



The State of Press Freedom in Southern Africa 2023

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

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COVER PHOTO: Daily Maverick journalist Lerato Mutsila is thrown out of the Standard Bank headquarters in Rosebank, Johannesburg, on 19 September 2023

PIC CREDIT: Kiara Affat



PROMOTING FREE EXPRESSION IN SOUTHERN AFRICA



CONTENTS

FOREWORD: Journalism in the face of environmental crises	/ 2
Importance of journalism and freedom of expression in the context of current global environmental crisis	/ 4
CONNECTING THE DOTS: Environmental crisis, climate change, elections, freedom of expression and media freedom	/ 12
COUNTRY REPORTS	/ 17
Angola: Restrictive laws used to target journalists	/ 17
Botswana: Misinformation and disinformation loom large over 2024 polls	/ 23
Eswatini: Human rights violations, outdated laws linger	/ 30
Lesotho: A long way to go for media freedom	/ 35
Malawi: Another year of persistent and unwarranted hostility towards journalists	/ 43
Mozambique: Polls heighten attacks against journalists	/ 51
Namibia: Geingob leaves behind rich media freedom legacy	/ 60
South Africa: Silencing journalists and rising online abuse cases	/ 67
Tanzania: Safety of journalists under severe threat	/ 74
Zambia: Some steps forward, more backwards	/ 84
Zimbabwe: Self-censorship and elections take centre stage	/ 91
Media Freedom Violations 2023	/ 98

FOREWORD

JOURNALISM IN THE FACE OF ENVIRONMENTAL CRISES

THE focus of this year's World Press Freedom Day commemorations — the importance of journalism and freedom of expression in the context of the current global environment crisis — is apt, as it comes when the Southern African region is experiencing the effects of a climate shock.

In 2023 and 2024, the region was hit by effects of the El Niño phenomenon, which is characterised by warm weather and reduced rainfall, leading to widespread food insecurity.

As of April 2024, at least three Southern African countries — Malawi, Zambia, and Zimbabwe — had declared the 2023-2024 agricultural season a state of disaster.

The three countries are seeking billions of dollars to stave off hunger.

In such a situation, access to information and awareness are vital components in mitigating the effects of the drought.

This assists an informed citizenry to make informed decisions about their lives regarding the environmental crisis.

Inadequate access to information creates a vacuum often filled with quackery, conspiracy theories, misinformation, and disinformation, which only aggravates the effects of the environmental crisis — in this case, the El Niño phenomenon.

This was the case during the COVID-19 pandemic, which is still fresh in many people's minds.

Authorities did not provide adequate information, and journalists were not allowed to perform their duties freely, resulting in a spike in misinformation that impacted efforts to curb the spread of the disease.

One of the lessons and experiences drawn from the COVID-19 pandemic is that journalists are allies in mitigating the effects of disasters such as those caused by climate change.

Furthermore, access to reliable information helps separate fact from fiction, with journalists being a key conduit of information between scientists and government officials, on one hand, and citizens, on the other.

The United Nations (UN) recognises that access to information is a key building block to creating democratic societies and strengthening democracy in the face of growing misinformation and disinformation.

For this reason, UN Sustainable Development Goal (SDG) 16.10 specifically addresses public access to information and protecting fundamental freedoms.

As the world in general, and Southern Africa in particular, continues to face the current environmental crisis, authorities must view journalists as friends rather than enemies.

The media is a building block for democracy and progress and, most importantly, a channel for enhanced access to information rather than a medium that needs to be censored.

In the year ahead, we need to expend our energies fighting for the rights of all journalists, particularly environmental journalists, to lessen the effects of climate change. Access to information is imperative in combating any disaster.

We should focus on training and building the capacity of journalists to report more effectively on climate and environmental issues to protect the planet and inform the public for a better understanding of these issues.

Various international organisations, governments, non-governmental organisations, and advocacy groups are using public interest information to redouble their efforts for a more sustainable future in line with the Sustainable Development Goals of the 2030 Agenda for Sustainable Development.

As we commemorate this year's World Press Freedom Day, we must be conscious of the persistent and emerging threats to media freedom.



A man walks through a wilting maize crop in Beatrice, about 60 kilometres south of the capital Harare, Zimbabwe, on 19 February 2024 (CREDIT: Aaron Ufumeli)

The emergence of new technologies has aggravated attacks on journalists — particularly women journalists — who face disproportionate violations online.

In addition, women, generally, are more affected and face greater risks and

disproportionate burdens due to the impacts of climate change, notably women in situations of poverty due to existing roles, responsibilities, and cultural norms.

Undoubtedly, the battle to instil and inculcate a gendered thrust and approach to confront gender violence is urgent.

IMPORTANCE OF JOURNALISM AND FREEDOM OF EXPRESSION IN THE CONTEXT OF CURRENT GLOBAL ENVIRONMENTAL CRISIS

Introduction

THE world faces numerous political and socio-economic challenges, with the environmental crisis standing as one of humanity's most formidable obstacles for decades.

In Southern Africa, extreme weather events related to climate change adversely affect the environment, economies, and people's livelihoods, exacerbating pre-existing vulnerabilities in the region.

Environmental issues — such as global warming, climate change, drought, food insecurity, and water scarcity — continue to expand, underscoring the critical need for immediate action.

As environmental concerns escalate, the necessity for a well-informed public becomes more urgent.

A variety of entities, including academic institutions, government agencies, and non-governmental organisations, shape public opinion on environmental matters.

Nonetheless, news media and journalists rank among the most significant sources of environmental information.

On World Press Freedom Day, 3 May, it is imperative to acknowledge the essential role that journalists and the media play in providing information, ensuring accountability, advocating, and fostering dialogue to confront today's complex climate change issues.

An independent, pluralistic, and diverse media is vital in combating the effects of climate change. Journalists are key contributors to the pursuit of a sustainable society.

This article narrows its focus to climate change within the vast domain of environmental crises, recognising its role as an aggravator of existing threats such as hunger, poverty, and ill



■ AUTHOR: Sarah Chiumbu

“

Journalists who cover climate and environmental stories are targeted by powerful private and state actors who are willing to go to great lengths to protect their lucrative interests linked to environmentally harmful activities.



health, and its hindrance to achieving the 2030 Sustainable Development Goals.

The significance of journalism and freedom of expression in relation to climate change is evident.

Climate change, freedom of expression and democracy

Climate change intersects with freedom of expression, democracy, and good governance in multifaceted and complex ways.

A functional democracy relies heavily on journalism and freedom of expression. Democracies have several benefits when it

comes to addressing the climate crisis.

Governance systems that allow for free flow of information and citizen participation appear to be more equipped to provide an effective response to the complex challenges of climate change than totalitarian regimes.

In democratic societies, people and institutions can freely debate concerns connected to climate change, disseminate scientific knowledge, and promote solutions without fear of retaliation or censorship.

However, increasingly there is fear attached to climate change journalism, leading to censorship as there are strong business interests linked to the environmental crisis.

Climate change journalism has become a high

risk beat because the elevation of reporting on these issues ties the conglomerates to environmental degradation.

With their considerable resources, corporates can exert pressure on the media to prevent them from reporting effectively.

An International Press Institute (IPI) report describes the risks that environmental journalists inherently face as a result of the stories they cover and examines how corporate pressure, public sector corruption and lack of the rule of law create a hostile environment for environmental journalists.

“Journalists who cover climate and environmental stories are targeted by powerful private and state actors, who are willing to go to great lengths to protect their lucrative interests linked to environmentally harmful activities”, the report states. ⁽¹⁾

Climate journalism is thus rapidly emerging as one of the riskiest professions and a major concern for safety of journalists and activists, hence the need for strong democratic institutions that support accountability, participation, and the rule of law.

The state of climate change journalism and communication in Southern Africa

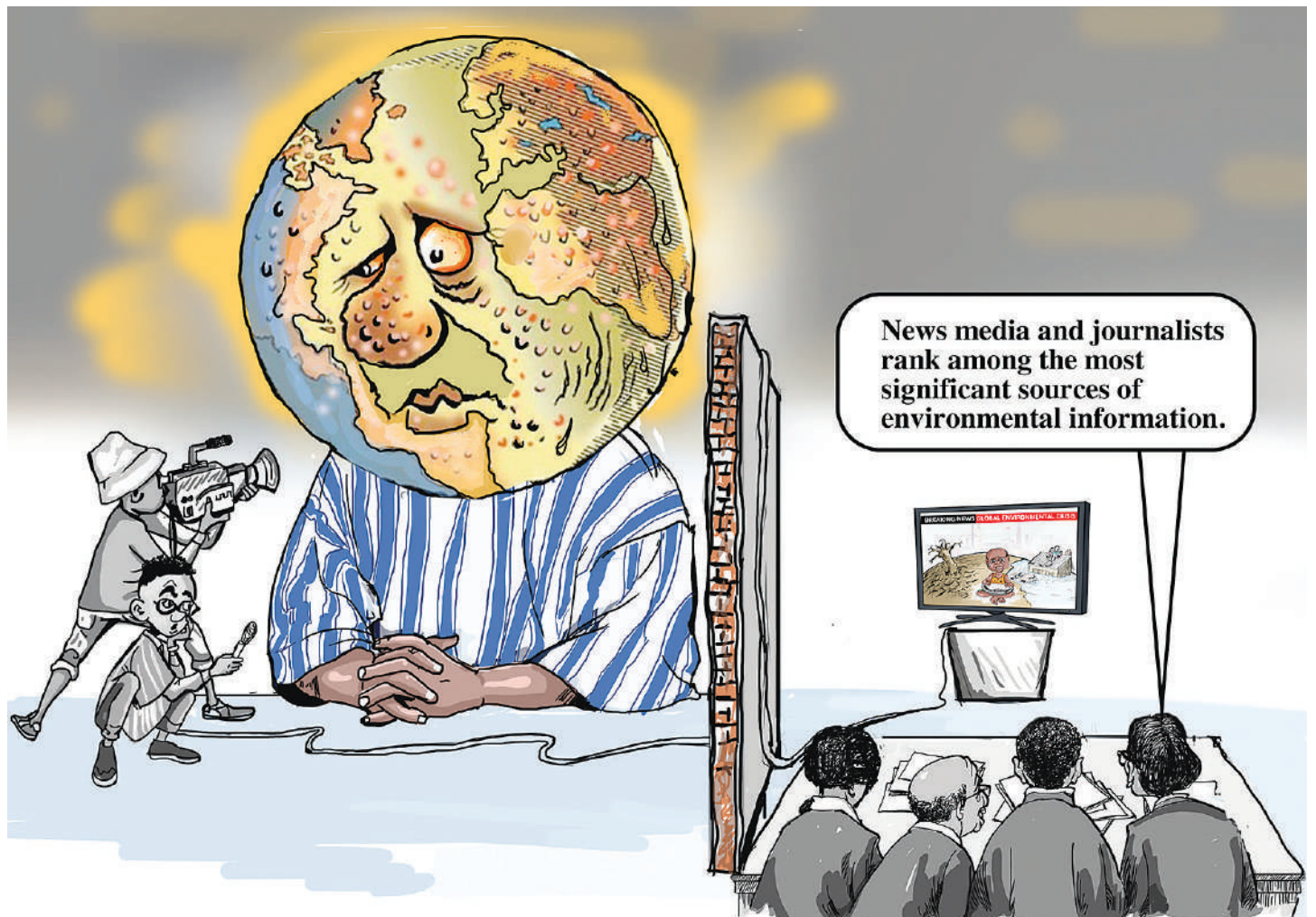
Southern Africa faces a range of challenges related to climate change, which impact various aspects of society, economy, and the environment.

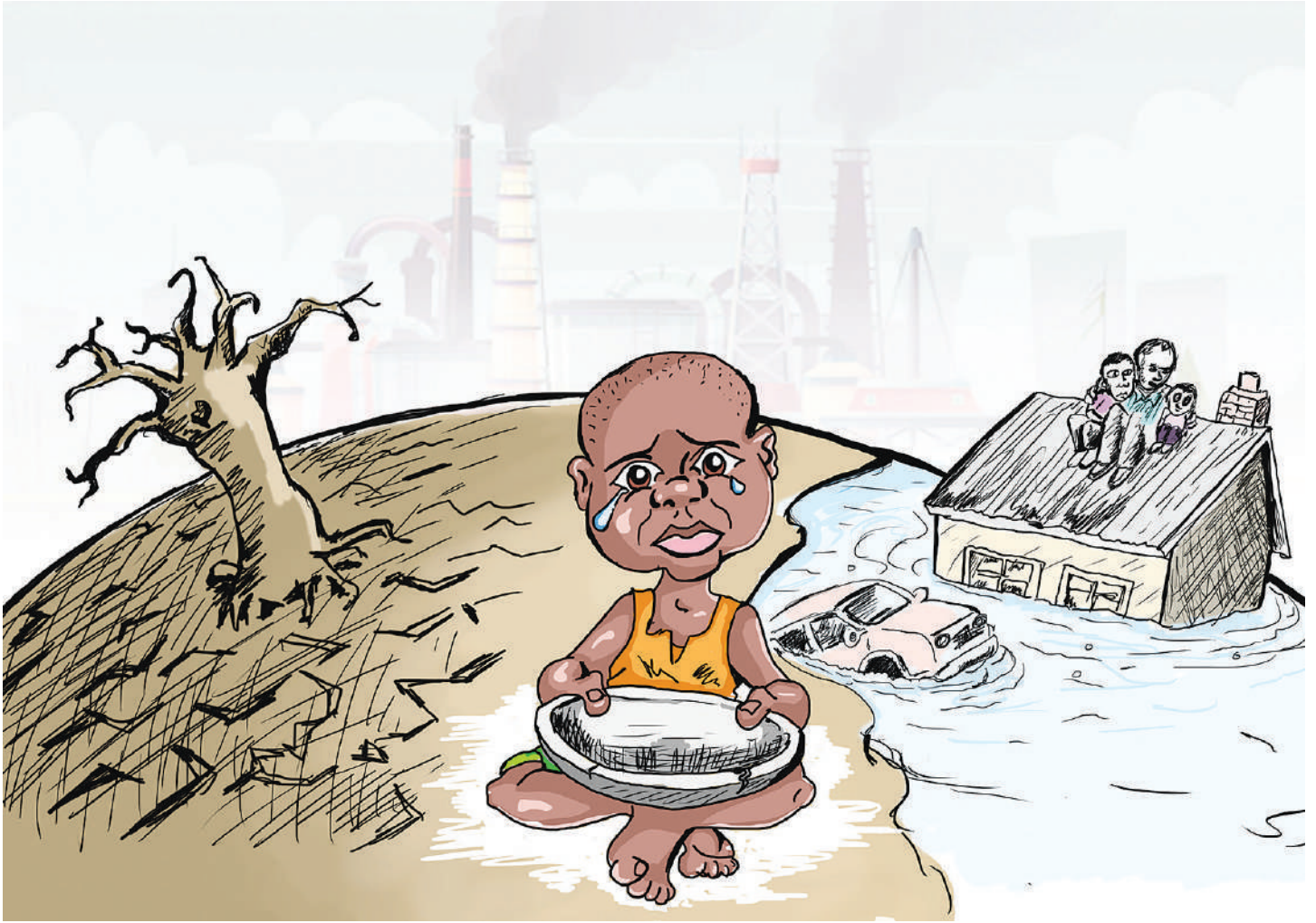
Some of the key challenges include water scarcity, droughts, loss of biodiversity and other agricultural concerns.

These challenges have contributed to several social vulnerabilities, migration, and displacement.

The Centre for Environmental Rights reports that Southern Africa is particularly vulnerable to climate change because of its geographical location and current socioeconomic status. ⁽²⁾

The Southern African interior has warmed at a rate roughly twice as fast as the world average over the past few decades.





Climate change is, thus, placing numerous pressures on the region's institutions and finances. ⁽³⁾

Little research exists regarding how Southern African media covers climate change-related issues.

Extant studies show that while climate coverage has improved over the years, most stories about climate change conform to what has been called "climate summit journalism", which mostly focuses mostly on Conference of Parties (COP) proceedings.

For instance, research conducted by Eric Sithole title "Climate change journalism in South Africa: noticeable improvements, less than adequate", found that while there is an increase in media coverage of climate change in the country, most of it is influenced by climate change events and the topic is treated as a beat in most newsrooms.

As a result, climate is not integrated and mainstreamed in other stories that deal with gender, the economy, health, and other related topics. ⁽⁴⁾

In a scoping study on environmental climate change journalism that included a number of African newsrooms, Barbara Trionfia also found the same trend and concluded:

"Separating environmental coverage not only contributes to news avoidance but is also misleading as it portrays environmental developments as taking place in a separate space, rather than being intrinsically connected to every other aspect of life, such as finance, politics or culture, to mention a few". ⁽⁵⁾

Studies of climate change coverage in Malawi and Zimbabwe suggest that climate reporting is happening, but most of it focuses on disasters and extreme weather events ⁽⁶⁾, resulting in an incomplete and partial portrayal of the climate crises facing the region.

Sensationalist reporting is prioritised because it attracts attention and may generate quick interest from the public and decision-makers.

It might, however, overlook the wider context of climate change, which includes the underlying causes, long-term effects, and possible solutions.

A report commissioned by the Konrad Adenauer

Foundation on media and climate change that involved interviews with 200 journalists in seven countries in Sub-Saharan Africa revealed that newsrooms in these countries lack the necessary resources, expertise, and structures to effectively cover climate change. (7)

Despite the constraints, the emergence of environmental investigative journalism units in the region such as **Oxpeckers** in Southern Africa, Africa's first investigative environmental journalism unit, is improving climate change communication and reporting in the region.

The emerging national-based associations such as the Association of Environmental Journalists in Malawi (AEJ-Malawi) and continental ones such as the African Network of Environmental Journalists (ANEJ), are also playing a critical role in foregrounding climate change reporting in newsrooms.

Emerging youth-based coalitions such as Ecological Youth Forum of Angola and Tertiary

Hub in Eswatini are also involved in climate change reporting.

