Monitors, and the International Media Support (IMS).

MISA Regional Governing Council member Father Dr Barnabas Simatende, who is also the Chairperson of MISA Zambia, noted that the 10th anniversary of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, came at a time when Africa is witnessing an escalation in attacks against journalists.

“Governments ought to go beyond lip service in committing to protecting journalists, but instead should come up with punitive measures for those that perpetrate attacks on media workers,” said Father Simatende.

In a related development, the Committee to Protect Journalists (CPJ) reported that four journalists had been killed while at least 56 were imprisoned in Africa in connection with their work as of 1 December 2022.

The journalists were killed in Chad (2) and Somalia (2).

While Zimbabwe is commendably not among the African countries with jailed journalists, the country witnessed an upsurge in the number of cases involving the assaults of journalists at political gatherings/rallies, with some sustaining injuries for which they sought medical treatment.

These violations at political rallies or gatherings are of concern given that such cases tend to increase during an election year, of which Zimbabwe will have its general elections in 2023.

Speaking during the commemorations in Victoria Falls, Minister of Information, Publicity and Broadcasting Services, Senator Monica Mutsvangwa said the Zimbabwean government was committed to providing a safe operating media environment to enable media practitioners to conduct their duties freely.

“I categorically say impunity on crimes against journalists is unacceptable as it seeks to silence voices that keep our society in check,” she said.

This makes a strong case for the domestication of the UN Plan of Action into national legislative frameworks to legislate for crimes against journalists. This will go a long way in reducing and curbing crimes that continue to be committed with impunity against journalists because of the risk

of prosecution for criminal acts against media practitioners.

Political context and key events

In March 2022, Zimbabwe held by-elections which served as a test and measure on how far the government has gone in securing a conducive media operating environment and compliance with recommendations by election observer groups to the country's 2018 elections.

The elections were held to fill 28 vacancies in National Assembly and 122 local authorities; hence they were widely perceived as a preview of the general elections in 2023.

Concerning the 2018 elections, the African Union Observer Mission, among others, noted that despite the existence of legal provisions that encouraged equitable access to the media and balanced reporting of activities of political parties and candidates, both private and state-owned media houses exhibited a degree of polarisation, with inequitable coverage of political parties and candidates.

The SADC Electoral Observer Mission made similar findings and noted that the public broadcaster (ZBC) and the State-owned newspapers were in favour of one political party, contrary to the relevant provisions of the Constitution, the Electoral Act, and the Revised SADC Principles and Guidelines Governing Democratic Elections, which requires State-owned media to be impartial.

Similarly, the European Union Election Observer Mission (EU EOM), said election coverage in the media was not pluralistic.

Following the findings and recommendations of the election observer mission, MISA Zimbabwe and the Media Monitors on 13 April 2022 launched a report on how the media covered Zimbabwe's 26 March 2022 by-elections.

The report, which was launched at a media professionalism workshop organised by MISA Zimbabwe in Bulawayo, focused mainly on public media, as they have a constitutional duty to provide fair and balanced news articles, particularly during elections.

The meeting was attended by the Ministry of Information, Publicity and Broadcasting Services officials led by the Permanent Secretary Nick Mangwana, Members of Parliament, and officials from the Zimbabwe Broadcasting Corporation (ZBC), Zimbabwe Electoral Commission (ZEC), Zimbabwe Media Commission (ZMC) and the Broadcasting Authority of Zimbabwe.

Media advocacy organisations such as the Media Alliance of Zimbabwe, the Zimbabwe National Editors Forum and the Voluntary Media Council of Zimbabwe also attended the meeting.

Permanent Secretary Mangwana said the government had since complied with recommendations by election observer reports by licensing more broadcasters in Zimbabwe. He said the government had licensed 14 community radio stations and six commercial television stations.

The Permanent Secretary said ZBC had done well in its coverage and the government was loathe

to tell the broadcaster what to air, as this would be construed as government interference with its editorial independence.

Against the backdrop of these developments, in May 2022, the EU deployed an Election Follow-up Mission (EFM) to Zimbabwe to assess the status of implementation of the recommendations of the EU EOM to the 2018 elections.

The final report of the EFM noted slow and limited progress in the implementation of the recommendations offered by the EU EOM in 2018.

However, it also positively highlighted that several actions to undertake a comprehensive electoral reform had been initiated following the 2018 elections.

At a press conference on 20 May 2022, Chief of Mission, Elmar Brok, underlined the need for the reform process to move forward in a “timely and inclusive fashion” to promote credible elections in 2023.

These developments also came at a time when Zimbabwe was forging ahead with the Private Voluntary Organisations (PVO) Amendment Bill despite the plea to the Zimbabwean government by UN Special Rapporteurs to forego the proposed law.

It is feared that if enacted in its current state, the Bill will muzzle the work of civic society and negatively impact the operating media freedom, freedom of expression and access to information environment ahead of Zimbabwe’s 2023 general elections.

Similar pleas were made in 2022 by UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, Clement Nyaletossi Voule, in a report presented to the Human Rights Council’s 50th Session held between June 13 and July 8, 2022.

Meanwhile, the government forged ahead with its media reform agenda following the repealing of the widely discredited Access to Information and Protection of Privacy Act (AIPPA), which paved the way for the enactment of the progressive Freedom of Information Act.

On 18 – 19 May 2022, a law drafting meeting (Writershop) was convened in the Midlands capital of Gweru to consider and further input into the proposed amendments to the Broadcasting Services Amendment Act (BSA) through the Broadcasting Services Act Amendment Bill.

A similar exercise was conducted in Kadoma on 11 -12 August 2022 on the Draft Zimbabwe Media Practitioners Bill, which among other issues, is designed to give effect to the principle of co-regulation of the media.