Youth involvement is crucial in addressing environmental challenges, as they often bring fresh perspectives, energy, and innovative ideas to the table. They, however, need support to take an active role in the fight against climate change.

Challenges and prospects for the practice of climate change journalism

Journalists in the region are facing difficulties covering climate change, even though international funding organisations have helped to lessen the pressure on them by providing funding and technical assistance.



The prospects for improved climate change journalism in the region are impacted by the state of each of these factors:

- access to information.
- pluralism/diversity.
- public interest journalism.

These three factors intersect and reinforce each other. A healthy media ecosystem that is defined by the availability of a wide range of information sources fosters the growth of public interest journalism and guarantees that the public is informed and equipped to engage in democratic processes.

A pluralistic, diverse, and free media provide space for diverse voices and perspectives, including those of marginalised communities, who are often disproportionately affected by climate change.

Access to information

Since the adoption of the African Platform on Access to Information in 2021, five countries out of 11 in the region have adopted access to information laws. ⁽⁸⁾

Botswana, Eswatini and Lesotho do not have access to information laws, while Namibia and Zambia recently enacted that legislation.

The Afrobarometer reports of the last two decades demonstrate how access to information continues to be a challenge, even in countries that have laws pertaining to it. ⁽⁹⁾

In addition to challenges of implementation are subsidiary pieces of legislation either restricting or negating access to information that are still on the books in some countries.

Other challenges include the struggle of journalists' in the region in obtaining public data, due to the inadequate implementation of access to information legislation.

Access to reliable and comprehensive information is crucial for reporting on climate change in an effective way and for informing the public so they can address this pressing matter.

Increasingly, data journalism is intersecting with climate change reporting and plays a crucial role in climate change reporting by providing evidence-based insights, visualisations, and analysis to help audiences understand the complexities of climate science, policies, and their impacts.

However, accessing this data is a challenge in

many countries in the region due to the lack of open data regimes in many African countries. Open data is not yet entrenched in law on the continent, and the legal frameworks supporting it are either incomplete or absent. ⁽¹⁰⁾

Media plurality and diversity

While the media sector in Southern Africa has become pluralistic, thanks in part to media liberalisation and digital technologies, diversity remains a challenge.

Due to the commercialisation of media and the predominance of urban media outlets, there are fewer voices in the media.

In South Africa and Namibia for example, the social inequalities that emerged from apartheid that exist in broader society, continue to be reproduced in and through the media.

Journalists in countries with state-owned print and broadcast media, such as Zimbabwe, Eswatini, and Zambia, are known for extensively covering officials while providing scant or negligible coverage of topics related to sustainable development and climate change.

"News deserts" are becoming more prevalent as community media and local journalism struggles.

However, the emergence of digital start-ups is encouraging. They have the potential to significantly strengthen media diversity by introducing innovative approaches to content creation, distribution, and consumption.

Digital start-ups can also broaden the spectrum of viewpoints and minority voices as well as opinions that are frequently disregarded or sidelined by traditional media sources by providing several platforms for expression such as blogging, vlogs, social media, or niche online communities for people to share their perspectives and experiences.

Public interest journalism

Since journalism is vital to the development of informed and engaged citizenry, which is necessary for the proper functioning of a democratic society, it is often seen as a public good. ⁽¹¹⁾

As a public good, the media should prioritise

public interest journalism, which is most suited to cover issues of climate change.

Strong, independent public interest environmental journalism is essential in light of the abundance of disinformation around climate change.

The threats to public interest journalism come in many forms — sustainability and viability issues impacting the media in Southern Africa post the COVID-19 pandemic era, competition from digital platforms and the new business models that impact significantly on legacy media.

Why climate change journalism matters in the region and way forward

Climate change is the context in which all our lives will be lived with its scale and impact escalating over the coming decades.

While the media cannot reverse the adverse effects of climate change, it can nonetheless, play an important role in raising awareness and shaping public policy.

The framing of climate change as a pressing global crisis can influence public opinion and place it on the political agenda, prompting policymakers to act.

When there are regulatory failures and environmental degradation, for example, the media can act as watchdogs by holding governments, corporations, and other powerful groups accountable.

There are several strategies or actions that can be implemented to improve climate change journalism and communication in Southern



Donkeys from Tshelanyemba village cross a dry Tshatshani riverbed in Matobo District, Matabeleland South province, in Zimbabwe. Crops and livestock have borne much of the brunt of the climate change crisis. (CREDIT: Sharon Sibindi)

Africa, but the following are key:

- **Strengthening legacy media**

The bulk of people in Southern Africa still get their news from legacy media — print, radio, and television — despite the encroachment of digital media technologies on the news ecosystem.

In the current digital landscape, strengthening legacy media calls for a multifaceted approach, but in the Southern African context, strengthening public media should be a priority.

Radio's accessibility and language diversity provide an effective means for people-centred climate change reporting.

Reporting on climate change via radio is an effective means of reaching diverse audiences, especially those in areas with limited access to other forms of media.

- **Capacity building of journalists**

In Southern Africa, there aren't many specialised climate journalists. Encouraging the development of journalistic capacity, journalism fellowships, and environmental studies at journalism schools and providing support to national networks of environmental journalists can help the media become more capable over time.

- **Supporting investigative journalism**

Investing in investigative journalism requires significant resources and time. With larger media houses struggling to fund investigative reporting in many countries in Southern Africa and beyond, independent investigative projects can step in to fill the gap, particularly in terms of environmental investigations.

There are prospects to highlight investigative and data-driven stories on climate change from investigative initiatives like **NewsHawks** and the Information for Development Trust in Zimbabwe, Namibian Investigative Unit, Centre for Public and Investigative Journalism in Mozambique, Free Press Initiative in Zambia, the Inhlase Centre for Investigative Journalism in Eswatini, Amabhungane in South Africa, and Centre for Investigative Journalism Malawi (CIJM).

- **Support community media and local journalism**

Hyper-local news coverage and community-focused journalism represent a shift towards reporting that prioritises stories and events at the community level.

Community-focused storytelling and journalism uses various formats, which requires media practitioners working for this sector to be trained in multimedia storytelling approaches.

- **Coalition building on climate change**

Freedom of expression and media freedom organisations need to embark on strategic climate change activism.

They can combine climate change activism with strategies for freedom of expression and this can be a powerful way to advocate for environmental justice.

Media and freedom of expression organisations should form alliances with environmental groups to amplify advocacy efforts and broaden their reach and impact.

References

(1) IPI (2024) *Climate and Environmental Journalism Under Fire: Threats to Free and Independent*

Coverage of Climate Change and Environmental Degradation. Retrieved at <https://ipi.media/new-ipi-report-reveals-safety-crisis-faced-by-climate-and-environmental-journalists/>

(2) *Climate impacts in southern Africa during the 21st Century*. Report for the Centre for Environmental Rights. Retrieved at https://cer.org.za/wp-content/uploads/2021/09/Climate-impacts-in-South-Africa_Final_September_2021.FINAL_.pdf

(3) Also see World Food Programme Report "Climate Change in Southern Africa", June 2021. available at <https://www.wfp.org/publications/climate-change-southern-africa-position-paper>

(4) Eric Sithole (2023) *Climate change journalism in South Africa: noticeable improvements, less than adequate*. Fojo Media Institute. Retrieved at <https://nu.diva-portal.org/smash/get/diva2:1743184/FULLTEXT03.pdf>

(5) Barbara Trionfi (2023) *The change we need: Strategies to support climate and environmental journalism*. A report prepared for the New Institute Centre for Environmental Humanities (NICHE) at the University of Venice, Italy. Retrieved at <https://ipi.media/climate-journalism-new-ipi-study-identifies-challenges-and-op->

[portunities/](#)

(6) From 2017 onwards, Hivos collaborated with Climate Tracker to train journalists in Zimbabwe and Malawi. This capacity building led to a marked increase in quality reporting about climate change, but more still needs to be done.

(7) Ruth Michaelson and Anja Berretta (2023) (eds) *Media Perceptions of Climate Change in Sub-Saharan Africa*. Konrad Adenauer Foundation. Retrieved at <https://www.kas.de/documents/282730/22275857/Media+Perceptions+of+Climate+Change+in+Sub-Saharan+Africa.pdf/a43e3e86-3a92-8b26-eb83-1119e6d-0fecf?version=1.0&t=1684303206483>

(8) This includes Tanzania.

(9) <https://fesmedia-africa.fes.de/media-and-publications/african-media-barometer-publications>

(10) Web World Web Foundation (2019) *Open Data Barometer — African Edition*. Available at: <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/57855/57924.pdf>

(11) UNESCO – *Information as a Public Good: 30 Years of the Windhoek Declaration*. Available at https://en.unesco.org/sites/default/files/wpfd_2021_concept_note_en.pdf

CONNECTING THE DOTS: ENVIRONMENTAL CRISIS, CLIMATE CHANGE, ELECTIONS, FREEDOM OF EXPRESSION AND MEDIA FREEDOM

INTRODUCTION



■ AUTHOR: Reyhana Masters

ELECTIONS have become the barometer of measurement — providing an understanding into the width, depth, breadth, volume and magnitude of the pressure points of a country's political and media landscape — particularly on the African continent.

Issues bubbling under the surface come gushing to the fore — revealing the extent to which citizens are angered, excited or expectant and most definitely manipulated.

It is a time when **disinformation dominates, misinformation misrepresents** and political parties' **propaganda machines go into overdrive.**

Influencers find themselves at the centre stage of this polluted information ecosystem poised to peddle puffery for the highest bidder, as they throw in their partisan weight into the already toxic information ecology.

"South Africa has witnessed several instances of politically-weaponised disinformation in recent years that leveraged computational propaganda and the strategic use of digital influencers." ⁽¹⁾

As already exposed in the Kenyan elections, the commodification of online influence fuels dis/misinformation and amplifies existing tensions. ⁽²⁾

Sadly, legacy media are unable to effectively or impactfully navigate through this tainted network, with either the speed, or the efficacy of the online cyber troops, who work alongside paid digital influencers.

The only medium that has some chance of breaking through this quagmire is radio, but its efficacy is dependent on how autonomous the

station is.

With the theme of World Press Freedom Day 2024 — devoted to the importance of journalism and freedom of expression in the context of the current global environmental crisis — it is integral to look at how this then links up to elections.

Particularly because, with the above dynamics tainting the landscape, it is even harder for the intersectional issues of elections, freedom of expression and environment as well as climate to break through the coating of freedom and fairness of the electoral process.

This is particularly problematic as “Africa has a busy election calendar in 2024, with 19 countries slated for presidential or general elections.”⁽³⁾

At least five of these are lined up to take place in Southern Africa.⁽⁴⁾

South Africa — 29 May 2024
Mozambique — 9 October 2024
Namibia — 27 November 2024
Mauritius — 30 November 2024
Botswana — No date yet

The evidence of how disconnected political parties are from the daily lives of the electorate is when you consider their lack of tangible action on changes being brought about by the global environmental crisis — deforestation, soil degradation, desertification, wetland degradation, air pollution, water pollution, garbage pollution, climate change and water scarcity.

Governments and political parties are ignoring the environmental crises in their regions and their adverse effects of climate change and the subsequent impact on the right to life, right to adequate food, right to water, right to health, the right to adequate housing and the right to self-determination, because they are unable to make the critical links.

Analysis by the African Centre of Meteorological Applications for Development with the support of the European Commission’s Joint Research Centre traced the start of the El Niño induced drought back to October 2023 starting in Botswana and gradually intensifying and expanding across Angola, Zambia, Zimbabwe, and Namibia.⁽⁵⁾

Noting the “devastating consequences on many critical sectors such as agriculture, water availability and energy supply, and the risk to national food security and livelihoods of millions of Zambians.”⁽⁶⁾ Zambian President Haikande Hichelema was the first leader in the region to declare the El Niño-induced drought a national

disaster.

A month later, Malawian President Lazarus Chakwera and Zimbabwean President Emmerson Mnangagwa followed suit.⁽⁷⁾

The cascading impact this is having, and will have on food security and most importantly provision of energy, will ripple through the region — impacting heavily on Mozambique, Namibia and South Africa — all of whom are going to the polls this year.

The incoming leadership taking over after polling day will not have the luxury or the ability to ignore the impact.

Yet these issues have barely made it into the campaigns of political parties vying for leadership when you consider that the incoming leadership will not have the luxury or the ability to ignore the impact as millions of Southern Africans face the threat of hunger, malnutrition and water scarcity due to drought and floods that have been experienced to date.

The crippling electricity crisis already being experienced in South Africa and Mozambique will deepen.

Their lack of action could be connected to the point raised in a study by Nick Obradovich and Brigitte Zimmermand, which indicates that: “Voters are unlikely to reward — and may significantly punish politicians for campaigning on climate change policy platforms.”⁽⁸⁾

This clearly shows that African voters will not actually support climate change policies.

But then there are certain situations where this may not be true.

Practically, Mauritius is one of the few countries making a perceptible attempt at addressing environmental concerns.

Of the five Southern African countries holding elections, this Indian ocean island is one of the countries going to the polls in November on a more solid footing than its counterparts.

Not all is well though.

“Impunity, nepotism and cronyism are on the rise. Civil rights that are codified by law have been compromised by the growing authoritarianism in the country.

“This is augmented by increased levels of corruption, combined with the cumulative politicisation of the police, the judiciary and other key institutions.”⁽⁹⁾



A man tills the land following showers of rain in Chabwino near Shamva, about 50 kilometres north-east of Harare, Zimbabwe. (CREDIT: Aaron Ufumeli)

Nonetheless, Mauritius is one of the countries that gives prominence to environmental issues and the enactment of the Climate Change Act of 2021 illustrates how “the government of Mauritius has dedicated considerable attention to ensure environmental protection, embracing important sectoral reforms and implementing budgetary measures”.⁽¹⁰⁾

That attentiveness is fluctuating.

In 2021, Member of Parliament Reza Uteem raised concerns on why the 2021 Offshore Petroleum Bill, which allows for seabed exploration, was being rushed through Parliament when it was read for the third time.⁽¹¹⁾

A correspondent for **The Jurist**, preferring to remain anonymous for privacy and security reasons, outlined the anomalies contained in the legislation.⁽¹²⁾

“Amidst the numerous contentious clauses, the most worrisome aspect of the law is that it establishes a very secretive and non-transparent framework favouring commercial interests over those of the general public.”

This is the same problem in resource-rich countries like South Africa, Namibia and Mozambique.

Governments are not prioritising natural resource management nor are they putting communities at the heart of the bread and butter environmental issues.

Instead, policies and practice of business even in the highly polemic extractive sector, are corporate friendly and community hostile.

It is in these situations that the nexus between the importance of public interest journalism, freedom of expression and reporting on the

current environment crises can be crystallised.

The media who try to connect the dots between conflict, corruption and resource manipulation — often by international corporations and supported by individuals in the higher levels of government or the State itself — end up being intimidated, threatened, arrested or even forcibly disappeared.

Nowhere is this more crystal clear as in Mozambique's province of Cabo Delgado, where the turquoise waters that lap up against the tourist hotspot are home to sea turtles, dolphins and whales — off land — and elephants, lions, leopards and crocodiles — on land.

This is the province where ExxonMobil, TotalEnergies, Eni and their partners have come in to develop one of the biggest gas projects on the African continent.

"For centuries, national elites and multinational corporations have been plundering the province's abundant natural resources. Their greed for Cabo Delgado's ruby, graphite, gold and timber has made it one of Mozambique's poorest provinces. The people who live in Cabo Delgado have never seen any of this resource wealth. They live off farming and fishing. Many people have no access to health care, education or jobs." ⁽¹³⁾

Reporting on the project or the displacement of communities by the gas project, the cycle of floods and the violence by militant insurgencies is dangerous for the media.

Amnesty International has documented these grave threats on journalists reporting on Cabo Delgado — namely the temporary detention of Amade Abubacar in 2019, the enforced disappearance of Ibraimo Mbaruco in 2020, as well as the petrol bombing of the offices of the independent weekly newspaper **Canal de Moçambique** in August 2020.

The online publication had published a story entitled: "The business of war in Cabo Delgado", alleging the existence of an illegal secret contract between the Ministry of Defence, the Ministry of the Interior and natural gas companies in Mozambique's Cabo Delgado province. ⁽¹⁴⁾

So how do the media fare in these situations?

Research by the International Press Institute that looks at climate and environmental journalism highlights the three critical things

that places journalists on the centre stage of danger and argues that: "Environmental and climate journalists shed light on corrupt practices and illegal activities linked to environmentally harmful businesses and disclose the vested interests that support polluting industries. They report on state authorities, who enable or tolerate these practices. And they expose those who sow disinformation and doubt about the science behind." ⁽¹⁵⁾

The study's key finding reinforced what is already being said and known:

- As a result of their crucial and sensitive work, journalists who cover environmental and climate stories face a range of serious threats and attacks.

These include physical attacks; arrests and detention; legal harassment; online harassment and hate campaigns; restrictions on freedom of movement; and challenges accessing information.

- Certain stories — which vary from region to region — are effectively off-limits for journalists due to the dangers associated with covering them.

This censorship silences vital public-interest information and endangers the fight to protect the environment and address the climate crisis.

- While the level of risk faced by climate/environmental journalists broadly correlates with the overall press freedom situation in the country or region in which they operate, they face additional risk factors:

- ◆ Powerful players that are linked to pollutive and environmentally harmful activities have enormous economic interests and strong political connections.

- ◆ Environmental destruction often takes place in remote locations that are dangerous to access and where the rule of law is weak or non-existent.

- ◆ Local journalists who investigate environmental crimes are especially vulnerable, including to attacks from members of their own community who are either involved in or benefit from illegal activities.

- ◆ Many environmental journalists are freelancers, thus not having the layers of protection offered by large news organisations.

All this comes back full circle to journalists themselves and their ability to report effectively and impactfully to tie up the issues so they intersect through all sectors.

A study on climate journalism and climate change communication in South Africa jointly commissioned by the Wits University Centre for Journalism (South Africa) and Fojo Media Institute of Linnaeus University, Sweden provides valuable insight.

It points out how “media approach climate change as a beat, instead of incorporating it in other beats since the climate crisis impacts various issues, such as economics, health, politics, food, security, agriculture . . .”⁽¹⁶⁾

This point, together with the observation that the media needs “to improve the public’s understanding of climate change because they cannot associate the reporting with their day-to-day lives — even though, as the science makes clear, the toll is tremendous. It also leaves the impression that climate change is an issue for elites, politicians and activists, and not ordinary people.”⁽¹⁷⁾

What all this comes down to is the ability to connect the dots, which is something that the political parties in the countries scheduled to hold elections this year, have not been able to do because they do not place much significance on the environmental bread and butter issues.

The ability of the media to connect with their audiences is what may contribute to public

support, especially during volatile campaign periods during which politicians and parties target journalism and journalists.

It is probably best summed up by Anton Harber whose response in “Climate Change Journalism in South Africa: Noticeable Improvements, Less Than Adequate” study asks: “Are all South Africans fully alerted and informed about how climate change is going to affect us?”

“Not how it affects other countries, how it’s going to affect us? My answer to that would be ‘no’.

“The media is not playing its role in saying to ordinary people, to politicians, to everyone: ‘you need to pay attention to this, it’s going to have an impact on our country. Our economy, our people, everything, pay attention’.

“There are some outlets making an effort, but where we fall short is in making it interesting and accessible to ordinary people.”

“How does it affect you?’ We don’t have enough of that.”

He said the media was reporting on scientific jargon often from climate conferences, without finding the language and stories that make people “sit up and think about it”.

References

1. Global Voices Advox - How to use social media to win an election: Influencers from Kenya’s 2022 election explain: <https://advox.globalvoices.org/2023/11/02/how-to-use-social-media-to-win-an-election-influencers-from-kenyas-2022-election-explain/>
2. Moz://a - From Dance App to Political Mercenary: How disinformation on TikTok gaslights political tensions in Kenya: <https://foundation.mozilla.org/en/campaigns/kenya-tiktok/>
3. Africa Center for Strategic Studies - Africa’s 2024 Elections: Challenges and Opportunities to Regain Democratic Momentum: <https://africacenter.org/spotlight/2024-elections/>
4. Electoral Institute for Sustainable Democracy in Africa – EISA African Election Calendar 2024: <https://www.eisa.org/election-calendar/>
5. EU Science Hub - Severe drought worsening humanitarian and environmental crisis in Southern Africa: https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/drought-worsens-crisis-southern-africa-2024-04-19_en
6. Lusaka Times - President Hichilema Declares Drought As A National Disaster and Emergency: <https://www.lusakatimes.com/2024/03/01/president-hichilema-declares-drought-as-a-national-disaster-and-emergency/>
7. Xinhua - UN reports Zimbabwe as third Southern African country to declare drought state of emergency: <https://english.news.cn/20240409/91745864cea04daf-83b645ac311e9f17/c.html>
8. African voters indicate lack of support for climate change policies: <https://bseim.web.unc.edu/wp-content/uploads/sites/9932/2016/08/ESP-Preprint.pdf>
9. BTI Transformation Index- Mauritius Country Report 2024: <https://bti-project.org/de/reports/country-report/MUS>
10. Afrobarometer - Mauritians call for greater government efforts to protect the environment: <https://www.afrobarometer.org/publication/ad712-mauritians-call-for-greater-government-efforts-to-protect-the-environment/>
11. Facebook - Hon Reza Uteem’s speech on the Offshore Petroleum Bill: <https://www.facebook.com/watch/?v=678675909683184>
12. The Jurist - Mauritius dispatches: new corporate-friendly oil bill raises corruption and climate change concerns: <https://www.jurist.org/news/2021/11/mauritius-dispatches-new-corporate-friendly-oil-bill-raises-corruption-and-climate-change-concerns/>
13. Global Oil and Gas Exit List – a project of Urgewald - Cabo Delgado, Mozambique: A Resource-Rich War Zone: <https://gogel.org/cabo-delgado-mozambique-resource-rich-war-zone>
14. Amnesty International - Mozambique: Unprecedented arson attack on Canal media must be promptly investigated: <https://www.amnesty.org/en/latest/press-release/2020/08/mozambique-unprecedented-arson-attack-on-canal-media/>
15. International Press Institute - Climate and Environmental Journalism Under Fire: <https://ipi.media/wp-content/uploads/2024/02/Climate-and-Environmental-Journalism-Under-Fire-2024-Feb.pdf>
16. Fojo - Climate change journalism in South Africa: <https://lnu.diva-portal.org/smash/get/diva2:1743184/FULLTEXT03.pdf>
17. The Conversation - Climate change journalism in South Africa misses the mark by ignoring people’s daily experiences: <https://theconversation.com/climate-change-journalism-in-outh-africa-misses-the-mark-by-ignoring-peoples-daily-experiences-207229>

COUNTRY REPORTS

■ANGOLA:

RESTRICTIVE LAWS USED TO HARASS JOURNALISTS, ENTRENCH CENSORSHIP



■AUTHOR: Dércio Tsandzana

Introduction

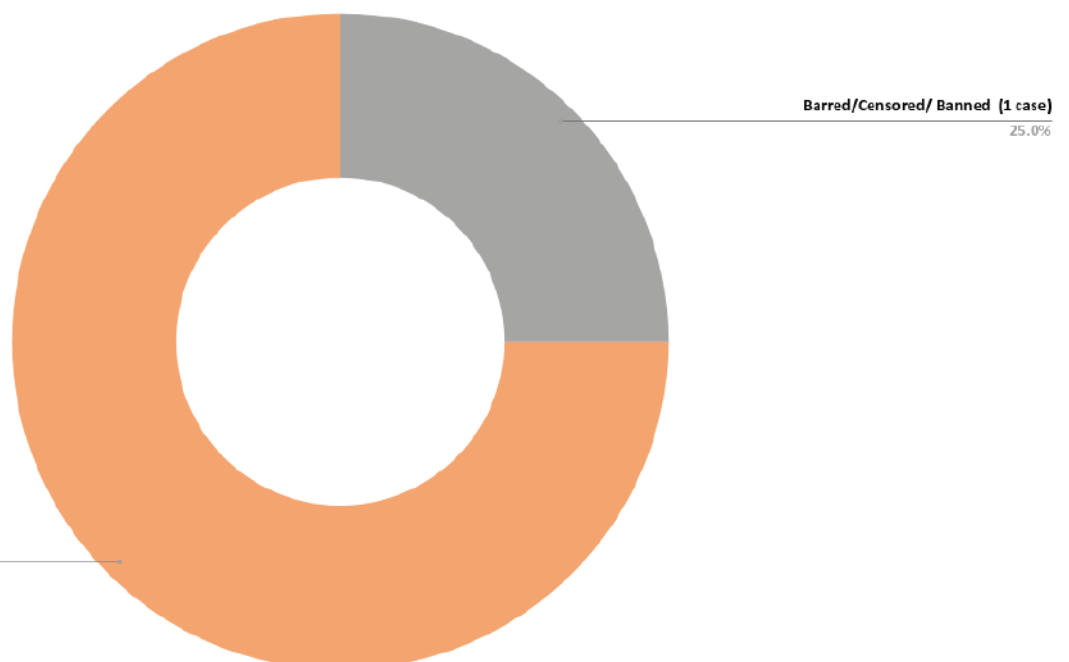
ANGOLA has taken significant steps to establish a legal framework that upholds freedom of expression.

The constitution of the Republic, supported by specific legislation and international commitments, lays the groundwork for fostering a vibrant public discourse.

Nonetheless, the true test lies in the consistent and effective enforcement of these laws, ensuring that citizens can express their thoughts and opinions without fear of reprisals.

In 2023, the press was under attack on several occasions throughout the year as authorities continued to use draconian media laws to harass journalists.

Media Freedom Violations 2023 Angola



It has been noted that the existence of a hostile environment created by censorship is curtailing online freedoms.

In this regard, the government must repeal sedition laws to ensure free speech offline and online. As such, Angola needs to promote freedom of expression proactively.

There were dramatic changes after what was described as “a political earthquake that struck Angola on 24 August through the ballot box”, by the ISPI 90 in its analysis of the 2022 general elections.

Although President João Lourenço was re-elected for a second term in the contentious polls, with his ruling People’s Movement for the Liberation of Angola (MPLA) party winning by a very narrow margin.

The MPLA managed to continue its five-decade hold on power, but lost the two-thirds majority it previously enjoyed in Parliament.

For the first time ever — the alliance led by the National Union for Total Independence of Angola (UNITA) won more votes than the ruling party in the capital Luanda.

This report seeks to provide a comprehensive analysis of the 2023 state of freedom of expression, exploring the interplay of constitutional safeguards, legal frameworks, and the evolving dynamics within Angola to illustrate how the press faced numerous attacks throughout the year.

In several of the incidents, members of the public and security personnel were involved in cases of intimidation, physical and verbal assault, and arbitrary imprisonment of reporters.

Millions of Angolans across the country lacked access to free, diversified, and unbiased information.

This is because Angola is still the only Southern African country without community radio stations.

The country’s broadcasting regulations require local and community stations to pay licensing fees exceeding US\$100,000.

The lack of diversity is reinforced by the fact that the Angolan government owns the majority of the country’s media outlets, which generally report favourably about the government and

rarely provide critical coverage.

To some extent, the private media serves the interests of the ruling party. However, content created by international news agencies is extensively consumed.

Insult and defamation are both criminal offences. For journalists who are accused of provocation, hate speech, defending fascist or racist beliefs, or spreading “fake news” — the chances of being charged with “abuse of press freedom” are rather high.

It is primarily government officials, who tend to file criminal defamation charges and lawsuits against journalists.

An added risk for journalists, has been their exposure to physical violence in the course of their work, with numerous assaults documented in 2023.

In general journalists in the country encounter a number of direct threats to their safety and in recent years, there have been reports of office break-ins and physical intimidation.

While the rise of online media has been a major development, it has also been accompanied by online practices aimed at stifling voices, such as website and computer hacking.

Furthermore, while Angola’s constitution guarantees freedom of expression, including for members of the press, there are numerous legal and administrative hurdles to media independence.

Legal framework on freedom of expression in Angola

Angola has made strides in recent years to establish a legal framework that upholds the principles of freedom of expression.

The constitution of Angola, adopted in 2010 and reviewed in 2022, provides a foundation for the protection of this fundamental right.

Article 44 explicitly recognises the right to freedom of expression, stating that every citizen has the right to freely express and disseminate their thoughts through words, images, or any other means.

In addition to the constitutional provisions, Angola has enacted specific laws to safeguard

freedom of expression.

The Press Law, promulgated in 2017, is one such piece of legislation aimed at regulating the media sector.

It emphasises the importance of a free and independent press, outlining the rights and responsibilities of journalists.

The law prohibits censorship and guarantees journalists the right to protect their sources, reinforcing the commitment to fostering an environment where diverse opinions can flourish.

Furthermore, Angola has embraced international human rights standards by being a party to various international conventions and treaties.

The country is a signatory to the African Charter on Human and Peoples' Rights (ACHPR) Declaration of 2019, which includes provisions safeguarding freedom of expression.

Angola is a state party to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the ACHPR, instruments that protect the right to life, freedom of assembly and freedom of association (in articles 2, 20, 22 and 10, respectively).

Reports of harassment and intimidation against journalists and media practitioners raise concerns about the actual implementation of these legal provisions.

It is our understanding that the government's commitment to protecting freedom of expression will be tested in its response to such incidents, as a robust legal framework requires effective enforcement.

Freedom of expression in Angola

A set of legislation passed in 2016 forced broadcast media outlets to air the president's official statements.

The decriminalisation of press offences, which journalists have long demanded, is still pending. In 2018, an optimistic sign came in the form of a court decision acquitting two investigative journalists of defamation, on the grounds that they had carried out their "duty to report with complete objectivity".

According to Freedom House, Angola's internet freedom environment deteriorated in 2023. Although service from the biggest telecoms operator has stabilised, the country's limited infrastructure continues to impede customers' ability to access the internet reliably and without interruption.

The same source indicates that the government does not use technical measures to restrict material, but the repetitive issuance of hefty prison terms for critical online discourse and the intimidation of independent media have created an atmosphere of fear that hinders public discussion of governance issues.

Digital rights in Angola

The Ministry of Telecommunications, Information Technologies, and Social Communication (MTTICS) oversees the ICT sector through the National Institute of Telecommunications (INACOM), which was established in 1999.

INACOM is responsible for developing sector related policies, setting telecommunications service prices, and granting licences.

While there are no reports of significant limits on encryption, SIM card registration is obligatory and must be carried out directly with INACOM, which naturally limits mobile phone customers' capacity to communicate privately.

For citizens, an identity card, driver's licence, and tax card are required for the compulsory registration, while visitors are required to produce a passport with a valid visa.

Internet access remains relatively low, but it is steadily improving with INACOM reporting 9.35 million mobile internet subscribers and over 740,000 fixed-line internet subscribers.

According to DataReportal's Digital 2023 Report, internet penetration stands at 32.6 percent.

In general, internet service is still excessively expensive for many individuals, particularly in rural areas and there are initiatives by government and certain private companies to develop free wireless hotspots.

Many Angolans continue to face unacceptably high costs for information communication technology (ICT) access, thanks in part to a lack of competition in the ICT market.

Cable, a UK-based telecoms provider, estimates

that the average monthly cost of broadband internet service would be US\$78.48 in 2023.

In February 2023, the Angolan government began commercialising AngoSat-2, which was supposed to allow national and international operators to deliver telecommunications services in the country, with the purpose of providing more competitive service pricing and

expanding access to offline areas.

In 2023, the press was under attack on several occasions throughout the year, as authorities continued to use draconian media laws to repress and harass journalists. In the Reporters Without Borders (RSF) 2023 Index, Angola is in position 125/ 180, with a score of 48.3.

Reporters Without Borders (RSF)				
Political indicator	Political indicator	Political indicator	Political indicator	Political indicator
137	163	125	126	104
43.57	31.79	51.21	54.71	60.20

Table 1: Angola — Reporters Without Borders

Abuses and restrictions in 2023

In recent years there have been reports of attempts by the Angolan government to limit the independence of media companies through privatisation processes with State-owned companies monopolising the Angolan media landscape.

Only 20 of the 120 licensed radio stations are privately owned, and only two of them — **Rádio Ecclesia**, which is affiliated with the Catholic Church, and **Rádio MFM** — are considered independent.

There are three State-owned television networks and a few privately owned ones. In 2020, the government took control of two of the latter — **TV Zimbo** and **Palanca TV**.

●On 17 March 2023, the privately owned **Camunda News** website chose to suspend its operations following months of provocation by the government.

The harassment dates back to October 2022 when police from the national criminal unit questioned the outlet’s owner, David Boio about Nelson Dembo, an activist and co-host of the weekly current affairs show “360°” airing on **Camunda News’** *YouTube* and *Facebook* channels.

Dembo was facing charges that include incitement to rebellion and outrage against the president, and had gone into hiding.

●On 25 May 2023, the 7th ordinary plenary meeting of the National Assembly in Angola voted on a draft law on the status of non-governmental organisations (NGOs).

According to human rights defenders, the draft law violates guarantees contained in the constitution with inhibiting and restrictive clauses that pose a threat to the very existence of NGOs and human rights defenders (HRDs).

It seeks to limit the enjoyment of fundamental freedoms and shrink the civic and democratic space.

Among other things, the law establishes a supervisory body with the power to dissolve NGOs without recourse to judicial proceedings and prohibits organisations from engaging in “subversive acts or acts that could be perceived as such.”

●In August 2023, the local press reported that the Angolan government would begin the process of privatising companies in the information technology and media sector, including **Angola Telecom**, **Multitel**, **TV Cabo**, **TV Zimbo**, among others.

It was claimed that the privatised companies need financial resources to operate, but many journalists are suspicious and talk of politicisation as well as lack of transparency in the process.

●In September 2023, Liberato Furtado Pereira was charged with criminal defamation, insult, and forgery for his public interest reporting.

According to the Committee to Protect



Angolan journalist Liberato Furtado Pereira

Journalists, the charges followed an October 28, 2020 complaint by prosecutor Elizete Francisco in connection with a November 2020 report alleging that Francisco used her personal account to collect the equivalent of more than US\$25,000 in payments due to the general prosecutor's office.

Francisco filed the complaint one day after Furtado sought her comment on the allegations.

●In October 2023, the editor of news portal **Reporter Angola**, Daniel Frederico who publishes under the pen name Daniel Jonas Pensador was charged with criminal defamation and insult.

The charges were linked to a 2022 report published by another news site, **Angola Online**, on alleged corruption by a prosecutor, Pedro Machado.

●For the first time since 1997, Angola was mentioned in the CPJ Africa 2023 census on African journalists in jail for doing their work for the arrest and prosecution of journalist Carlos Alberto.

He was taken into custody on September 29, 2023 to serve a three-year prison sentence for criminal defamation, injurious denunciation, and violating press freedom.

According to CPJ's review of the ruling along with Alberto's lawyer Almeida Lucas — the Supreme Court dismissed the journalist's appeal against a lower court ruling and sentenced him to a suspended three-year prison term, a fine of 3,500 million kwanzas (US\$4,240), and was ordered to apologise every 10 days for 60 days.

●On 9 October 2023, the prison sentence of Ana da Silva Miguel, a social media influencer popularly known as Neth Nahara, was increased from six months to two years for "insulting" and "disregarding" the president, after she used her *TikTok* account to accuse him of promoting anarchy.

All these examples show how journalists are being harassed and intimidated for doing their work, through the weaponisation of the law which in turn inhibits their rights and exercise of fundamental freedoms.

For example, in its annual report published in January 2024, Human Rights Watch (HRW) highlighted the abuse by police forces, arbitrary detentions, and attacks on press freedom in Angola, and highlighted the "draconian laws" used by the authorities to repress and intimidate journalists.