Earlier, on 9 March 2022, Honourable Kindness Paradza, the Deputy Minister of Information, Publicity and Broadcasting Services, told participants at a MISA Zimbabwe Broadcasting Stakeholders meeting in Harare that the Broadcasting Services Amendment Bill seeks to address the lack of diversity and plurality in the sector.

“The amendment Bill seeks to further open up the airwaves by licensing community and campus

radio stations and privately-owned TV stations,” he said. The Broadcasting Services Act was enacted in 2001.

“Certain sections of the Act have proved difficult to implement and some sections have become inconsistent with the new constitution,” he said. “Technology has also evolved rapidly over the last few years making sections or definitions of services meaningless or definitions meaningless or out of sync with reality.”

Media environment

Regrettably, Zimbabwe once again declined on the Reporters Without Borders (RSF)’s [2022 World Press Freedom Index](#).

Following former President Robert Mugabe’s ouster in 2017, Zimbabwe initially rose on the World Press Freedom Index, but the country has been on the decline for the past two years. In 2021, Zimbabwe was ranked 130th and in 2022, it was ranked 137th, a decline of seven places.

The report said laws such as the Cyber and Data Protection Act and the Official Secrets Act, continued to hamstring journalism.

One of the positives the RSF report noted was that the political climate has been more peaceful for Zimbabwean journalists since President Emmerson Mnangagwa took over as president.

However, it also pointed out that authorities are still tempted to intervene in editorial decisions, citing a case in 2021 where “the head of Zimpapers asked editors to publicly support the ruling party ahead of the election....”

RSF noted that although levels of violence against journalists have declined significantly under President Mnangagwa’s administration, they remain alarmingly high and self-censorship is routinely practiced to avoid reprisals.

“The police often use disproportionate force and confiscate equipment,” the report said.

“Acts of intimidation, verbal attacks and threats (especially on social media) are still common practices.”

In December 2021, Zimbabwe enacted the Cyber Data Protection Act, which has aspects relating to cybersecurity and cybercrimes.

The law has progressive provisions relating to specifications on the rights of data subjects, and notification of security breach together with the responsibilities that have been placed on data controllers for purposes of promoting data protection and privacy.

The other provision is on cyber-bullying and harassment. Such provisions are progressive as far as women's rights online are concerned.

Several women, particularly female journalists, and female politicians in Zimbabwe, have been victims of cyber-bullying and harassment which has greatly affected the exercise of digital rights by women.

If implemented properly, this provision will be critical in ensuring that individuals respect the rights of others to express themselves and access information online freely.

Victims will also benefit greatly from the provision on the transmission of intimate images without consent as cases of revenge pornography have been on the rise in Zimbabwe and other jurisdictions.

Regrettably, the Act also has provisions that have the potential to reverse these gains. One such provision is that which criminalises what is termed as the transmission of data message that incites violence or damage to property.

Another problematic provision relates to the transmission of false data messages. Several journalists and citizens have since been charged under this law.

Alpha Media Holdings editor-in-chief Wisdom Mdzungairi and senior reporter Desmond Chingarande were on the 3rd of August 2022 arrested and charged over a story they published pertaining to the legal squabbles relating to Glenforest Memorial Park in Harare.

The two were accused of contravening Section 164C of the Criminal Law (Codification and Reform) Act, as amended through the Cyber and Data Protection Act, which relates to publishing false data messages intending to cause harm.

Journalist Hope Chizuzu was on 29 September 2022 arrested on charges of transmitting false data messages intending to cause harm in contravention of Section 164C of the Criminal Law (Codification and Reform) Act as amended.

Chizuzu, a sports reporter, said he was reported to the police by complainants from the Board of

the Dynamos Football Club.

Upon his arrest, Chizuzu was taken to Harare Central Police Station's Commercial Crimes Unit, where the police recorded a warned and cautioned statement from him before being released. The police also confiscated Chizuzu's mobile phone and iPad, as part of the evidence.

These clawback provisions in new laws, such as the Cyber and Data Protection Act, take away the progress that had been achieved through the enactment of the Freedom of Information Act in 2020 to give effect to the enjoyment of the right to access to information as provided for under Section 62 of the Constitution.

Meanwhile, the issue of dual accreditation by the Zimbabwe Media Commission, on one hand, and the Zimbabwe Electoral Commission, on the other hand, remains of concern to MISA Zimbabwe as a burdensome and inconvenient cost for journalists and media houses.

In the March 2022 by-elections run-up, ZEC invited applications from observers and the media for accreditation to cover the elections.

The accreditation fees were set as follows:

- Local observers- USD10,00 or ZWL equivalent at prevailing bank rate
- Observers from the continent –USD20,00
- Zimbabwean media practitioners accredited with the Zimbabwe Media Commission and working in Zimbabwe for foreign media houses - USD50,00
- Zimbabwean local media practitioners accredited with the Zimbabwe Media Commission –USD10,00 or ZWL equivalent at prevailing bank rate.

The ZMC-issued accreditation card should suffice for media practitioners in Zimbabwe, working for local and foreign media houses, to undertake their professional work on election reporting.

Should there be a need for a separate and ZEC-specific accreditation, that accreditation should be processed without any requests for further payments.

This should be of serious consideration when viewed against the need for media sustainability, as several media houses are struggling to stay afloat, not just in Zimbabwe but globally.

For instance, one of South Africa's oldest football magazines, *Kick-Off*, announced that it was shutting down after more than 28 years of publishing, leading to hundreds of people, that is, journalists and support media workers, losing their jobs and remuneration.

This adds to thousands more that lost their jobs due to the COVID-19 pandemic which forced many legacy media outlets to go online to cut costs.

This is also compounded by the economic situations in countries such as Zimbabwe where media

outlets resort to retrenchments to remain sustainably afloat. The political and legal situation in Malawi and Tanzania, for example, has seen several organisations being forced to shut down as well.