Conclusion and recommendations

This report has shown that in Angola, the constitution guarantees freedom of expression, but there are still challenges regarding its realisation.

In this regard, the government must repeal sedition laws to ensure free speech offline and online.

A hostile environment created by censorship is curtailing online freedoms. As such, Angola needs to promote freedom of expression proactively.

Considering the 2023 findings, among other issues, the following actions are recommended:

Government

●**Repeal of sedition laws:** The government should prioritise the repeal of sedition laws so that the legal and policy framework in the country is aligned with constitutional guarantees of freedom of expression.

These laws pose a significant barrier to free speech both offline and online, stifling dissent and inhibiting the free exchange of ideas.

●**Promote transparency and accountability:** Mechanisms for transparency and accountability within government institutions should be established, particularly concerning media regulation.

Transparent processes for media licensing

and regulation will foster trust and credibility, thereby elevating the environment for freedom of expression.

Media

●**Ensure editorial independence:** Media outlets should prioritise and uphold editorial independence, safeguarding journalists' autonomy in reporting.

Editorial policies should be transparent and free from undue influence, allowing journalists to freely express diverse perspectives without fear of reprisals.

●**Invest in digital literacy programmes:** Media organisations should collaborate to develop and implement digital literacy programmes aimed at empowering citizens to critically engage with online content.

By fostering media literacy skills, individuals can discern between credible information and disinformation, promoting a more informed public discourse.

Civil society organisations

●**Advocate for legal reforms:** Civil society organisations should advocate for comprehensive legal reforms aimed at protecting and promoting freedom of expression.

This includes lobbying for the repeal of restrictive laws and the adoption of legislation that strengthens the rights of journalists and media practitioners.

●**Provide legal support and training:** Offer legal support and training to journalists and media organisations to navigate legal challenges related to freedom of expression. Equipping journalists with the necessary legal knowledge and resources will empower them to assert their rights and defend themselves against censorship and harassment.

These recommendations, if implemented collaboratively by the government, media, and civil society organisations, have the potential to address the challenges identified in the report and foster a more conducive environment for freedom of expression in Angola.

References

1. Africa News "Re-elected Angolan president, João Lourenço, vows to press ahead with changes" <https://www.africanews.com/2022/08/30/re-elected-angolan-president-joao-lourenco-vows-to-press-ahead-with-changes/>
2. Paradigm Initiative "Promoting Freedom of Expression in Angola" <https://paradigmhq.org/promoting-freedom-of-expression-in-angola/>
3. Angop "Angola é o único país da SADC sem rádios comunitárias" [Angola is the only SADC country without community radios] <https://www.angop.ao/noticias/sociedade/angola-unico-pais-da-sadc-sem-radio-comunitaria/>
4. DW "Angola: Rádios comunitárias a valores proibitivos" [Community radios at prohibitive prices] <https://www.dw.com/pt-002/angola-r%C3%A1dios-comunit%C3%A1rias-a-valores-proibitivos/a-61635792>
5. Freedom House "Freedom in the World 2023: Angola" <https://freedomhouse.org/country/angola/freedom-world/2023>
6. Freedom House, *Op cit.*
7. Freedom House, *Freedom on the Net 2023* <https://freedomhouse.org/country/angola/freedom-net/2023>
8. Angolan National Regulatory Institute for Communications (INACOM) <https://inacom.gov.ao/ao/m>
9. Jornal de Angola "Número de utilizadores da Internet cresce no país" [Number of Internet users grows in the country] <https://www.jornaldeangola.ao/ao/noticias/numero-de-utilizadores-da-internet-cresce-no-pais/>
10. DataReportal "Angola – Digital in 2023" <https://datareportal.com/reports/digital-2023-angola>
11. Freedom House, *Op cit.*
12. Jornal de Angola "Angosat-2 conecta mais de 150 localidades em 16 províncias" [Angosat-2 connects more than 150 locations in 16 provinces] <https://www.jornaldeangola.ao/ao/noticias/angosat-2-conecta-mais-de-150-localidades-em-16-provincias/>
13. Human Rights Watch "Angola – Events in 2023" <https://www.hrw.org/world-report/2024/country-chapters/angola>
14. Reporters Without Borders - Angola <https://rsf.org/en/country/angola>
15. Ambaquiستا "Jornalista David Diogo, da TV Zimbo, condenado a cinco anos de prisão por estupro" [TV Zimbo journalist David Diogo sentenced to five years in prison for rape] <https://ambaquiستا.com/jornalista-david-diogo-da-tv-zimbo-condenado-a-cinco-anos-de-prisao-por-estupro/>
16. International Service for Human Rights "Urgent appeal on the NGO draft law in Angola" <https://ishr.ch/latest-updates/urgent-appeal-on-the-ngo-draft-law-in-angola/>
17. Angola 24 Horas "Começou o processo de venda da TV ZIMBO, Angola Telecom e a TV Cabo" [The process of selling TV ZIMBO, Angola Telecom and TV Cabo has begun] <https://angola24horas.com/sociedade/item/27742-comecou-o-processo-de-venda-da-tv-zimbo-angola-telecom-e-a-tv-cabo>
18. VOA "Privatização da Media Nova não significa independência editorial" [Privatisation of Media Nova does not mean editorial independence] <https://www.voaportugues.com/a/privatiza%C3%A7%C3%A3o-da-media-nova-n%C3%A3o-significa-independ%C3%Aancia-editorial/7249283.html>
19. The Committee to Protect Journalists "Angolan authorities charge journalist with criminal defamation over corruption report" <https://cpj.org/2023/09/angolan-authorities-charge-journalist-with-criminal-defamation-over-corruption-report/>
20. Correio da Kianda "Tribunal adia julgamento do jornalista angolano Daniel Jonas Pensador" [Court postpones trial of Angolan journalist Daniel Jonas Pensador] <https://correiokianda.info/tribunal-adia-julgamento-do-jornalista-angolano-daniel-jonas-pensador/>
21. VOA "Justiça manda prender jornalista e antigo agente do Serviço de Informação do Estado condenado a prisão" [Justice orders arrest of journalist and former State Information Service agent sentenced to prison] <https://www.voaportugues.com/a/justi%C3%A7a-manda-prender-jornalista-e-antigo-agente-do-servi%C3%A7o-de-informa%C3%A7%C3%A3o-do-estado-condenado-a-pris%C3%A3o/7284725.html>
22. Ver Angola "Neth Nahara condenada a 2 anos de prisão pelo ultraje a João Lourenço" [Neth Nahara sentenced to 2 years in prison for outraging João Lourenço] <https://www.verangola.net/va/pt/102023/Defesa/37391/Influenciadora-Neth-Nahara-condenada-a-dois-anos-de-pris%C3%A3o-por-injuriar-PR-no-TikTok.htm>
23. Aman "Business News - Angola: Police abuse, attacks on press freedom – HRW" <https://www.aman-alliance.org/data/newsDetails.php?id=72656>

■BOTSWANA:

MISINFORMATION AND DISINFORMATION LOOM LARGE OVER 2024 POLLS

Introduction



■AUTHOR: Joel Konopo

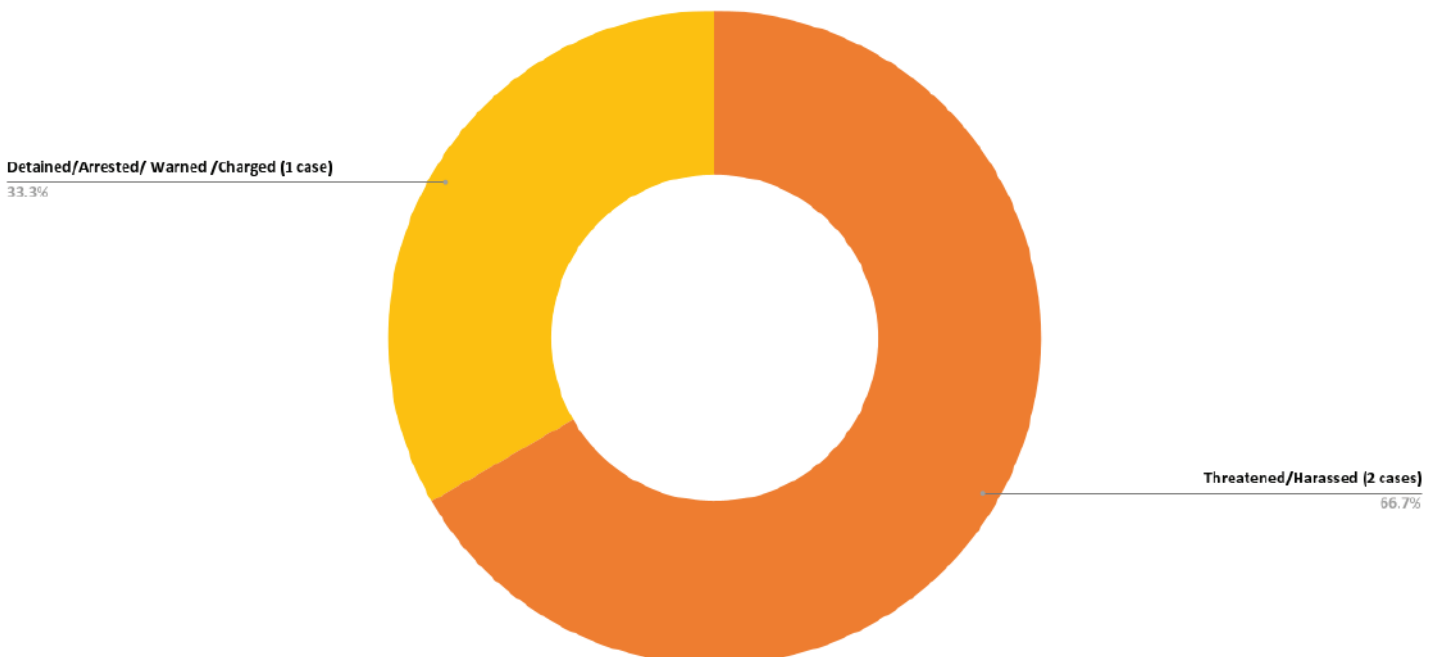
AS campaigning intensifies ahead of Botswana’s general elections in October 2024, the risk of misinformation and disinformation looms large over what is set to be the most competitive polls in recent years.

This situation arises amid a surge in false information and raises crucial questions regarding the role of independent media, the safeguarding of press freedom, and the need for accountability in both public and private domains.

The country, which has been governed by one party since independence from Britain in September 1966, maintains an outward image of political stability and economic success.

However, there are complex realities often overlooked by external observers.

Media Freedom Violations 2023 Botswana



The constitution has established a semi-authoritarian regime in which the president holds significant decision-making power.

Moreover, the judiciary is increasingly politicised, and oversight institutions and security organs are firmly under the president's control.

Despite this facade of openness, media freedom faces significant challenges, mirroring the broader political climate.

The use of threats comes in both subtle and direct forms — such as the withholding of advertising, which has proven to be a coercive tactic in bringing “errant” media outlets into compliance.

Consequently, many resort to self-censorship to sustain their viability and operations. This has led to a decimation in quality, alongside a decline in trust in the media, as well as a surge in fake news and a reduction in audience engagement.

The political and media landscape

At first glance, Botswana stands as an oasis of political stability and economic prosperity within the African continent, garnering praise from the 2022 Ibrahim Index of African Governance report for its “democratic traditions.”

However, beneath this veneer of success lies the nuanced reality, characterised by a large percentage of the citizenry still living below the poverty datum line with little prospect for accumulating wealth.

This is exacerbated by lack of citizen participation in the political and economic spheres.

“Barriers to political participation include the first past the post electoral system, political party funding structures and a fragmented opposition, all of which have helped to entrench the ruling party's hegemony.”

What is often overlooked is the automatic succession system in which the vice president takes over from the president after the end of a mandatory two terms in office and this has the detrimental effect of fostering paternalistic politics.

The constitution gives the president sweeping powers and the incumbent may ignore advice from the Judicial Service Commission (JSC) and

reject a judge.

He appoints heads of oversight institutions who do not have security of tenure as these heads can be removed without explanation.

Media freedom

Despite being regarded as one of Africa's most stable democracies, Botswana has been ruled by a single party since 1966.

As a result there is little incentive for the ruling party to respond to the needs and concerns of the populace.

Media freedom continues to face challenges, as highlighted by Freedom House. The level of freedom of expression and civil society often reflects the stance of the current administration.

While there appears to be some improvement compared to Ian Khama's administration, his successor, President Mokgweetsi Masisi's initiatives often lack substantive action on the ground, serving more as window dressing.

Likewise President Masisi has paid lip service to safeguarding the security of journalists, so they still face intimidation and harassment from the country's domestic and international intelligence agency, the Directorate of Intelligence and Security (DIS).

President Masisi, had promised that under his leadership, the DIS would embrace transparency while Peter Magosi, the director general of the DIS and successor to the founding director, had guaranteed that the intelligence organisation would shift away from its tendency to detain journalists.

Two years later, DIS agents raided **Mmegi**, a local newspaper's offices, arrested its editor and a reporter while they were working on a story and seized their electronic equipment, including mobile phones.

According to the outlet, one of the officers said: “I am a warrant (of arrest) myself”, when asked for a warrant during the raid.

The arrests of journalists on vague charges not only violates the principle of freedom of expression, but also risks worsening an already adversarial relationship between the government and the media.

Botswana's corruption watchdog, the Directorate on Corruption and Economic Crime (DCEC), sometimes also arrests journalists

for violating section 44 of the Corruption and Economic Crime Act. The Act prohibits anyone from divulging information regarding ongoing DCEC investigations.

There are numerous issues that the media are contending with — in terms of content and as practitioners such as:

- Discrimination against indigenous San people, migrants, refugees, and LGBTQ+ community persists.

- Although there has been a decrease in the number of legal cases against journalists, punitive damages are increasingly awarded against media houses for publishing stories of public interest.

Journalists in both print and broadcasting are frequently expected to abandon a critical approach on topics that the government deems sensitive and instead, report them from a partisan perspective.

When journalists and editors raised concerns about the government's diamond sales and marketing agreement with De Beers, they had to contend with accusations of being unpatriotic — primarily from ruling Botswana Democratic Party (BDP) activists.

There have also been challenges for journalists around access to information, which can serve as a means of controlling the media, as critical reporters often struggle to get access to senior government officials.

Some newspapers, previously known for their judicious stance towards former President Khama, have noticeably softened their tone and shifted their editorial stance to serve as propaganda mouthpieces for the current administration.

The government tends to favour media outlets or editors who produce favourable stories. These outlets are then rewarded with advertising, which in Botswana is misused as a tool of influence and control.

These media outlets engage in self-censorship to avoid alienating government advertisers and ensure a consistent flow of revenue, which is crucial for their financial sustainability.

As in many media markets, many private media in Botswana rely on advertising revenue for survival. State-funded advertising is particularly influential given the country's small economy.

Public advertising is, at best, arbitrary; at worst, it is misused to reward friendly coverage and punish critical reporting.

Botswana has no regulations governing publicly funded advertising to the media. There is no objective criteria for the distribution of this advertising nor is there transparency on processes or spending outcomes.

In the past, the government has instituted advertising bans on critical media outlets. For example, in 2014, the government of former President Khama reportedly issued a initially "secret" directive blacklisting private media outlets critical of the government from receiving public advertising, including the **Sunday Standard**, **Mmegi**, **Botswana Guardian**, **Weekend Post** and the **Patriot on Sunday**.

The government later confirmed the directive and claimed that the ban was related to cost-cutting measures.

The surreptitious advertising ban remains in effect, negatively impacting the competitiveness and sustainability of many media organisations.

Furthermore, the legislative environment, including the Broadcasting Act amendments, appears to stifle media development with overly censorious provisions.

There are also a number of statutes that contain provisions, which, when looked at closely, undermine the public's right to receive information and the media's right to publish information.

Journalistic activities in Botswana face challenges due to laws like the National Security Law, Declaration of Assets and Liabilities Act (DALA), and the Directorate on Intelligence and Security Act, along with strategic lawsuits used to silence critical reporting.

Many statutes, stemming from Botswana's colonial legacy, restrict media freedom, covering offences like alarming publications, sedition, prohibited publications and insults.

These provisions often lack clarity, create speculative offences, and grant wide discretionary powers to enforcers, raising concerns about their constitutionality and their impact on press freedom.

Section 12 of Botswana's constitution guarantees freedom of expression, but enshrines no specific protections of the media.

And although an opposition Member of Parliament proposed the enactment of a Promotion of Access to Information Act, the country has no legislation that compels government transparency.

The Media Practitioners' Association (MPA) Act of 2022 will likely succeed in policing journalism in Botswana because of the absence of strong and active civil society bodies.

At the same time, Parliament attempted to fast-track the Criminal Procedure and Evidence Bill to give state security organs power to intercept communication and force disclosures.

The Bill had a chilling effect on press freedom. Both the Botswana Editors Forum (BEF) and the Media Institute of Southern Africa (MISA) Botswana chapter are poorly resourced to effectively counter an increasingly intolerant BDP and the proliferation of misinformation during an election.

Consequently, it is hard for independent media to thrive and invest in accountability journalism when government is limiting press freedom.

Taking on the new form of censorship: Lawfare

Development in the media sector is constrained by the small size of the advertising market, which is dominated by public procurement notices.

Advertising is not allocated equitably, but in accordance with the degree to which media outlets toe the government line.

The decline in advertising revenue as a result of the COVID-19 pandemic has fuelled self-censorship by media outlets seeking to retain advertisers.

The opposition has accused some privately owned media of being in the pay of the government, saying the skewed reporting in favour of the BDP is meant to influence the government to allocate them advertising.

In a move that sparked alarm among journalists, the government attempted, but ultimately failed, to include provisions for unwarranted surveillance in the 2022 Criminal Procedure and Evidence (Controlled Investigations) Bill, which Parliament enacted in February.

In July, Parliament passed the Media Practitioners' Association Bill. Although viewed as a significant improvement from the 2008 Media Practitioners Act, journalists expressed concerns over the creation of a formal register for journalists and media enterprises.

The new law compels all journalists to register

and be accredited with a media council. It also created an enormously powerful complaints committee with the authority to fine and deregister journalists who violate an ethics code that includes "fair competition", "protection of privacy" and "unlawful publication of defamatory matters".

As elections approach in October 2024, political parties are growing increasingly sensitive to media coverage that portrays them negatively, often expecting favourable treatment.

The regulatory body, Botswana Communications Regulatory Authority (BOCRA), is particularly active in ensuring broadcasting entities adhere strictly to regulations.

Critics say BOCRA is a BDP tool used to whip certain radio stations into submission. The Authority has powers to suspend the licence for a media organisation that does not adhere to its strict regulations.

As a result, editorial freedom in radio and TV is often constrained due to fears of losing licences.

No stringent statutory editorial requirement exists in print, although the 14 private newspapers are expected to self-regulate under the defunct Press Council of Botswana.

Some members of civil society organisations claim that the government occasionally censors news stories it deems undesirable in government-run media. Government and private journalists sometimes practise self-censorship.

In general, Botswana's ruling elite is highly litigious. In some cases, litigants often abandon baseless defamation cases after years of litigation, draining the financial resources of struggling media houses.

Sometimes, public figures and politicians, who are subjects of stories pursued by journalists, ignore inquiries for a long time, only to later sue the journalist or media house for defamation, despite being given the right of reply.

For example, a former Cabinet minister and Member of Parliament for the ruling party, Nonofho Molefhi sued the **Botswana Guardian** newspaper for defamation on behalf of his company — despite the fact that ABM had been afforded an opportunity to respond to media questions.

While media houses have seen a decline in lawsuits in recent years, there is concern over the increasing damages awarded against them.

For instance, in September 2023 a High Court

judge ruled in a defamation lawsuit against **Botswana Gazette** and **Mmegi** newspapers that journalists should personally pay Israeli intelligence firm, Vlatacom P500,000 each (around US\$45,000) for their exposés that the country's security agency had a questionable multi-million dollar contract with Vlatacom

The corruption watchdog, the DCEC itself accused the intelligence agency, the DIS, of awarding a dubious tender to Vlatacom.

However, **Botswana Gazette** and **Mmegi** newspapers who reported on the story were unable to provide sufficient evidence of corruption and bribery. Vlatacom then filed lawsuits against them.

In this instance, the journalists were placed directly in the line of legal fire. Journalism in Botswana is a poorly paying profession with few benefits and little job security.

Journalists do not have personal legal insurance and earn an average annual income of US\$5,000.

The High Court judgement by Justice Zein Kebonang — and letters of demand from rich and powerful individuals and big corporations, calculated to intimidate journalists — generated a chilling effect on journalists.

AI and the spread of misinformation during elections

Botswana is gearing for elections in late October to choose a new government. However, there are concerns over the proliferation of generative AI tools capable of manipulating videos and audios has led to the emergence of deep fakes on platforms like *TikTok*.

These manipulated audios, crafted with AI tools and shared mostly on *WhatsApp*, can deceive voters by fine-tuning voices, potentially spreading misinformation.

For instance, during the 2019 general election, social media platforms were inundated with allegations suggesting that the ruling BDP had employed public servants to manipulate votes, purportedly resulting in the narrow defeat of Noah Salakae, a prominent member of the Umbrella for Democratic Change (UDC), in the Ghanzi North constituency.

Social media platforms, particularly *WhatsApp*

are awash with AI-generated images depicting political party candidates as caricatures.

While this may be viewed as innocent satire, some have stretched the entertainment value of the satire to spread misinformation.

Botswana are no strangers to disinformation on social media. Fake news proliferated during the last general election campaign in 2019. Online rumours have the potential to fuel post-election violence.

The emergence of generative artificial intelligence could exacerbate misinformation in countries where the mainstream media lacks the capacity to combat various forms of misinformation, thereby posing a threat to democracy.

The dominance of state media, which operates as mouthpieces of ruling party politicians, poses a threat to access to information as there are no guarantees for divergent views, according to the International Press Institute.

The **Daily News**, a state-owned newspaper, boasts of wide circulation. It is often distributed to public servants' offices for free.

Similarly, **Radio Botswana 1** and **RB 2** are the sole radio stations with nationwide coverage, reaching even remote areas.

Botswana Television (BTV) stands as the only nationwide television broadcaster in the country.

A proposal to transform the State broadcaster into a more independent public service was recently rejected, according to Reporters Without Borders because the BDP government enjoys maintaining control of the State-owned media.

The Ombudsman, after receiving numerous complaints from opposition parties, conducted a survey and concluded that indeed there is disproportionate coverage in State media — skewed in favour of the ruling BDP politicians.

Cabinet ministers were also found to have undue influence on the editorial content of the State media.

The status quo has existed from time immemorial. There have been no policy changes even under the current regime.

Access to information

Botswana lags behind its neighbours in media freedom. While the 2022 Media Practitioners Association Bill represents a slight improvement over its 2008 predecessor, it lacks access to information provisions, which are crucial for citizens' to make informed decisions about how they are governed.

This absence, coupled with government employees bound by secrecy, often leaves journalists resorting to speculation out of desperation.

Although the 2008 Media Practitioners Act was repealed in 2022 to enhance media freedom and independence, legislation on access to information is still pending.

In response to the COVID-19 pandemic, Parliament reviewed some of the public health statutes and the Penal Code to make it punishable by up to five years in prison to publish pandemic-related information from sources other than the director of public health or the World Health

Organisation.

Media and gender

Gender representation in Botswana's newsrooms has shown minimal improvement over the past decade, notes the co-ordinator of the World Association of News Publishers in the country.

Among 14 mainstream newspapers, only two have women in positions of power and influence: the editor of **The Voice** (who also serves as chairperson of the Botswana Editors Forum) and the managing editor of the **Weekend Post**.

However, there have been pockets of improvement, with more women actively seeking senior positions in media advocacy bodies.

In 2023, Emang Bokhutlo assumed the role of chairperson of the Botswana Editors Forum,



Tshepo "Moeladilothoko" Sethibe

marking a huge shift in leadership.

Additionally, MISA-Botswana is now predominantly represented by women, with positions such as vice president, secretary-general, and treasurer held by women.

This contrasts with the previous male-dominated MISA-Botswana board. However, despite these advancements, challenges persist.

The working environment in newsrooms is generally unfavourable to women as it is characterised by low salaries and a lack of gender policies.

Incidents of harassment against female photographers, particularly in courts by accused individuals, have often been reported.

Women, who strive to break the glass ceiling and engage in accountability journalism, often face scrutiny and criticism.

Journalists working in smaller communities

Local media organisations have been under threat for over two decades, but the COVID-19 pandemic created an extinction-level for local news media.

This has led to a proliferation of hyperlocal social media platforms. While this is good for diversity of news and dedicated local news angles, social media platforms often chase eyeballs and often do not abide by the same standards of ethical journalism.

Most of them do not uphold fact-based news approaches to journalism. This raises concerns, including the spread of misinformation and the use of platform infrastructure to engage in disinformation campaigns.

For example, in the 2019 general election social media platforms in Ghanzi North Constituency in western Botswana, were awash with stories that the BDP rigged the election with the help of public servants.

It was only after a court case that the matter was settled and the Member of Parliament for Ghanzi North, Noah Salakae lost the case.

Journalists working in smaller communities also face similar threats from police and the intelligence agency.

Moeladilothoko, was arrested in November 2023 by the police allegedly for publishing unconfirmed reports about a ritual murder incident.

Even though he has not been officially charged, Botswana police spokesperson, Near Bagali said at the time that Sethibe was arrested for interfering with investigations.

Police did not clarify what constituted inference by a journalist but this remained a stark reminder about the treatment of journalists in Botswana.

Conclusion

The Media Practitioners' Association (MPA) Act of 2022, while aiming to regulate journalism, risks stifling independent media due to the absence of robust civil society oversight.

Concurrently, legislative attempts to expand state surveillance pose further threats to press freedom.

With insufficient resources to combat an increasingly intolerant political landscape, independent media organisations struggle to fulfil their watchdog role effectively.

Addressing these challenges necessitates not only legal reforms, but also concerted efforts to empower civil society and promote gender equality in media leadership.

Only through safeguarding press freedom and fostering inclusive journalism can Botswana progress towards a more transparent, accountable, and democratic society.

It is important to highlight significant hurdles that threaten press freedom including government control, legal constraints, and intimidation tactics.

The emergence of generative AI tools and the proliferation of misinformation further threaten the integrity of elections and democratic processes.

Furthermore, efforts to promote gender equality in media leadership and improve working conditions for female journalists are essential to fostering a diverse and inclusive media landscape.

By working together to uphold press freedom and democratic principles, Botswana can strive towards a more transparent, accountable, and democratic society for all its citizens.

Tshepo Sethibe popularly known as

■ ESWATINI:

HUMAN RIGHTS VIOLATIONS, OUTDATED LAWS LINGER

Introduction

DESPITE the constitutionally guaranteed rights to freedom of expression, freedom of association and access to information, the government of Eswatini has consistently been accused of various human rights violations.

The lack of progress into the investigation of the murder of human rights lawyer and activist, Thulani Maseko a year after his assassination has been criticised by the United Nations Group of Experts as “outrageous” and described as: “creating a climate of impunity and a chilling effect on the human rights movement in Eswatini.”⁽¹⁾

The 2022 Country Report on Human Rights Practices, produced by the United States Department of State, details significant human rights issues that include, but are not limited to reports of unlawful or arbitrary killings; cruel, inhuman or degrading treatment or punishment by the government; political detainees; serious problems with the judiciary, restrictions on media freedom and freedom of expression, including censorship, and government restrictions on harassment of domestic human rights organisations in Eswatini⁽²⁾.

Government policies continue to limit freedom of expression, with about 32 pieces of legislation having been identified as negatively impacting media freedom in the country.

These include colonial era laws that undermine journalists’ abilities to protect their sources such as the Magistrate’s Court Act of 1939.

Additionally, laws that prohibit the publication of certain types of information such as the Proscribed Publications Act, 1968, Cinematograph Act, 1920 and the Sedition and Subversive Activities Act, 1938 remain in force, despite the promulgation of the 2005 constitution.

However, it is not all bleak.

The recently passed Broadcasting Act 2023 has the potential to encourage media plurality



■ AUTHOR: Nqobile Ndzinisa

and diversity in the broadcasting sector. Internet penetration levels continue to rise in the country, despite high data costs.

A major downside of internet access, for journalism in particular, is the proliferation of online “news media start-ups” or blogs that masquerade as news sources, some of which do not practice ethical journalism.

Such entities have a significant impact in damaging media credibility. This causes mistrust of the media among citizens and further contributes to the spreading of misinformation and disinformation.

From a policy perspective, Eswatini needs to do more, especially on gender and media issues. According to a 2022 report by UNESCO and the International Centre for Journalists (ICFJ), 73% of women journalists surveyed, reported experiencing online attacks related to their work ⁽³⁾.

The research also found that 25% of women journalists experienced threats of physical violence, including death threats, and 18% experienced threats of sexual violence.

In light of these findings, it is critically important to explore the experiences of female journalists for contextually sound strategies and solutions in Eswatini.

Legal and regulatory frameworks

The importance of access to information legislation cannot be overstated as freedom of information plays a key role in supporting democracy.

The absence of an access to information law further hinders the ability of journalists’ to access information from those in public office, as per the mandate of the sector to hold those in power to account.

Restrictive legislative frameworks such as the Sedition and Subversive Activities Act (1938) (SSA Act) and the Suppression of Terrorism Act (2008) (STA), have been used to curb fundamental freedoms and convict and imprison human rights defenders and journalists.

More recently, the Computer Crime and Cyber Crime Act, passed in 2022, has the potential to negatively impact journalism in the pursuit of freedom of information.

Section 26 implicitly relates to the duties of journalists as it criminalises the disclosure of a criminal investigation where an order has been made for confidentiality to be maintained.

Under the act, journalists can be liable to a fine of up to E100,000 (equivalent to just over US\$5,000) or imprisonment not exceeding two years, or both, for reporting on the details of a criminal investigation where confidentiality is expected.

According to the Act, confidentiality can be stated by law. This clause has the potential to inhibit reporting on high profile cases if confidentiality is mandated by the courts.

Prior to its passing, there was a strong sentiment from the sector, that the aim of this Act is to target journalists who are critical of the state and who reside outside of Eswatini, in particular South Africa-based online publication, **Swaziland News**, and its editor, Zweli Martin Dlamini.

It remains to be seen whether this will be the case, given the provision of extra territorial jurisdiction in Section 31 of the act.

However, the country’s inability to protect journalists and media workers from attacks and intimidation is an impediment to the diversity and quality of stories being reported as it affects “the kinds of voices we hear, the stories we read, and ultimately the freedom and quality of the societies we live in.” ⁽⁴⁾

This is an impediment to the diversity and quality of stories being reported.

Media pluralism and diversity

The State’s domination of the media landscape, demonstrated by its total control over the broadcast media, is well documented.

However, the passing of the Eswatini Broadcasting Act in 2023 is a positive development that has potential to encourage media pluralism and diversity in the broadcasting sector.

One of the objectives of the Act is to provide for maximum availability of information to the people through the three-tier system of public, commercial and community broadcasting services.

The absence of regulations notwithstanding, it

remains to be seen whether rules of entry are not so stringent that they become prohibitive, particularly for community broadcasting services. ⁽⁵⁾

Community broadcasting services are significant because they provide a voice for communities that are not adequately served by other broadcasting sectors.

Currently, there are only two licensed community radio stations in Eswatini; the **Voice of the Church FM**, also called **Trans World Radio Swaziland**, which has a predominantly Christian audience as well as **UNESWA FM**, licensed under the University of Eswatini for academic purposes.

Other community radio stations, such as **Lubombo Community Radio**, are still awaiting an enabling legal environment to operate ⁽⁶⁾.

In a context where radio remains a popular medium in the country, the absence of licensing mechanisms for community broadcasters has serious implications on access to information, media pluralism and participation at grassroots level.

The print media landscape remains unchanged following the entry of a new player in 2022 — the Rubicon Africa Media Group — which publishes the **Eswatini Financial Times**, **Eswatini Daily News** and **Eswatini Sunday News**.

This media group joined the ranks of the privately-owned **Times of Eswatini** and the **Eswatini Observer**, but with a slight difference.

The **Observer Group** is effectively controlled by the royal family, through Tibiyo TakaNgwane while the **Times of Eswatini Group**, although independent of government, practises high levels of self-censorship due to the country's constrained media environment.

In 2023, Eswatini ranked 111 out of 180 countries on the Reporters Without Borders World Press Freedom Index ⁽⁷⁾.

This is a 20-point improvement from 2022, when Eswatini was ranked 131. The Sedition and Subversion Act (SSA), 1938 and Suppression of Terrorism Act (STA), 2008 have also had an enormous impact on media pluralism and diversity.

The South Africa-based online publication, **Swaziland News**, and its editor, Zweli Martin Dlamini were declared proscribed entities under the STA.

Subsequently, the government took a position

to cut communication with "proscribed entities". This short-sighted decision not only hampers the government's own right to respond, but affects media plurality as well.

Media independence

In Section 24, the constitution of the Kingdom of Eswatini guarantees freedom of expression for both individuals and the press. However, limitations to this provision arise in Section 24(3).

Section 24(3)(b) allows for laws that limit the right to freedom of expression, provided that this is reasonably required for "protecting the reputations, rights and freedoms of other persons, or the private lives of persons concerned in legal proceedings" ⁽⁸⁾.

Laws that protect reputations have been used against the media in defamation cases, resulting in media institutions having to self-censor to avoid legal battles.

Defamation cases against journalists in Eswatini are well documented, with almost all publications having been brought to court on charges of defamation. The chairperson of the editors' forum was, at one time compelled to raise concern about the frivolity of these cases.

In recent years, defamation laws have landed almost all publications in court, with the exception being publications published under the newly-established Rubicon Africa Media Group.

According to the chairperson of Eswatini National Editors' Forum Mbongeni Mbingo, "defamation laws are regularly used to punish journalists and publications with crippling fines that have the effect of closing newspapers down" ⁽⁹⁾.

This leads to self-censorship by the media, as it seeks to protect itself from lawsuits and keep media businesses open, thus inadvertently harming democracy and stifling the free-flow of information in the process.

Safety of journalists

Intimidation has been used to curtail freedom of expression among journalists.

The safety of journalists and media workers is not guaranteed in Eswatini. Journalists face intimidation from the state and the public.



Tanele Maseko (*pictured*) leaves the police station after being summoned by Eswatini police

In February 2022, a vehicle that delivers the **Times of Eswatini** was hijacked and torched by unknown arsonists with the clear aim of intimidating journalists ⁽¹⁰⁾.

In 2021, two South African journalists were detained, assaulted, and forced to delete footage of a police shooting victim's funeral, allegedly by security forces ⁽¹¹⁾.

Journalists also face persecution on social media by members of the public who harass them due to perceived non-coverage of pro-democracy issues or perceived support for the regime, regardless of the stance of the news organisations that employ them. There were no credible reports of media violations in 2023.

Commendably, a number of women serve as editors of major publications in the country. However, structurally, media ownership is still dominated by men.

Additionally, the experiences of female journalists in newsrooms are under-researched. According to the Global Investigative Journalism Network, gender discrimination in the workplace is still a major issue in the media sector globally ⁽¹²⁾, as such, it is imperative to analyse the evolution of female journalists' presence in newsrooms, given Eswatini's patriarchal society, which is characterised by male dominance, oppression of women and traditional roles for women ⁽¹³⁾.