This dual accreditation and the fees in question can deter media practitioners from undertaking their work without any fear of harassment, exclusion, arrest, and detention while covering the elections.

As Zimbabwe prepares for the 2023 elections, dual accreditation should, therefore not be a deterrent for the media to effectively play its role in information dissemination which is critical for citizens to access election-related information for them to make informed decisions and choices.

Media government relations

The Ministry of Information, Publicity and Broadcasting Services continued to live up to its open-door policy adage by continuously engaging with key stakeholders, among them MISA Zimbabwe, more so in the context of the ongoing media law reform process.

Among the key notable events during the year under review, was the convening of the Writeshops on the Broadcasting Services Amendment Bill and the Draft Zimbabwe Media Practitioners Bill during which media stakeholders had the opportunity to input into the two proposed laws.

The proposed amendments to the archaic Broadcasting Services Act were tabled for consideration during a law drafting workshop (Writeshop) held in the Midlands capital of Gweru on 18 and 19 May 2022.

A similar exercise was conducted in Kadoma on the Draft Zimbabwe Media Practitioners Bill on 11-12 August 2022.

During the year under review, the Ministry of Information was also proactive in giving updates pertaining to progress on the media law reform processes through the Minister, Senator Monica Mutsvangwa, her deputy, Honourable Kindness Paradza and Permanent Secretary Nick Mangwana.

On the media practitioners' Bill, Honourable Paradza said the proposed law would go a long way in empowering journalists in the country. Media practitioners and stakeholders drafted the Bill, which was shared with parliament, government and the Zimbabwe Media Commission (ZMC).

Meanwhile, the barring of journalists from the privately owned *NewsDay* from covering important national events during the year under review was of great concern.

In an editorial in its edition of Friday, 25 November 2022, the daily posed the question: [*What crime did we commit as NewsDay?*](#)

This followed a series of events that saw its journalists being barred from covering a national event at State House, including the ruling Zanu PF's elective congress held in October 2022.

On 24 November 2022, the paper again reported that its reporters were barred from covering

President Emmerson Mnangagwa's State of the Nation Address (SONA), at the new Parliament Building in Mount Hampden, Harare, on 23 November 2022.

According to *NewsDay*, this came after "someone" from Parliament reportedly deleted the names of its two reporters from the list of reporters accredited to cover the SONA, thereby effectively barring them from covering the presentation of the 2023 National Budget the next day.

Media Sustainability/Professionalism

Speaking during the 2022 Africa Journalism and Media Summit in Zimbabwe's second-largest city of Bulawayo, MISA Zimbabwe Chairperson Golden Maunganidze noted that due to closures of media outlets and poor economic performances in most southern African countries, journalists' salaries are quite low, and this has seen experienced media people leaving their jobs in search of better offers.

This means staff in newsrooms have become younger and less experienced and this is evident in the content that is produced. If the content is not up to scratch, this means fewer people will pay for the news and this will mean poor remuneration for the journalists.

Without condoning corruption, this untenable situation has contributed to spawning corruption in journalism – the scourge of the brown envelope, which is of increasing concern throughout the world.

"The shrinkage in newsrooms ultimately leads to an information vacuum – and as we know, nature abhors a vacuum – this vacuum is often filled by misinformation and disinformation.

"The cost of producing news is increasingly going up, while fewer people are willing to pay for news – thanks to the information surplus that has been brought by the internet," said Maunganidze.

The Catch-22 situation for media houses is that while there is a need for accurate, verified, and truthful information from reputable sources to counter misinformation and disinformation, there is a shrinking of newsrooms that should be on the forefront countering this scourge through accurate and verifiable information.

The cost of producing news is increasingly going up, while fewer people are willing to pay for news – due to the information surplus that the internet has brought.

These developments inform MISA Zimbabwe's relentless push for affordable data prices under its *#DataMustFall* campaign. Lowering the price of accessing the internet will mean more people will have access to it and the trickle-down effect is that more people will spend money on accessing news platforms.

In Zimbabwe, the dual accreditation of journalists by the Zimbabwe Media Commission (annually) and Zimbabwe Electoral Commission whenever there are elections, eats into the meagre earnings of already struggling media companies.

It is, therefore, MISA Zimbabwe's well considered view that the ZMC-issued accreditation card should suffice for media practitioners in Zimbabwe, working for both local and foreign media houses, to undertake their professional work on election reporting.

Should there be a need for a separate and ZEC-specific accreditation, that accreditation should be processed without any requests for further payments.

As the country heads for the 2023 elections, MISA Zimbabwe reiterates its earlier appeals to ZEC to only require that media practitioners applying to be accredited by the Commission, should submit their details based on the ZMC-issued accreditation cards without having to pay an additional accreditation fee.

Such details can then be verified with the ZMC before the accreditation card by ZEC is issued.

Meanwhile, and as noted by Maunganidze, it is however not all about gloom and doom as exemplified by platforms such as the *Daily Maverick* in South Africa which is growing despite the challenges that media platforms face. In the UK, the *Financial Times* and *The Guardian* have grown their online presence, and they are reaping the rewards of good journalism.

In the US, *The Washington Post* and *New York Times* also provide examples of organisations that were making profits because they have invested in good journalism. What Southern African newsrooms need to think about now is changing their business models, so that they are reflective of the changing media ecosystem.

Media professionalism and regulation

Media stakeholders generally agree on co-regulation of the media, where the proposed professional media body would be the first entry point for filing complaints against the media while the constitutional regulatory body, Zimbabwe Media Commission (ZMC), would be an appellant body.

At stake though is how exactly this would unfold in enforcing a binding Code of Ethics.