Gender expressions of societal expectations are evident even in political spaces. When Tanele Maseko, the widow of the slain human rights lawyer Thulani Maseko, accepted an award at

Gender and the media

the Magnitsky Human Rights Awards in London on her late husband's behalf and called for justice following his murder; the government spokesperson Alpheous Nxumalo issued a press statement where he berated her for behaving in a manner that was unbecoming for a widow — claiming that "her utterances were a fabrication of the truth and described her statements as "... a treasonable act" (14).

The government spokesperson's tone and remarks were described as sexist and disparaging. Seen against a backdrop of sustained media coverage on gender-based violence in which women are disproportionately victims, such statements have the potential to fuel misogyny and water down advocacy efforts towards gender equity in Eswatini in general and the media sector in particular.

Internet access and affordability

Eswatini has a relatively well-developed fibre optic backbone network, but being landlocked means the country relies on neighbouring countries like South Africa and Mozambique for international fibre bandwidth.

This makes the price of accessing the internet prohibitively high. Affordability remains a key issue as the country had an unemployment rate of 25.76% at the end of 2021, a slight increase from 25.51% in 2020 (15).

Despite this, the internet penetration stood at 58.9%, reflecting a 0.7% increase from 2022. A larger segment of the population accesses the internet through mobile broadband. Mobile

phone penetration has increased from 96% to 119% (16).

The availability of the internet has resulted in a proliferation of online "news media start-ups", some of whom do not necessarily practise ethical journalism.

For the first time ever, the government directed telecommunications service providers to shut down the internet during the unrest in 2021.

This made it difficult for journalists to report on current events. Additionally, such actions demonstrate the government's reach despite the existence of an ostensibly independent regulatory body in the telecommunications sector.

Surveillance and privacy of information

The Computer Crime and Cyber Crime Act and the Data Protection Act came into effect in 2022.

It remains to be seen how these acts will impact surveillance and privacy of information in the country.

However, the 2022 Country Report on Human Rights Practices reports that state security routinely conducts raids and warrantless searches of homes belonging to political activists.

There are no credible reports that the government monitored private online communications without appropriate legal authority, according to the report.

References

1. UN OCHR - Eswatini: UN experts commemorate human rights defender Thulani Maseko, deplore lack of accountability for his killing: <https://www.ohchr.org/en/press-releases/2024/01/eswatini-un-experts-commemorate-human-rights-defender-thulani-maseko-deplore>
2. US Department of State - 2022 Country Reports on Human Rights Practices: <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>
3. The Chilling: A global study of online violence against women journalists: https://www.icfj.org/sites/default/files/2022-11/ICFJ_UNESCO_The%20Chilling_2022_1.pdf
4. Chapter 2: Gender and Media Law: <https://fojo.se/genderandmedia/chapter-2-gender-and-media-law/>
5. Computer Crime and Cyber Crime Act, 2022: <https://www.esccom.org.sz/legislation/COMPUTER%20CRIME%20&%20CYBERCRIME%20ACT.pdf>
6. Eswatini Broadcasting Act, 2023: <https://www.esccom.org.sz/legislation/The%20Eswatini%20Broadcasting%20Act%202023.pdf>
7. Ntshangase, J. S. (2021). Mapping Community Radio in Sub-Saharan Africa. *Journalism*. co. za.: [- \[ping-Community-Radio-in-Sub-Saharan-Africa-Report_FINAL-24-06-21.pdf\]\(ping-Community-Radio-in-Sub-Saharan-Africa-Report_FINAL-24-06-21.pdf\)
 8. World Press Freedom Index, 2023: Eswatini: <https://rsf.org/en/country/eswatini>
 9. The Constitution of the Kingdom of Eswatini: \[https://www.gov.sz/images/justice/swaziland_constitution.pdf\]\(https://www.gov.sz/images/justice/swaziland_constitution.pdf\)
 10. Hlatshwayo, S. \(2023\). 'Government Policies Take Away Media Freedom'. *Times of Eswatini*. 3 May. Pg 10. <https://www.pressreader.com/eswatini/times-of-eswatini/20230503/281767043549546>
 11. <http://www.times.co.sz/news/134893-the-cost-of-being-impartial.html>
 12. <https://rsf.org/en/country/eswatini>
 13. <https://gijn.org/resource/chapter-3-safety-discrimination-harassment/>
 14. Mthembu, M. V. \(2018\). Participation of Swazi women in the traditional public sphere, Sibaya, in the Kingdom of Swaziland. *Communicare: Journal for Communication Sciences in Southern Africa*, 37\(1\), 74-93.
 15. Dlamini, S. \(2023\). 'Tanele Maseko's utterances a treasonable act-govt'. *Times of Eswatini SUNDAY*. Pg. 6-7.
 16. <https://housingfinanceafrica.org/countries/eswatini/#::~:~:text=Affordability%20remains%20a%20key%20issue,portion%20of%20GDP%2040.9%25>](https://journalism.co.za/wp-content/uploads/2021/07/Map-</div><div data-bbox=)

■ LESOTHO:

A LONG WAY TO GO FOR MEDIA FREEDOM

INTRODUCTION



■ AUTHOR: **Matisetso Mosala**

LESOTHO'S landscape is characterised by restrictions, high levels of risk and a tendency by citizens to speculate in the absence of tangible information.

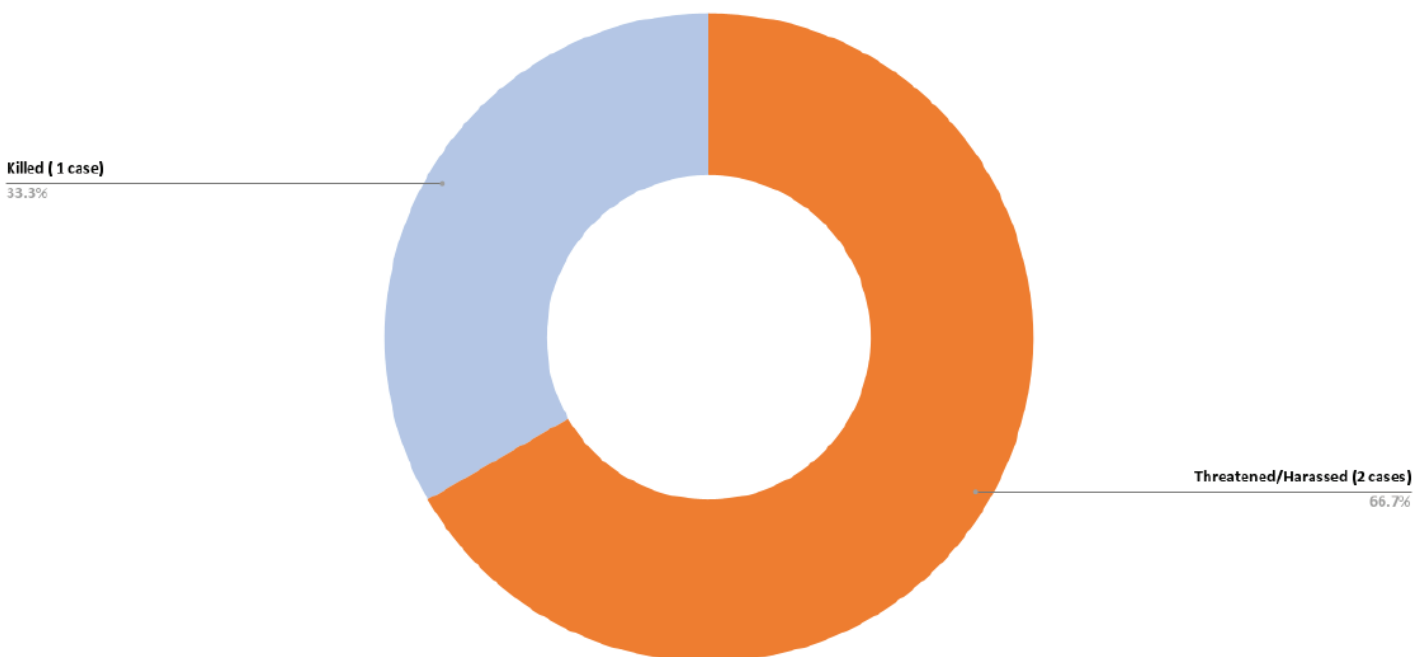
Prime Minister Sam Matekane's promise to undertake reforms, made during his inauguration in October 2022, is being questioned as his government has failed to make progress on passing the 11th Amendment to the Constitution Bill, known as the Omnibus Constitutional Bill.

The government's intention to split the Bill into three parts, instead of passing it in its entirety, has resulted in delays and has raised concern that the Bill may not be passed.

Since some of the reforms are interlinked, the passing of one provision may directly affect the other.

This has resulted in heightened tensions of previous years resurfacing, especially as

Media Freedom Violations 2023 Lesotho



Lesotho's security sector has come out in support of Prime Minister Matekane.

Some of the reforms being considered were aimed at curbing the involvement of the security sector in politics.

The inclination to self-censor has become more prevalent following the murder of well known investigative journalist Ralikonelo "Leqhashasha" Joki of **Tšenolo FM**.

Although the suspects in Joki's murder have since been arrested and appeared in court on June 26, 2023, ⁽¹⁾ the sluggish pace of the investigation has been worrisome.

Following the murder, other journalists have also received threats intimating they would be killed in similar fashion, proving once more how volatile the political atmosphere in Lesotho can be.

While instances of threats and attacks against the media by the security sector have subsided, journalists are still facing a number of challenges — with media viability and sustainability topping the list. Threats from politicians who have been exposed for wrongdoing widespread.

An access to information law and far-reaching media reforms would go a long way in assisting the media to operate impactfully and effectively.

Safety of journalists and freedom of expression

Media freedom, access to information, freedom of expression and the safety of journalists is intricately intertwined with the political and economic landscape of Lesotho.

Although tensions have subsided over the years, journalists remain wary and many have opted to leave the country to ensure their survival.

In the most recent incident Lebeso Molati, a radio presenter and news anchor at the **Anglican Church of Lesotho (ACL)** radio station, felt compelled to seek asylum in South Africa after being summoned by the Directorate on Corruption and Economic Offences (DCEO).

Molati's fears may be due to the fact that he was detained and allegedly assaulted in 2021 after DCEO called him in for questioning over his report on alleged missing guns while working for one of the local radio stations, **357FM**. ⁽²⁾

The police, who were accused of assaulting and torturing Molati are yet to be brought to book, despite Commissioner of Police Holomo Molibeli, indicating that action would be taken against the police officers, who allegedly tortured him.

In October 2023, the DCEO asked Molati to hand over documents he had referred to on air, in relation to a story he was working on.

Although the DCEO maintained that they only required the documents for their investigations and not because they were asking Molati to reveal his sources, this was still perceived by journalists and the media fraternity as a threat and a violation of his freedom of expression and an even bigger threat to the media sector.

The increased security fears in the media landscape can be traced back to when Joki was killed, for as yet unknown reasons, although speculation is rife that this had to do with his work at the broadcaster. ⁽³⁾

MISA Lesotho described Joki's killing as "an affront to our attainment of democracy that is couched on pillars of free speech and a free press". ⁽⁴⁾

Prior to Joki's killing, a number of threats had been made on social media platform *Facebook*, but these were not taken seriously. ⁽⁵⁾

In June 2023, in a similar fashion to events prior to Joki's killing, a person named Ramoriana Mphoto — whose *Facebook* account is believed to be fake — also issued threats to radio presenters from **People's Choice Radio, Tšenolo FM, KEL Radio, and ACL Radio**.

The threats were chilling and sent shockwaves through the media industry, leaving journalists wondering who would be the next target as they exchanged texts in instant messaging groups. However, despite the nature of the threats, no reports were made to the police.

Teboho Ratalane, a radio presenter who was among those threatened, shared some thoughts regarding the social media threats.

According to Ratalane, these threats may not have been directed specifically towards him or his organisation.

Instead, he believed that they could be a diversionary tactic employed by the individuals responsible for Joki's death.

Their aim might have been to divert attention away from the true reasons that could have led to the tragic killing of the broadcaster.



Ralikonelo “Leqhashasha” Joki

The Media Institute of Southern Africa (MISA) Lesotho’s interventions often fall short — not only in this case but in other similar instances — due to a lack of co-operation by the media.

Journalists, for various reasons, including concerns for their own safety, are often reluctant to provide adequate information. This hampers the effectiveness of MISA’s response.

Legal and political developments affecting media freedom across the region

In 2021, the government of Lesotho, like many other countries in the region began a process to introduce legislation that journalists describe as

“undermining democracy and efforts towards a free media”.⁽¹¹⁾

Journalists believe that they should be able to inform citizens to make informed decisions and hold the government and those in positions of power accountable, without fear of reprisals.

The Computer Crimes and Cyber Security Bill was introduced in 2021 with the aim of combating cybercrimes.

However, certain sections within the Bill have raised concerns among analysts, as they are seen as posing a threat to the freedom of the press and freedom of expression.⁽¹²⁾

These sections also aim to tighten restrictions on access to information and criminalise defamation.

It is worth noting that criminalising defamation goes against a significant court judgement from

May 2018.

In this judgement, the Constitutional Court declared the offence of criminal defamation unconstitutional with a retrospective effect. ⁽¹³⁾

This ruling came about as a result of a specific case involving the then commander of the Lesotho Defence Force (LDF) and Basildon Peta, the owner and publisher of the weekly newspaper **Lesotho Times**.

The commander had accused Peta of criminal defamation following the publication of a satirical column about him in 2016.

The court's decision to declare criminal defamation unconstitutional was significant. It highlighted the repressive consequences that criminalising defamation can have on journalistic freedom of expression.

By criminalising defamation, journalists may feel pressured to self-censor in their work, fearing legal repercussions.

This, in turn, can limit the flow of information to the public and hinder their ability to stay informed.

The court's ruling emphasised the importance of protecting journalistic freedom of expression and ensuring that journalists can operate without fear of criminal charges for defamation.

By doing so, it promotes a more open and informed society where the media can play a vital role in holding those in power accountable.

The Computer Crimes and Cyber Security Bill comes on the back of the government's concern over journalists' ability to access classified information, exposing wrongdoing, and holding those in positions of power accountable. ⁽¹⁴⁾

In the analysis of their survey — *Unpacking Potential Threats to Investigative Journalism In The Era Of Cybersecurity Laws*, the MNN Centre for Investigative Journalism in Lesotho pointed out that journalists are demanding the deletion of six specific clauses in the Computer Crime and Cybersecurity Bill, 2023.

The MNNCIJ went on to say: the "passing of the Bill in its current form will be the final nail in the coffin in creating an environment where journalists will self-censor and not investigate and publish evidence-based exposés that help the public to make informed decisions." ⁽¹⁵⁾

The Bill has been deemed as draconian by journalists, and aimed at criminalising investigative journalism, while the process

has been criticised for the lack of inclusive consultations.

Furthermore, the Bill in its current form criminalises whistleblowing — so journalists and citizens who provide information on malfeasance — will face jail time, or a fine of M5 million (USD 282,000) or both, under this impending law. ⁽¹⁶⁾ This makes it impossible for journalists to hold the government accountable.

Much of journalists' hope in Lesotho concerning the Computer Crimes and Cyber Security Bill 2021, is on the Omnibus Bill 2021 court ruling, that it sets precedence to any attempts to reinstate Bills that were not passed by past parliaments. ⁽¹⁷⁾

The enactment of the Omnibus Bill persists in its delay beyond the 2022 elections in Lesotho, with the government and opposition parties in an impasse.

In an urgent attempt to pass the Omnibus Bill after a visit by the Southern African Development Community (SADC) Oversight Committee, led by Jakaya Kikwete, former president of Tanzania and chairman of the panel, in July 2023, the National Assembly summoned members to an extraordinary session on 14 August 2023 as stated in the circular.

This session deliberated on the 11th Amendment to the Constitutional Bill, 2022.

The amendments under consideration include the long-anticipated media reforms that are essential for the freedom of journalists in Lesotho and public access to information.

MISA Lesotho chairperson Kananelo Boloetse addressed the matter in writing, expressing the national media advocacy group's determination to take action in defence of constitutional principles and the rule of law.

The statement read: "In light of recent developments concerning the reinstatement of dead parliamentary business, we have decided to file a constitutional application challenging the constitutionality of the standing order that grants the National Assembly the power to revive inactive legislative matters." ⁽¹⁸⁾

The MISA chairperson noted that the media, as the Fourth Estate, is a guardian of democratic ideals, ensuring transparency, and accountability, thus the decision to challenge the standing order, stemming from the firm belief in the vital role that media plays in upholding constitutionalism and the rule of law within our society.



MISA Lesotho chairperson Kananelo Boloetse

In light of this development, MISA Lesotho Chapter and Boloetse joined a constitutional case as second and third respondents and Yearn for Economic Sustainability (YES) political party as the first respondents challenging the resurrection of the 11th Amendment of the Constitutional Bill, 2022 from the graveyard.

The applicants argued that the Bill was dead as per the dissolution of the 10th Parliament and that the 11th Parliament could not be permitted in law to sit in vain and expend time and labour over nothing at the expense of the public purse.

The High Court of Lesotho ruled that YES and MISA Lesotho do not have locus standi and dismissed the case. ⁽¹⁹⁾ Boloetse went on to appeal and the Appeal Court ruled in his favour. ⁽²⁰⁾

Professor Kananelo Mosito, president of the court, decreed that the appeal be sustained and the High Court order be suspended.

He declared that Circular No. 5 of 2023, and Standing Order No. 10 (58) of 2022 were unconstitutional, thereby rendering them null and void.

He ruled that the respondents, comprising the National Assembly, the Senate, speakers of both houses, the king, the Minister of Law,

and the Attorney General, were collectively and individually prohibited from enacting into law any bill that expired upon the dissolution of the 10th parliament.

Moreover, the king of Lesotho is barred from granting royal assent to any unfinished Bill at the time of the dissolution of the 10th Parliament. ⁽²¹⁾

In a similar fashion, two members of Parliament, leader of the Basotho Patriotic Party (BPP) and leader of All Basotho Convention (ABC) also challenged the constitutionality of the special meeting of Parliament. ⁽²²⁾

As a result of the legal challenge, the National Assembly adjourned for an indefinite period in November 2023. ⁽²³⁾

The turn of events prompted a group of activists and journalists in Lesotho, known as Advocates for the Supremacy of the Constitution (ASC) to establish Section 2 — an independent, non-partisan, mass-based social movement.

The movement aims to confront the challenges that inhibit Lesotho from reaching her full potential, as far as reforms and good governance are concerned.

Section 2 has been actively acting as a

watchdog for citizens such as issuing statements that call the government to order where deemed necessary. The MISA-Lesotho chairperson is one of the co-founders.

Gender and the media

Cases of sexual harassment of women journalists online and offline often go unreported in Lesotho. due to the stigma associated with such cases.

During informal discussions within small groups of women, many journalists have shared their experiences of harassment, while out on assignments conducting interviews and investigations.

Female journalists in Lesotho feel unsafe whenever they meet and conduct interviews with males across sectors, indicating they are always subjected to one form of harassment or another.

While no official reports have been made, sextortion in newsrooms has been a concern in recent years, with male bosses harassing women employees by asking them for sexual favours in return for jobs and/or retainment of their positions within organisations.

A study by Gender Links - a rights group - indicates that 86 percent of women in Lesotho have experienced some form of gender-based violence (GBV) at the workplace. ⁽²⁴⁾

While the government of Lesotho has shown its commitment to eliminate sexual exploitation, abuse and harassment through the incorporation of guidelines on Protection from Sexual Exploitation, Abuse & Harassment (PSEAH) into the Public Service Act — it is confined to the public sector employers and employees.

The media sector in Lesotho is yet to develop a policy that protects journalists against sexual exploitation and abuse.

Despite this, women journalists in Lesotho have begun to assume more leadership roles in media institutions as directors, publishers, founders and authors.

The strides are slowly changing the status quo of a male-dominated industry and encouraging women empowerment in the media industry in Lesotho.

One such journalist is Pascalinah Kabi, who authored a book entitled "**Pollution, Profits and the People,**" which reveals an extensive

cover-up of water pollution by the three largest mines in Lesotho.

This publication recognises her as the first female investigative journalist from Lesotho to publish a book.

Additionally, she co-founded Uncensored News Lesotho, a news organisation with a focus on health and environmental reporting.

Lerato Matheka, a veteran journalist, serves as the managing editor of the **NewsDay** newspaper, while Moroa Mopeli holds the position of director at the Lesotho News Agency (LENA).

Risks and challenges encountered by journalists in community media

The primary obstacle encountered by community media practitioners and journalists in small towns is the scarcity of resources.

This issue stems from their origins in modest, inadequately funded newsrooms. To mitigate expenses, some publications have chosen to reduce printing costs and cultivate a robust online presence.

Nevertheless, most newsrooms continue to rely on external resources for transportation to events and remote locations for story gathering, which can undermine the impartiality of their reporting.

Organisations typically do not anticipate adverse coverage in exchange for the resources allocated to transport journalists to events and inaccessible communities.

A further challenge arises from the inadequate infrastructure prevalent in many small towns and communities.

Journalists and media professionals operating in these regions report significant difficulties in reaching certain areas for news coverage, as they often must traverse great distances on foot due to the lack of accessible roads.

Centralisation also poses a problem for journalists stationed in small towns and communities.

These journalists report that local authorities frequently direct them to central offices for information, which complicates their work.

They believe that community-based offices ought to provide information and responses without necessitating contact with central offices.

Access to information

Proposed legislation such as the Access and Receipt of Information Bill of 2000 has stalled for over two decades due to a lack of political will, therefore legislated access to information remains an illusion, especially for private media.

For public media, there is better access to information as they are government owned. Despite this the information is often censored and filtered to suit the government agenda.

Public broadcasters refrain from reporting content that could cast the government in an unfavourable light, nor do they foster governmental accountability.

The responsibility to uncover corruption, hold those in power accountable, and promote transparency falls predominantly on private media.

Despite their efforts, these entities encounter considerable bureaucratic obstacles and face threats and intimidation when posing challenging questions or delving into sensitive issues.

On 15 November 2023, Mokoena Ramakatsa, the chairperson of the Parliamentary Portfolio Committee on Law kicked out journalists from a scheduled open committee meeting on the basis that he was not “comfortable” with their presence in the meeting.

The National Assembly’s public relations officer Neo Mokatsa tried to intervene, but the chairperson maintained his stance. The matter was reported to the committees clerk.

Journalists in Lesotho await the passage of the media law — one of the pieces of legislation that the sector hopes, will enable the enjoyment of freedom of expression in Lesotho, in alignment with tenets of a democratic state.

How the media communicates climate change and environmental issues

Climate change and environmental issues remain underreported in Lesotho, largely because “it does not sell”.

Political issues are still generally regarded as newsworthy and more sellable than over any other content. .

In 2022, the Afrobarometer survey on public opinion revealed that a mere 36% of Lesotho’s citizens were aware of climate change.

This ignorance regarding climate change and environmental concerns may stem from inadequate coverage by the media.

Journalists report difficulties in proposing climate change stories within their newsrooms, owing to widespread lack of understanding of the subject.

Nonetheless, initiatives to educate journalists about climate change and environmental issues are underway.

Liapeng Raliengoane, one of a few reporters specialising in climate change and environmental protection in Lesotho, observed that such reporting does not receive the necessary emphasis in the country.

It is alarming that only a handful of reporters possess a comprehensive understanding of, and regularly cover, this critical issue.

“Media coverage primarily revolves around politics, overshadowing reporting on climate change and environmental issues.

The limited attention given to these crucial matters underscores the necessity for heightened awareness among editors and journalists.”

While the government prioritises food security, reporters should actively inquire about the reliability of weather forecasting.

The discrepancy between last year’s meteorological predictions, indicating March rains, and the ongoing rainfall demands inquisitive and critical questions from the media.

There remains a need to emphasise the importance of climate and environmental reporting in Lesotho as essential to foster a more balanced and informed media landscape.

A need for more reporters to be capacitated has been raised and for media houses to have weekly columns and radio programmes dedicated to climate change and environmental protection.

Conclusion

Significant efforts have been made in Lesotho's media sector, mostly led by journalists in collaboration with media advocacy groups.

There is however a critical need for the enactment of legislation that will strengthen the media and its freedom.

It is disappointing that the government of Lesotho is dragging its feet in leading efforts to enable an environment that guarantees media freedom and the full enjoyment of freedom of expression by its citizens.

It is also disappointing that the Media Law and the Access and Receipt of Information Bill of 2000 meant to encourage ease of access to information and freedom of expression for journalists is still gathering dust — two decades later.

The growing concern about sexual harassment of journalists highlights the need for policy development on protection against sexual exploitation and abuse, to combat the

maltreatment faced by women journalists in Lesotho.

Prioritisation and implementation of media reforms in the Omnibus Bill and those by the National Reforms Authority are vital for Lesotho's media sector to meet international standards and achieve total freedom of expression.

Pieces of legislation such as the Computer Crimes and Cyber Security Bill 2022 should be packaged in a way that does not threaten the freedom of the media, freedom of expression nor infringe on journalists' ability to hold those in power accountable and inform the public.

For the journalists to freely and effectively discharge their duties, acts of harassment, intimidation, and violence against journalists and media workers, need to be addressed to ensure that they are free to carry out their work without fear or favour.

Police must conduct prompt investigations devoid of political influence, into allegations of threats or violence against journalists and ensure perpetrators face the full might of the law.

References

1. Joki's killers in court <https://lestimes.com/jokis-killers-in-court/#:~:text=The%20four%20men%2C%20hailing%20from,custody%20to%204%20July%202023.>
2. Lesotho police arrest radio presenter <https://cpj.org/2021/12/lesotho-police-arrest-a-radio-presenter-suspend-one-stations-license-and-raid-another/>
3. Radio Broadcaster shot dead <https://cpj.org/2023/05/lesotho-journalist-ralikonelo-joki-killed-after-radio-show/>
4. MISA condemns killing of broadcaster https://misa.org/blog/media_violations/misa-lesotho-statement-on-the-killing-of-mr-ralikonelo-leqhashasha-joki-a-presenter-for-the-tsenolo-fm-who-was-gunned-down-in-cold-blood-on-the-night-of-sunday-14-may-2023/
5. UNESCO Director-General condemns the killing of Lesotho broadcaster <https://misa.org/blog/unesco-director-general-condemns-the-killing-of-lesotho-broadcaster/>
6. Suspect in journalist murder case in court <https://www.harvestfm.co.ls/article?id=16234&h=ALLEGED-KILLERS-OF-JOKI-APPEAR-IN-COURT>
7. MISA condemns killing of broadcaster https://misa.org/blog/media_violations/misa-lesotho-statement-on-the-killing-of-mr-ralikonelo-leqhashasha-joki-a-presenter-for-the-tsenolo-fm-who-was-gunned-down-in-cold-blood-on-the-night-of-sunday-14-may-2023/
8. UNESCO Director-General condemns the killing of Lesotho broadcaster <https://misa.org/blog/unesco-director-general-condemns-the-killing-of-lesotho-broadcaster/>
9. Suspect in journalist murder case in court <https://www.harvestfm.co.ls/article?id=16234&h=ALLEGED-KILLERS-OF-JOKI-APPEAR-IN-COURT>
10. Radio Broadcaster shot dead <https://cpj.org/2023/05/lesotho-journalist-ralikonelo-joki-killed-after-radio-show/>
11. Government introduces Laws undermining democracy and free press <https://www.thereporter.co.ls/2021/04/03/misa-weighs-in-on-crime-and-cyber-security-bill/>
12. Bill threatens freedom of press and freedom of expression <https://publiceye-news.com/2023/06/20/press-incises-draconian-cyber-law/>
13. Southern African Litigation Centre - Lesotho Court declares offence of criminal defamation invalid: <https://www.southernafricalitigationcentre.org/2018/05/22/press-release-lesotho-court-declares-offence-of-criminal-defamation-invalid/#:~:text=News%20Release%3A%20Lesotho%20Court%20declares%20offence%20of%20criminal%20defamation%20invalid,-By%20Staff%20Writer&text=Maseru%2C%20Lesotho%20%E2%80%93%20On%20Monday%202021,defamation%20unconstitutional%20with%20retrospective%20effect.>
14. Cyber Law slammed, again: <https://www.thereporter.co.ls/2022/12/15/cyber-law-slammed-again/>
15. Help Us Keep Power In Check & Fill Out Our Survey On Potential Threats To Media Freedom & Journalists: <https://lescij.org/2023/05/09/help-us-keep-power-in-check-fill-out-our-survey-on-potential-threats-to-media-freedom-journalists/>
16. Govt moves to gag media: <https://lestimes.com/govt-moves-to-gag-media/>
17. Boloetse wins appeal case: <https://informativenews.co.ls/2023/11/22/boloetse-clinches-victory-in-reforms-appeal-case/>
18. These are the ideals for which we are prepared to die <https://lesotho.misa.org/2023/08/15/these-are-the-ideals-for-which-we-are-prepared-to-die/>
19. Applicants have no locus standi <https://www.lena.gov.ls/applicants-do-not-have-locus-standi-court/>
20. Boloetse challenges court decision, takes appeal <https://www.lena.gov.ls/boloetse-challenges-decision-of-court/>
21. Boloetse clinches victory in appeal case <https://informativenews.co.ls/2023/11/22/boloetse-clinches-victory-in-reforms-appeal-case/>
22. Parliament faces further litigation <https://www.gov.ls/parliament-faces-further-litigation/>
23. National Assembly closes indefinitely <http://www.harvestfm.co.ls/article?id=18471&h=NATIONAL-ASSEMBLY-ADJOURNS-SINE-DIE>
24. Minister vows to fight sexual exploitation <https://www.thereporter.co.ls/2023/06/08/minister-vows-to-fight-sexual-exploitation/>

■MALAWI:

ANOTHER YEAR OF PERSISTENT AND UNWARRANTED HOSTILITY TOWARDS JOURNALISTS



■AUTHOR: Chisomo Ngulube

INTRODUCTION

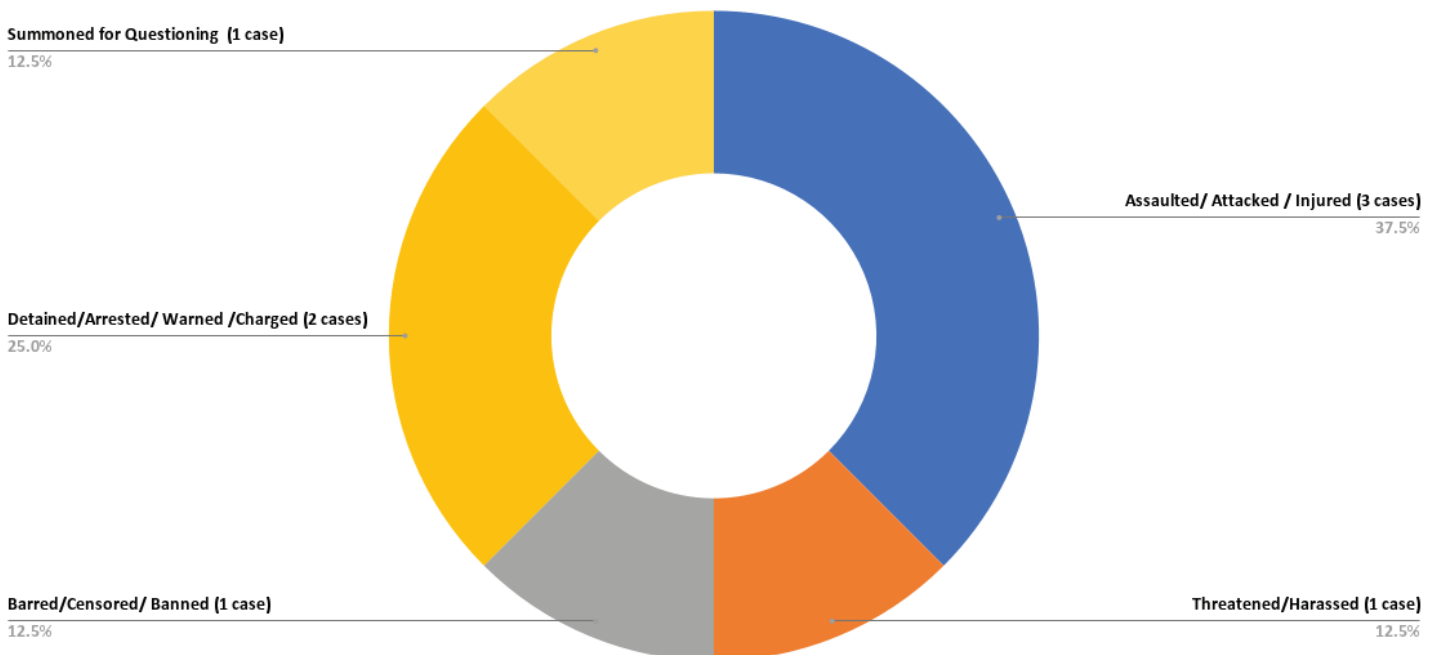
THE year 2023 will be remembered in Malawi for the devastation caused by Cyclone Freddy, with government and first responders completely overwhelmed by the impact of the cyclone.

The media, who were in the forefront providing real time updates on the devastation the cyclone had caused, continued to reel from never-ending attacks and unjustified hostility from political party stalwarts, ordinary Malawians and the police. ⁽¹⁾

The Malawi constitution guarantees the right to freedom of expression and opinion, which includes freedom to seek, receive and impart information.

The constitution also provides for media

Media Freedom Violations 2023 Malawi



freedom in Section 36 ⁽²⁾, which states that “the press shall have the right to report and publish freely within Malawi and abroad and to be accorded the fullest possible facilities for access to information”.

Despite these constitutional provisions, the state of media freedom and freedom of expression in Malawi is under threat.

Malawi continued to drop in the annual Reporters Without Borders’ World Press Freedom Index from position 80 in 2022 ⁽³⁾ to 82 in 2023 ⁽⁴⁾.

Though this was merely a slight drop, compared with the ranking of 2021 when the country was ranked 62, ⁽⁵⁾ it is a rude awakening.

This report reflects on the state of media freedom and freedom of expression in Malawi in 2023 with a focus on the safety of journalists, government/media relations, the legal environment and the state of access to information, among others.

The report shows that practicing journalism in Malawi is risky and dangerous and calls for more awareness on the importance of media freedom and freedom of expression in building a resilient and democratic dispensation.

The report also calls for prosecution of perpetrators of violence against journalists to ensure a free, independent and pluralistic media in the country.

Safety of journalists and media freedom

Promotion of an independent media, free from attacks against journalists, is fundamental for a strong and vibrant democracy and the promotion of a peaceful and inclusive society, with strong and accountable institutions.

In 2023, Malawi registered cases of arbitrary arrests and harassment and assault of journalists for merely doing their job.

According to MISA Malawi, the country registered eight cases in which over 10 journalists were attacked or assaulted. ⁽⁶⁾

On May 17, a few days after Malawi joined commemorations to mark World Press Freedom Day, political party zealots attacked privately-owned **Times Group** newspaper photojournalist Francis Mzindiko, as he covered a fight between supporters of the ruling Malawi Congress

Party (MCP) and its alliance partner United Transformation Movement (UTM) in Blantyre, a commercial city in the southern part of the country.

As reported by the Committee to Protect of Journalists (CPJ) “about 15 people in the governing MCP regalia descended on Mzindiko after he filmed a fistfight between MCP and UTM supporters and demanded he delete his photos and video.

When the journalist refused, they slapped him, grabbed his crotch, stole his camera lens, and deleted footage from his laptop and camera memory card.” ⁽⁷⁾

Information minister Moses Kunkuyu subsequently issued separate apologies over the incident. Minister Kunkuyu also visited **Times Group** offices to apologise in person to Mzindiko.