MISA Zimbabwe and its alliance partners under the auspices of the Media Alliance of Zimbabwe (MAZ) are agreed that effective co-regulation should be underpinned by a strengthened and inclusive professional media regulatory mechanism in which there is joint enforcement of a Code of Ethics and Conduct with the statutory body.

The industry-driven council will thus be composed mainly of media professionals, and it will also be inclusive to represent the various platforms and forms of news media, including print, broadcast, and online media. Both public and private media entities and practitioners will be within the structures of this mechanism.

Under this framework, the key principles would be inclusivity, recognition for diversity, a unified code of ethics and standards, professionalism, and media accountability.

It is, therefore, encouraging that the resolutions of the Kadoma Writeshop (mentioned earlier in

this report), buttressed the adoption of the principle of co-regulation and an agreed structure on how this co-regulatory framework is going to be implemented.

The meeting resolved that the media in Zimbabwe should professionalise, and that to achieve that objective, the Bill should establish a professional media body, which is a professional entry body serving as the lower tier, with the ZMC being the appellate body. The two would jointly enforce a single code of ethics and conduct.

The Ministry of Information, Publicity and Broadcasting Services was tasked to formulate principles for this law and structure for consideration by media stakeholders and presentation to Cabinet and that such guiding principles and structures would be used in drafting this law.

Arrests, Threats and Harassment of Journalists

A total of 36 media workers, of which six (6) were female and 19 male, were either assaulted, arrested, charged, detained, threatened and barred or had their equipment damaged in 2022. The gender of the other 11 journalists could not be ascertained as the recorded incidents involved groups of journalists unidentified journalists.

This marked a 64% increase in the number of media workers whose media freedom was violated in 2022 compared to the number reported in 2021.

As highlighted earlier in this report, a worrying increase in the number of cases involving the assault of journalists at political rallies and gatherings was witnessed during the year under review.

Journalist Mildret Tinofa of *HSTV* sprained her arm while others had their equipment damaged during a Citizens' Coalition for Change by-elections campaign rally in Zimbabwe's Midlands town of Kwekwe on 27 February 2022, which was marred by violence.

She sprained her arm in the ensuing violence and commotions. A camera belonging to her employer, *HSTV*, was reportedly damaged in the melee that followed the violence.

Thandiwe Garusah and Leopold Munhende, journalists with *NewZimbabwe.com* website, lost their mobile phones and a tripod camera stand in the ensuing melee. Robert Tapfumaneyi, a freelance journalist, also had his camera damaged at the rally.

This happened when a group of assailants charged on the rally resulting in a stampede as those who were in attendance fled towards the stage where the journalists were positioned, leading to the damage and loss of equipment.

Four journalists were also reportedly severely assaulted when violence erupted ahead of a rally that was scheduled to be addressed by Citizens Coalition for Change (CCC) leader Nelson Chamisa in Gokwe in Zimbabwe's Midlands Province.

One of the journalists, Toneo Rutsito, tweeted:

We have been attacked, heavily assaulted for taking pictures and videos of around 20 Zanu PF

vehicles which had blocked chitekete business shops, 90km from Gokwe.

The other journalists were named as Tongai Mwenje, Pellagia Mpurwa and Chelsea Mashayamombe.

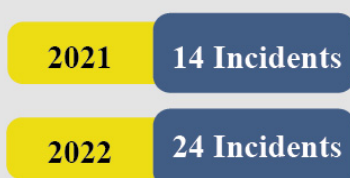
Media Freedom Violations Statistics 2022

A total of 36 media workers and 4 groups were either arrested, charged, detained, threatened, attacked, barred or had their equipment damaged in 2022. This marked a 64% increase in the number of media workers who were violated in 2022 when compared to the number reported in 2021.

Collectively 37 alerts were issued based on 24 incidents of media freedom violations and in some instances, a single violation would involve several media practitioners. In 2021 we issued 28 alerts.

Media Freedom Violation Incidents

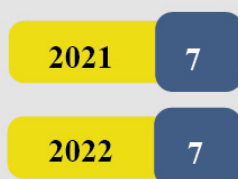
Please note that one incident of media freedom violation may involve one or more Journalists.



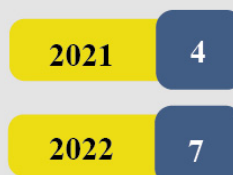
Media Freedom Violations Categories



Arrested/Detained/
Denied Bail/ Charged



Barred/Censored



Assaulted/ Attacked/
Injured

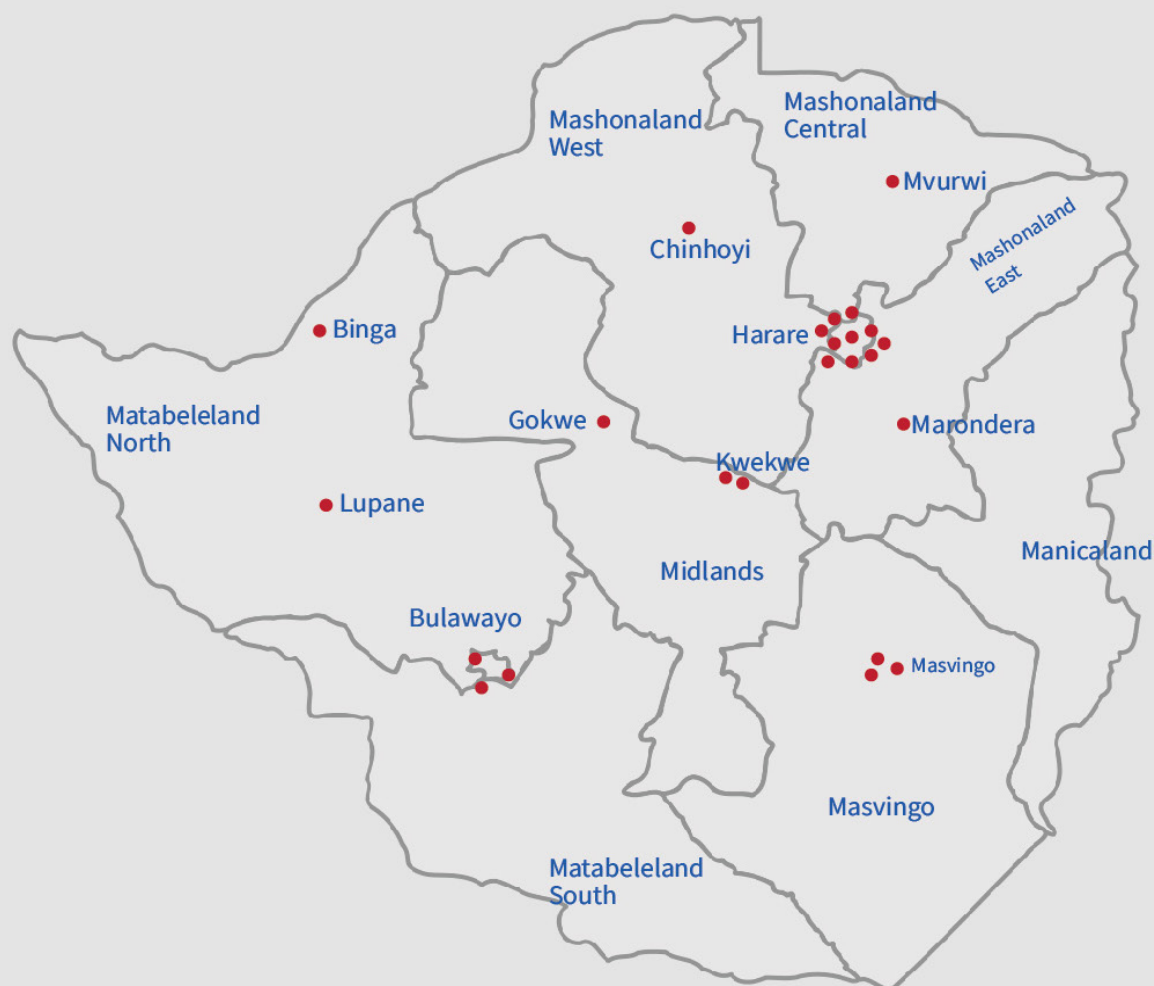


Seizure/damage of Equipment

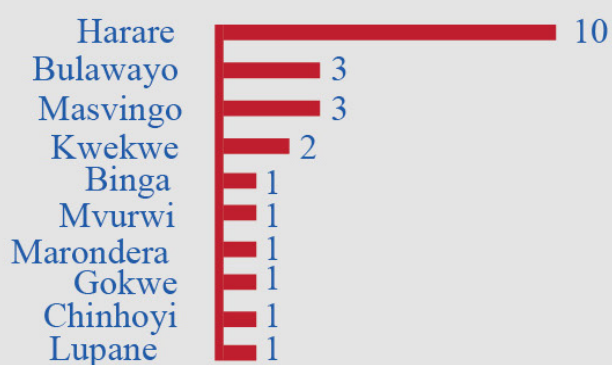


Areas where media freedom violation incidents were recorded in 2022

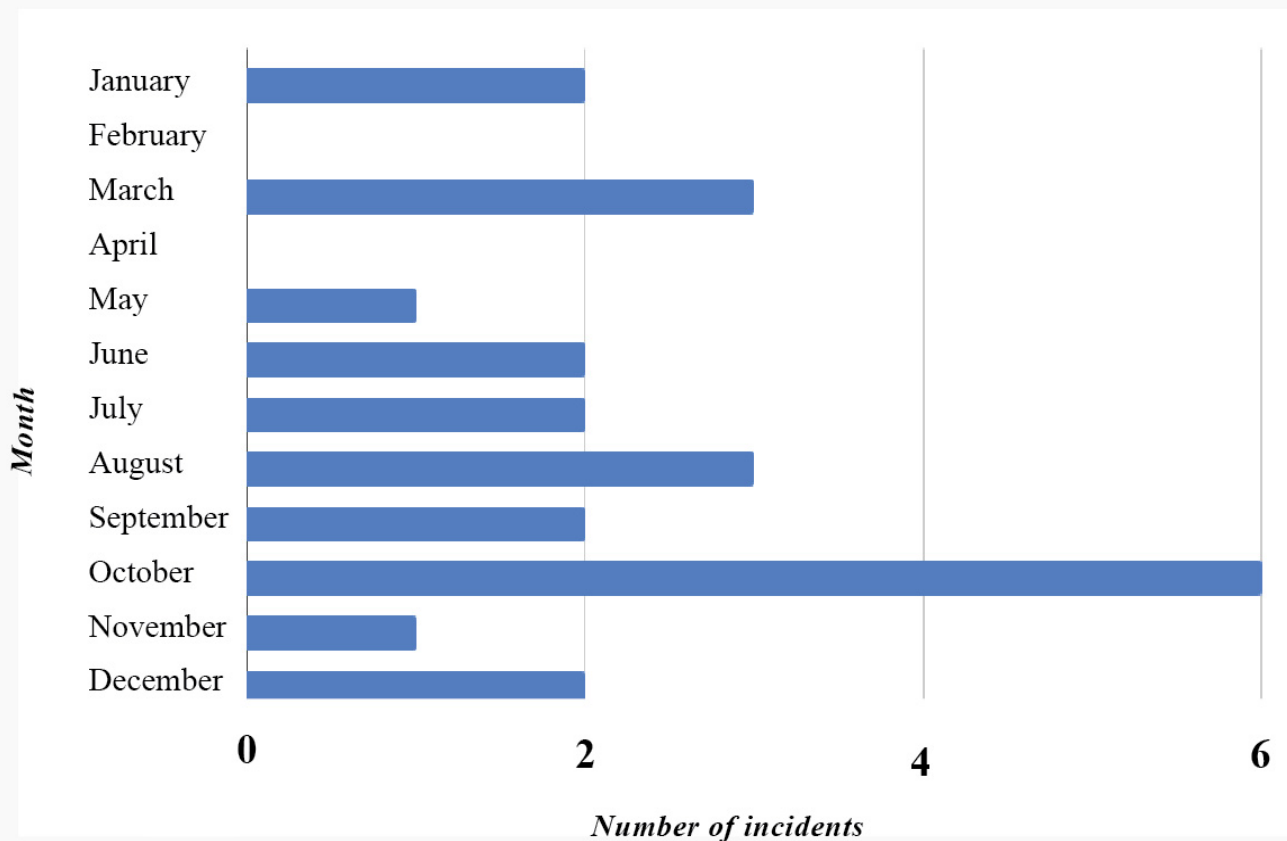
A total of 24 incidents of media freedom violations were recorded across the country as per the map below.



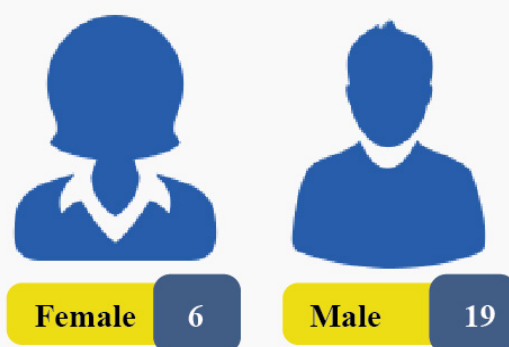
Number of violations incidents per City/Town



Monthly number of media freedom violation incidents recorded in 2022



Gender disaggregated data of violations against journalists in 2022



Of the 36 individual journalists which faced media freedom violations in the year under review 6 were female and 19 were male. The other 11 journalists' gender could not be easily identified because the incidents involved a group of unidentified journalists.

Internet Governance/Freedom of Expression/Access to Information

Access to Information

The theme for the 2022 International Day for Universal Access to Information (IDUAI): *Artificial Intelligence, e-Governance and Access to Information*, was timely in the Zimbabwean context when viewed against the backdrop of the enactment of the Cyber and Data Protection Act and the Freedom of Information Regulations and launching of several digitisation and digitalisation initiatives.

These, among others, include the launch of National Data Centres, digitisation of the judiciary and plans for the digitisation of the education sector. The introduction of e-services such as the e-visa, e-passport, tele-medicine platform, e-learning and the e-government portal, are also progressive in that regard.

In addition, the Ministry of Information Communication Technology, Postal and Courier Services, and the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), the government has been establishing Community Information Centres (CICs) and providing computers to rural schools through the Connect a School, Connect a Community programme.

As highlighted by UNESCO, access to information plays an important role in development, democracy, and equality.

The government should therefore ensure the functionality of websites on the official Zimbabwe Government Web Portal (Government Web Portal) through the provision of updated information.

Internet Access/Governance

It is increasingly becoming an undeniable fact in this digital era, that internet access enables and enhances the exercise and enjoyment of fundamental rights as it impacts every facet of our society, including the health sector, as was demonstrated during the height of the COVID-19 pandemic.

It also equally impacts the education, business and justice sectors as realised with the launch in Zimbabwe of the second phase of the Integrated Electronic Case Management System, among other sectors.

However, internet access continues to be a challenge for the majority of ordinary Zimbabweans, thereby widening the digital divide based on economic status and location – as evidenced by the rural-to-urban divide where it concerns internet accessibility and affordability.

This is evidenced by the incessant public outcries concerning the cost of data as data tariffs continue to be increased while services remain poor. In other instances, and due to poor quality of service, data bundles are depleting before consumers are able to utilise the purchased data.

This triggered MISA Zimbabwe to push for internet affordability under its ongoing *#DataMustFall* campaign.

In that regard engagements have been initiated with stakeholders such as POTRAZ, the Parliamentary Portfolio Committee and the players in the telecommunications industry to address these challenges.

MISA Zimbabwe also notes the efforts that have been undertaken by POTRAZ as part of its functions in terms of the Postal and Telecommunications Act to promote internet access.

This includes the projects that have been spearheaded using the Universal Services Fund, to which POTRAZ is the custodian for purposes of providing access to telecommunication services to rural and marginalised communities.

One such project is the launch of community information centres in partnership with other stakeholders, such as the Ministry of ICTs and ZimPost.

The government should therefore prioritise and accelerate the digitisation process, which is reportedly being stalled by foreign currency challenges, by duly allocating the required funds to complete the project, which is now long overdue.

While the Cyber and Data Protection Act is aimed at promoting the enjoyment of constitutional rights, including the right to access information as well as promoting the use of technology to promote those rights, of concern is its clawback provisions, such as the one relating to the transmission of false data messages.

False news offences promote self-censorship and unjustifiably infringe on freedom of expression and, by extension, the right to access information.

Broadcasting

While the licensing of the first-ever community radio stations and commercial television stations is progressive in the context of freeing the airwaves and compliance with the African Charter on Broadcasting, there is a need to move with urgency in amending the Broadcasting Services Act as is being proposed through the Broadcasting Services Amendment Bill.

The resultant broadcasting law and regulatory framework should be in line with the Constitution of Zimbabwe, the African Charter on Broadcasting and the African Commission on Human and Peoples' Rights (ACHPR) Declaration on Freedom of Expression and Access to Information and the African Declaration on Internet Rights and Freedoms, among other instruments that set democratic principles and standards on regulation.

Considering that broadcasting is capital intensive, it is therefore commendable that the Amendment Bill has provisions allowing for foreigners to own shares not exceeding 40%.

There are also provisions to promote funding from Zimbabweans in the diaspora for community radios as well as through international organisations that will work through the Broadcasting

Authority of Zimbabwe (BAZ). The broadcasting fund will also support and ensure the sustainability of community radio stations.

In their submissions during the Writeshop in Gweru, MISA Zimbabwe, MAZ and the Zimbabwe Association of Community Radio Stations (ZACRAS), however, argued that the current legislation vests excessive powers in the Minister in the appointment, functions and operations of the Broadcasting Authority of Zimbabwe (BAZ).

These powers threaten the independence of BAZ, a threat that goes against democratic principles of broadcasting regulation.

The amendment discussed at the Writeshop thus proposes changes in the appointment process of the BAZ Board to include a public nomination and interviewing process by the Minister before seeking approval from the President.

While the participation by members of the public in nominating and observing the interviewing process is a welcome development, MISA Zimbabwe, ZACRAS and MAZ submitted that a parliamentary process in establishing the Board could enhance its independence from the Executive.

Conclusion

As Zimbabwe gears for the 2023 elections, responsible authorities should prioritise the safety and security of journalists by putting in place measures that ensure that media workers conduct their work without hindrance.

Cases involving the harassment and assault of journalists tend to spike during election seasons and at political party rallies and gatherings. These media freedom violations contribute to the country's poor rankings by media watchdog groups such as the Reporters Without Borders.

This is detrimental as it dents Zimbabwe's ongoing re-engagement efforts with the international community to attract foreign direct investment and spur socio-economic prosperity. It is MISA Zimbabwe's well-considered view that it is imperative for law enforcement agents, political parties and other responsible authorities to ensure that the media operates freely as this will go a long way in improving the country's media freedom rankings.

The security and safety of journalists conducting their lawful professional duties is of paramount importance as provided and protected under Section 61 of the Constitution on freedom of expression and freedom of the media.

A free and secure operating media environment is a key ingredient to socio-economic development and prosperity. It is also pivotal in the enjoyment and exercise of citizens' right to access to information for informed decisions and choices on matters affecting their daily lives and wellbeing, and more so during election campaigns.

Way Forward in 2023

- Government should seriously consider the domestication of the UN Plan of Action into Zimbabwe's legislative frameworks to legislate for crimes against journalists. This will go a long way in reducing and curbing crimes that continue to be committed with impunity against journalists.
- Political parties; the police and the broader security forces should ensure the safety and security of journalists during campaign rallies and at all times.
- Every journalist duly accredited with the ZMC should be allowed to freely cover the elections without the burden of being accredited by ZEC and the additional requisite fees.
- Journalists and media workers, in general, should familiarise themselves with the profession's safety and security guidelines to minimise the risks that come with their chosen profession.
- Media houses should swiftly address and correct unprofessional conduct by their journalists where this is highlighted or brought to their attention.
- Journalists should refrain from participating in political processes if they still want to continue practicing journalism to retain the much-needed neutrality while conducting their professional duties and covering electoral processes.
- The media, especially the state-controlled media should take note of the observations and findings of election observer missions to Zimbabwe's 2018 elections and ensure equal and equitable coverage of all political players in the 2023 elections
- Effective co-regulation of the media should be underpinned by a strengthened and inclusive professional regulatory mechanism in which there is joint enforcement of a Code of Ethics and Conduct with the constitutional regulatory body.
- Broadcasting laws and regulatory framework should be in line with the Constitution of Zimbabwe, the African Charter on Broadcasting and the African Commission on Human and Peoples' Rights (ACHPR) Declaration on Freedom of Expression and Access to Information and African Declaration on Internet Rights and Freedoms, among other instruments that set democratic principles and standards on regulation.
- Multi-stakeholder approach involving all the key relevant players with the aim of coming up with mechanisms that ensure affordable internet access and data prices for all, including those in marginalised rural communities in line with the African Declaration on Internet Rights and Freedoms which stresses that access to the internet is a fundamental right.

2022 Media Freedom Violations Table

Arrested/Charged/ Denied bail/ Detained		
Victim/Concerned Party	Issue	Date
Alpha Media Holdings journalists Blessed Mhlanga and Chengeto Chidi	Mhlanga and Chidi were charged for contravening Section 25 (a) as read with Section 30 of Statutory Instrument 21/2005, which prohibits taking of photographs within a polling station. The alternative charge was on disorderly conduct in a polling station as defined by section 89 of the Electoral Act. They were subsequently acquitted of the charges.	7 May, 2022
ZimLive Editor Mduduzi Mathuthu	Mathuthu was charged with contravening Section 33 of the Criminal Law (Codification and Reform) Act which deals with undermining the authority of the President or insulting the President. The charge stemmed from a Tweet posted by Mathuthu on his Twitter account relating to President Emmerson Mnangagwa's address when he suspended lending by banks to both private companies and government departments.	6 June 2022
Freelance journalist Anyway Yotamu	Yotamu was reportedly assaulted and arrested by the police in Harare's central business district while covering an altercation between city parking attendants and touts.	7 July 2022
Alpha Media Holdings editor-in-chief Wisdom Mdzungairi and senior reporter Desmond Chingarande	Mdzungairi and Chingarande were arrested and charged under Section 164C of the Criminal Law (Codification and Reform) Act as amended by the Cyber and Data Protection Act following a story they published pertaining to the legal squabbles relating to Glenforest Memorial Park in Harare.	3 August, 2022

Journalist Hope Chizuzu	Chizuzu was arrested on charges of transmitting false data messages intending to cause harm in contravention of Section 164C of the Criminal Law (Codification and Reform) Act as amended.	29 September, 2022
Journalist Thembelihle Mhlanga	Mhlanga was summoned to the Lupane police station in Matabeleland North where the police recorded his warned and cautioned statement on allegations of cyberbullying under the Cyber and Data Protection Act following a video clip which Mhlanga posted on his Facebook account on 10 October 2022.	24 October, 2022
NewZimbabwe.com journalist Leopold Munhende	Munhende was reportedly charged for publishing falsehoods in a story that the online platform published on 21 September 2022, alleging that President Mnangagwa had fled protesting Zimbabweans in New York.	28 November, 2022

Assaulted/ Attacked/ Threatened		
Victim/Concerned Party	Issue	Date
<i>TellZim</i> editor Passmore Kuzipa	Gabriel Mupasiri a 'self-proclaimed' businessperson in Masvingo was reportedly charged with disorderly conduct after he allegedly manhandled <i>TellZim</i> editor Passmore Kuzipa at a local hotel over a story published sometime in 2012.	14 January, 2022
Mujopeni Mudimba, journalist based in Binga	Mudimba was reportedly threatened over a story he wrote on the eviction of villagers in Binga's Ward 12 by a Chinese company that had been granted authority by the government to mine coal in that area.	25 January, 2022

The Midlands Observer editor Chipo Gudhe	Gudhe was allegedly manhandled and threatened over a story published in the Midlands Observer pertaining to the arrests of persons accused of inciting violence during the opposition Citizens' Coalition for Change rally held on 27 February 2022 in Mbizo, Kwekwe.	2 March, 2022
Freelance journalist Simbarashe Sithole	Sithole filed a report with the police following threats he reportedly received over a story he wrote on alleged corruption in Minister of Home Affairs Honourable Kazembe Kazembe's Mazowe West constituency.	7 June 2022
Journalists, Toneo Rutsito, Tongai Mwenje, Pellagia Mpurwa and Chelsea Mashayamombe	The four journalists were reportedly severely assaulted when violence erupted ahead of a rally that was scheduled to be addressed by Citizens Coalition for Change (CCC) leader Nelson Chamisa in Gokwe in Zimbabwe's Midlands Province.	25 August, 2022
TellZim journalist, Courage Dutiro	Dutiro, was reportedly assaulted by an opposition Citizens Coalition for Change (CCC) security detail on 20 March 2022 during the party's rally at Rujeko Grounds in Masvingo after taking a picture of CCC's Ward 4 candidate Thokozile Muchuchuti, who had reportedly collapsed during the rally.	20 March, 2022
Ruvimbo Muchenje of NewsHawks	Muchenje was allegedly assaulted by Citizens' Coalition for Change's security personnel while covering a CCC rally at Gadzema Stadium in Chinhoyi.	11 September, 2022
Senior journalist Godwin Mangudya	Mangudya was reportedly assaulted by members of the Central Intelligence Organisation (CIO) and ruling ZANU PF activists in the Harare suburb of Kuwadzana while covering the party's Central Committee elections.	8 October, 2022
HStvNEWS journalists Dunmore Mundai and Gaddafi Wells	Mundai and Wells were assaulted by the police in Harare's suburb of Mbare while they were working on a documentary.	10 October 2022

Barred/ Censored/ Banned / Denied accreditation		
Victim/Concerned Party	Issue	Date
Journalists from NewsDay and other private media houses	The journalists were reportedly barred from covering an event where First Lady Auxillia Mnangagwa was commissioning a clinic at the Marondera Female Open Prison in Mashonaland East province.	19 July, 2022
Group of Journalists	Bulawayo based journalists were reportedly barred from covering celebrations for centenarians attended by the First Lady Auxilia Mnangagwa at the Zimbabwe International Trade Fair Grounds.	25 August, 2022
NewsDay journalist Desmond Chingarande	Chingarande was reportedly barred from entering the venue of the ruling ZANU PF's Central Committee elections at Masvingo Teachers College in Masvingo.	9 October, 2022
Alpha Media Holdings journalists Shepherd Tozvireva, Blessed Mhlanga and Chengeto Chidi, Daily News reporter Katty Nyoni and Heart and Soul TV journalists Zibusiso Ncube and Atricia Gondo	Six journalists from private media houses were reportedly barred from covering an event that was happening at the State House in Zimbabwe. President Emmerson Mnangagwa was on that day appointing a Tribunal to inquire into the removal from office of Zimbabwe Anti-Corruption Commission's spokesperson John Makamure.	17 October 2022
NewsDay, TechMag and NewZimbabwe.com journalists	The ruling Zanu PF reportedly refused to accredit NewsDay journalists to cover its elective congress in Harare. NewZimbabwe.com and TechMag journalists were also reportedly barred from covering the congress.	27 October, 2022
Six journalists	The journalists were covering the congress of the opposition MDC in Harare when they were reportedly threatened and barred from covering a violent incident that reportedly transpired at the congress venue.	20 December, 2022

Group of Journalists	The police in Bulawayo reportedly barred some journalists from taking pictures as they dispersed people that had gathered in the city in commemoration of victims of Gukurahundi.	22 December, 2022
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Seizure of Equipment/ Raided/ Vandalised		
Victim/Concerned Party	Issue	Date
Journalists Mildret Tinofa, Robert Tapfumaneyi, Thandiwe Garusah and Leopold Munhende	Journalist Mildret Tinofa reportedly sprained her arm, while Thandiwe Garusah and Leopold Munhende, journalists with NewZimbabwe.com website, lost their mobile phones and a tripod camera stand after violence broke out at the Citizens' Coalition for Change by-elections campaign rally in Kwekwe in February. Robert Tapfumaneyi, a journalist with Sly Media, also had his camera damaged during this incident.	27 February, 2022



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