The meeting took place at Times Group’s head office, where newly-elected MISA-Malawi National Governing Council (NGC) members were in attendance. ⁽⁸⁾

The CPJ in New York also issued a statement condemning the attack.

“Authorities must ensure that those who assaulted journalist Francis Mzindiko are arrested and prosecuted, in order to send an unequivocal message that violence against journalists will not be condoned in Malawi. While apologies are welcome, they cannot absolve those in authority from acting swiftly and decisively,” said Angela Quintal, CPJ’s Africa programme co-ordinator.

In August, 2023, a sports journalist for **Kasupe Radio**, Smart Chalika was assaulted at a Super League of Malawi (SULOM) match between Silver Strikers and Extreme FC at Bingu National Stadium (BNS). ⁽⁹⁾

Head coach Hedrikus Pieter De Jong verbally attacked journalists and supporters assaulted Chalika.

In the first incident, De Jong verbally charged at journalists in a post-match interview, describing some of the questions they had asked him as “stupid.”

In a separate incident, Silver Strikers supporters assaulted Chalika for taking pictures of a scuffle between supporters of the two teams. Police officers had to rescue Chalika from the Silver Strikers’ supporters.

MISA Malawi strongly condemned De Jong and the supporters for assaulting journalists.

MISA Malawi chairperson Golden Matonga said in an interview for this report that there were several other cases where journalists were assaulted or victimised for merely doing their work.

He cited for example, that police in Lilongwe on February 9, 2023, detained Dorica Mtenje, a reporter for an online publication Maravi Post, over a story involving the director of the National Intelligence Agency (NIS).

Mtenje was detained for several hours at police headquarters at Area 30 before being released. Several months later, in August 2023, officers from police headquarters also summoned Chancy Namazunda, an editor from an online publication **Atlas Malawi**, over a story that the site published.

The officers alleged that Namazunda and Atlas Malawi had defamed businessman Abdul Karim Batatawala.

On August 16, 2023, some people threatened and deleted pictures and video footage in **GBS Television's** Vanwek Mumbwa's mobile phone during a public auction at the administrator general's office carpark in Lilongwe. They accused him of taking pictures and video footage of the auction.

On November 20, 2023, police officers arrested journalist Noel Mkwaila for allegedly taking pictures of their operation against mini-bus routes in Blantyre, southern Malawi.

On November 30, barely two weeks after arresting Mkwaila, police officers in Mangochi, eastern region of Malawi, confiscated a mobile phone from reporter Raphael Mlozoa of **Zodiak Broadcasting Station (ZBS)**, and deleted pictures.⁽¹⁰⁾

The incident took place during running battles between the police and some protesters in the district.

Another example involved university students. A group of students from Mzuzu University, northern Malawi, assaulted Jonathan Pasungwi, a reporter from **Nation Publications Limited** and seized his mobile phone and deleted all his pictures.

Pasungwi was reporting on protests against a hike in tuition fees at the university.

The examples provided illustrate the perils journalists in Malawi face. Regrettably, authorities have not detained or prosecuted any offenders for these crimes against media

professionals.

Notably, the assailants were varied, comprising police officers, political party enthusiasts, university students, football club representatives, and ordinary citizens.

Such assaults engender fear among journalists, leading to self-censorship, which hinders democratic progress.

These incidents serve as an urgent call to action to protect Malawi's democracy by guaranteeing a free, independent, and diverse press.

It warrants attention that, although assailants targeting journalists evade arrest, authorities persistently apprehend ordinary individuals for purported violations of the Cyber Security and Electronic Transactions Act of 2016.

Arbitrary arrests based on online activity adversely affect freedom of expression by instilling fear, consequently curtailing open discourse — a further menace to any robust democracy.

Government and media relations

On a positive note, one would argue that 2023 will also be remembered as a year a State president once again marked World Press Freedom Day (WPFDD) together with journalists. President Lazarus Chakwera invited the media to a breakfast engagement as part of the celebrations for 2023 WPFDD.

To a large extent, the engagement built a positive relationship of trust between the media and government as it provided a rare opportunity to discuss broader issues affecting the media and what needs to be done to improve the media operating environment in the country.

As a follow up to the breakfast engagement, the State House communications team also met with the MISA Malawi leadership to discuss issues of mutual concern and explored workable ideas to improve the relationship between government and the media.

Among others, the meeting looked at how to improve access to the presidency through the media and also how to ensure a professional and informed media sector to facilitate national development.

Another key positive development for 2023 was a round table discussion with the Malawi

Communications Regulatory Authority (MACRA) which included a call for review of broadcasting license fees to be in Malawi kwacha and not the United States dollar.

MACRA promised to revisit the legal framework and ensure a conducive environment for broadcasters, the majority of whom are failing to pay the fees and have accumulated arrears.

New legislation

Ending the year on a positive note, on December 7, the National Assembly passed the Data Protection Bill ⁽¹¹⁾, which seeks to provide a regulatory framework for the processing and transfer of personal data.

MISA Malawi celebrated the passing of the Bill as it should provide protection of information/data for Malawians, including journalists and their sources of information, from unwarranted access.

Data protection is critical in promoting media freedom and freedom of expression, key rights that MISA Malawi and its sister organisations in the region promote.

Access to information

Malawi operationalised the Access to Information Act in 2020 ⁽¹²⁾, which “provides for



Golden Matonga, MISA Malawi chairperson, says developments are in direct contrast to the frequent government assurances on access to information, transparency and accountability

the right of access to information in the custody of public bodies and relevant private bodies; the processes and procedures related to obtaining that information.”

It is in effect an Act that enables the enjoyment of Malawians’ constitutional right to “access information held by the state or any of its organs at any level of government insofar as such information is required for the exercise of his rights.”

However, in 2023, access to relevant information and overall implementation of the Access to Information Act remained problematic forcing some to consider government pronouncements on ATI implementation mere “lip-service,” observed MISA Malawi chairperson Golden Matonga.

“There was no adequate funding for the oversight institution, the Human Rights Commission (HRC), to effectively perform its functions as provided for in the Act. The Ministry of Information and Digitalisation also delayed in publishing names of information officers, doing so on December 20, 2023, for the first time since the Act was operationalised in September 2020. All these developments are in direct contrast to the frequent government assurances on access to information, transparency and accountability,” Matonga added.

In contrast to the years 2020, 2021, and the first half of 2022, President Chakwera’s press conferences stopped in 2023.

This cessation marked a significant regression in efforts to render the presidency accessible and accountable to the citizens of Malawi.

This development occurred despite MISA Malawi NGC’s interactions with the State House press office and subsequent promises regarding the continuation of these briefings.

Threats to shift to statutory media regulation

A worrying development earlier this year, was the decision of the Media Council of Malawi, during its elective general assembly on January 12, 2024, at Crossroads Hotel in Lilongwe to take up the idea of being legally constituted through an act.

If this idea is taken up and acted upon, the MCM will be established and will operate through an Act of Parliament. According to the Council, the move will strengthen its mandate and authority



Malawian journalists commemorate World Press Freedom Day

in regulating the media industry in Malawi. ⁽¹³⁾

This is contested by MISA Malawi chairperson Golden Matonga who argues that the move to statutory media regulation threatens media freedom and independence and that the shift will not only erode the free and assertive nature of the Malawi media but also instil fear in journalists and open doors for direct political interference in media operations.

Media self-regulation is the only viable model that is inspired by the willingness of media practitioners themselves to promote professionalism by being responsible and accountable in their work.

Matonga believes that the Council should seriously reflect on its desire to adopt a statutory regulation model for Malawi based on the following reasons:

1. The State cannot be trusted not to abuse the legislative process. In respecting the principles of media freedom and independence, media regulation should be voluntary and self-initiated.

2. The State can amend the Bill or law at any stage of law drafting or implementation. The government will frame the Bill or the law to suit its political interests.

3. Statutory regulation can be used to victimise independent journalists and media houses once the Council is set-up. There is a huge risk of political and economic interference in statutory media regulation.

Sexual harassment of women journalists online and offline

Section 6 of Malawi's Gender Equality Act ⁽¹⁴⁾ says "a person commits an act of sexual harassment if he or she engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated."

Being found liable for sexual harassment attracts a K1,000,000 (US\$588) fine and five years' imprisonment.

Despite the law being in force, there were no new reported cases of sexual harassment in Malawi in 2023, although the courts continued to hear a case in which former **Malawi Broadcasting Corporation** director general

Aubrey Sumbuleta is accused of abuse of office, indecent assault and sexual harassment.

In what is seen as an attempt to further delay the 2022 case, Sumbuleta, who was already found guilty of sexual harassment by the Human Rights Commission applied to have the case heard by a jury. The case has not been back in court since August 2023.

In an interview for this report, Dorothy Kachitsa of the Association of Women in the Media in Malawi, , expressed the view that cases of sexual harassment of female journalists remain grossly underreported.

“They [women] fear they can lose their jobs. They fear they can be harmed by the perpetrators. They feel they would be stigmatised. They feel they could lose their marriages/relationships,” she said.

“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,”⁽¹⁵⁾ according to a UNESCO digital report.

Although no study was conducted, some female journalists through a network called Journalists United Against Cyber Bullying and Harassment⁽¹⁶⁾ say they report cases in which they were targets of online harassment because of the stories they did. Some reported attempts to peddle disinformation against them to discredit the stories they had done.

Although section 7 of the Gender Equality Act⁽¹⁷⁾, places the responsibility on government to



Malawian journalists conduct an interview during a Misa Malawi training session

take active measures to ensure that employers have developed and are implementing appropriate policy and procedures aimed at eliminating sexual harassment in the workplace, very few media houses in Malawi have done this.

In 2023, **Zodiak Broadcasting Station** followed in the footsteps of the **Malawi Broadcasting Corporation** by publicly launching its Sexual Harassment Policy developed with support from Women in News.⁽¹⁸⁾

This is a positive development and one that should be adopted by other media outlets in the country.

Challenging landscape for community broadcasters

In 2023, community radio stations in Malawi faced a multiplicity of challenges including financial constraints, regulatory hurdles, lack of training and limited access to resources.

According to MISA-Malawi, the country lost one broadcaster in **Maziko Radio Station** as MACRA revoked its license due to delayed settlement of licence fees, bringing the total number of broadcasters closed by the Authority since 2022 to 14.

Other broadcasters whose licences were revoked are **Rainbow Television, Joy Television, Joy Radio, Ufulu FM, Sapitwa FM, Usisya Radio, Beyond FM, Dziko FM, Galaxy Radio** and **Power 101 FM**.

Some broadcasters managed to source funds and reapplied for their licences after being closed. These broadcasters are **Capital Radio** and **Angaliba Radio and Television**.

Revocation of licenses by the regulatory authority will continue escalating unless drastic steps are taken to reduce the fees and peg them in the local currency and not the US dollar.

In May 2022, the Reserve Bank of Malawi devalued the Malawi kwacha by 25 percent. In November 2023, the currency was devalued again by 44 percent.⁽¹⁹⁾

There were also other “currency alignments” in between. With the licence fees pegged to the dollar, the devaluation burden is automatically transferred to broadcasters, who are already struggling to survive.

Edward Kuwacha of the Association of

Community Radios in Malawi (ACORA) argued in an interview for this report that the recent devaluation and spectrum re-farming exercise by MACRA has left community radio stations feeling the financial strain.

“The recent MACRA re-farming process has further reduced the catchment areas for community radio stations from approximately 100 kms to around 50 kms. With a restricted market base due to smaller catchment areas compared to national broadcasters, community radios face financial strain,” he said.

Kuwacha also outlined other challenges affecting community broadcasters, including:

i. Limited negotiation power, as some government agents engage the stations in a “take it or leave it” approach. The limited negotiation power forces community radio stations into unfavourable business agreements, resulting in loss of revenue.

ii. Limited support from district councils, and yet the councils often ask for free airtime for radio announcements and development-oriented programmes.

iii. High costs associated with co-sitting fees paid to companies that lease out their towers. This is largely due to lack of regulatory oversight controlling these charges for community radios.

iv. Community radio stations play a critical role in fostering democracy by increasing access to information and giving a voice to rural communities that would have otherwise been the preserve of the urban minority. While some capacity building of practitioners was conducted by institutions such as MISA Malawi and other UNESCO-funded organisations, a lot more needs to be done.

v. Limited resources to employ qualified professional journalists. Most of the staff work as volunteers and lack requisite skills to work as journalists.

vi. Lack of expertise to report and cover specialised fields such as health, agriculture and climate change.

Cyclone Freddy brings climate change reporting to the fore in Malawi

“A lot of content for a significant number of media outlets has been produced by occurrences like Cyclone Freddy, the vast damage of our

natural resources, such as forests, illegal mining, and the trafficking of wildlife, such as pangolins,” said Matthews Malata from the Association of Environmental Journalists in Malawi.

The devastating impact of Cyclone Freddy in 2023, put the spotlight on the need for increased reporting on the impact of climate change and other environmental issues in Malawi.

However, due to competing priorities in the media outlets, few journalists specialise in environmental reporting, making it exceedingly challenging to consistently report on environmental issues, contended Malata.

“Some journalists are put off by a lack of expertise or comprehension of a variety of environmental issues, and it also dilutes the calibre of stories that are published or broadcast.

“Lack of understanding of environmental issues by some senior editors does not motivate up and coming journalists with interest in the issue.

“Data access continues to be a significant difficulty due to bureaucratic red tape systems, particularly in government,” said Malata.

Malata added that limited equipment and financial resources hinder journalists from travelling to impacted locations to tell compelling human stories.

Conclusion

Malawi has one of the most progressive constitutions in the world with clear and

separate provisions on freedom of expression, media freedom and access to information.

In practice, however, media freedom and freedom of expression is limited for Malawians, with some ending up being harassed, assaulted or arrested for merely exercising such rights.

It is important to promote awareness on the importance of media freedom and freedom of expression in building a resilient democratic dispensation.

It is also important to arrest and prosecute perpetrators of violence against journalists to ensure a free, independent and pluralistic media in the country.

The year 2024 will see elective conventions for most of the political parties and we expect that many activities in preparation for 2025 tripartite elections will be conducted in 2024.

Political parties should create a conducive environment to ensure easy access to information before, during and after the election-related activities and support for the media to ensure that Malawians remain informed of such developments and activities.

There is also need for the government to go beyond rhetoric on access to information by adequately funding ATI Act implementation activities championed by the Human Rights Commission.

Journalists would also want to see the resumption of presidential press conferences by State House to promote access to the presidency.

References

1. <https://malawi.misa.org/2023/12/31/2023-just-another-year-of-persistent-unwarranted-hostility-towards-journalists-in-malawi/>
2. Constitution of Malawi - Section 36 <https://www.sdn.org.mw/constitut/chapter4.html#:~:text=Every%20person%20shall%20have%20the%20right%20to%20freedom%20of%20expression.&text=36.,for%20access%20to%20public%20information>
3. 2022 Reporters Without Borders Index <https://rsf.org/en/index?year=2022>
4. 2023 Reporters Without Borders Index <https://rsf.org/en/index>
5. 2021 Reporters Without Borders Index <https://rsf.org/en/index?year=2021>
6. <https://malawi.misa.org/2023/12/31/2023-just-another-year-of-persistent-unwarranted-hostility-towards-journalists-in-malawi/>
7. <https://cpj.org/2023/05/malawi-journalist-francis-mzindiko-assaulted-while-covering-political-event/>
8. <https://www.malawivoice.com/2023/05/19/moses-kunkuyu-says-sorry/>
9. <https://cpj.org/2023/09/football-fans-attack-injure-malawi-reporter-smart-chalika/>
10. <https://cpj.org/2023/12/malawi-police-seize-zbs-reporter-raphael-mlozoas-phone-delete-photos-of-officers-conduct/>
11. <https://malawi.misa.org/2023/12/31/2023-just-another-year-of-persistent-unwarranted-hostility-towards-journalists-in-malawi/>
12. Malawi Data Protection Bill: https://parliament.gov.mw/uploads/doc_bills/doc_bills_87718172-12d2-4a15-a397-9ec52ec079b81701965503149.pdf
13. Access to Information Act, 2016 - MalawiLII [https://malawilii.org/akn/mw/act/2017/13/eng@2017-02-16#:~:text=\(1\)A%20person%20shall%20have,an%20expeditious%20and%20inexpensive%20manner.](https://malawilii.org/akn/mw/act/2017/13/eng@2017-02-16#:~:text=(1)A%20person%20shall%20have,an%20expeditious%20and%20inexpensive%20manner.)
14. <https://mwnation.com/media-council-chair-callsfor-saturday-regulation/>
15. Gender Equality Act <https://media.malawilii.org/files/legislation/akn-mw-act-2013-3-eng-2014-12-31.pdf>
16. <https://unesdoc.unesco.org/ark:/48223/pf0000377223>
17. https://www.facebook.com/p/Journalists-United-Against-Cyber-Bullying-and-Harassment-JUACH-100085439343698/?paipv=0&eav=AfYcwnf-YsNydm-KMb0EydVbvzKTEYD5Fw5IYhEk9Y4y-KwNNyPubOR4HLL_DqaVhA&_rdr
18. [https://malawilii.org/akn/mw/act/2013/3/eng@2014-12-31#:~:text=7.,Workplace%20policy%20for%20sexual%20harassment&text=\(2\)A%20person%20who%20has,civil%20proceedings%20can%20be%20instituted.](https://malawilii.org/akn/mw/act/2013/3/eng@2014-12-31#:~:text=7.,Workplace%20policy%20for%20sexual%20harassment&text=(2)A%20person%20who%20has,civil%20proceedings%20can%20be%20instituted.)
19. <https://www.bbc.com/news/world-africa-67367983>

■ MOZAMBIQUE:

POLLS HEIGHTEN ATTACKS AGAINST JOURNALISTS



■ AUTHOR: Armando Nhantumbo

Introduction

THE municipal elections held on 11 October 2023 to elect mayors and municipal councils reinforced the perception that the Constitutional Council was biased in favour of the ruling party Frelimo. ⁽¹⁾

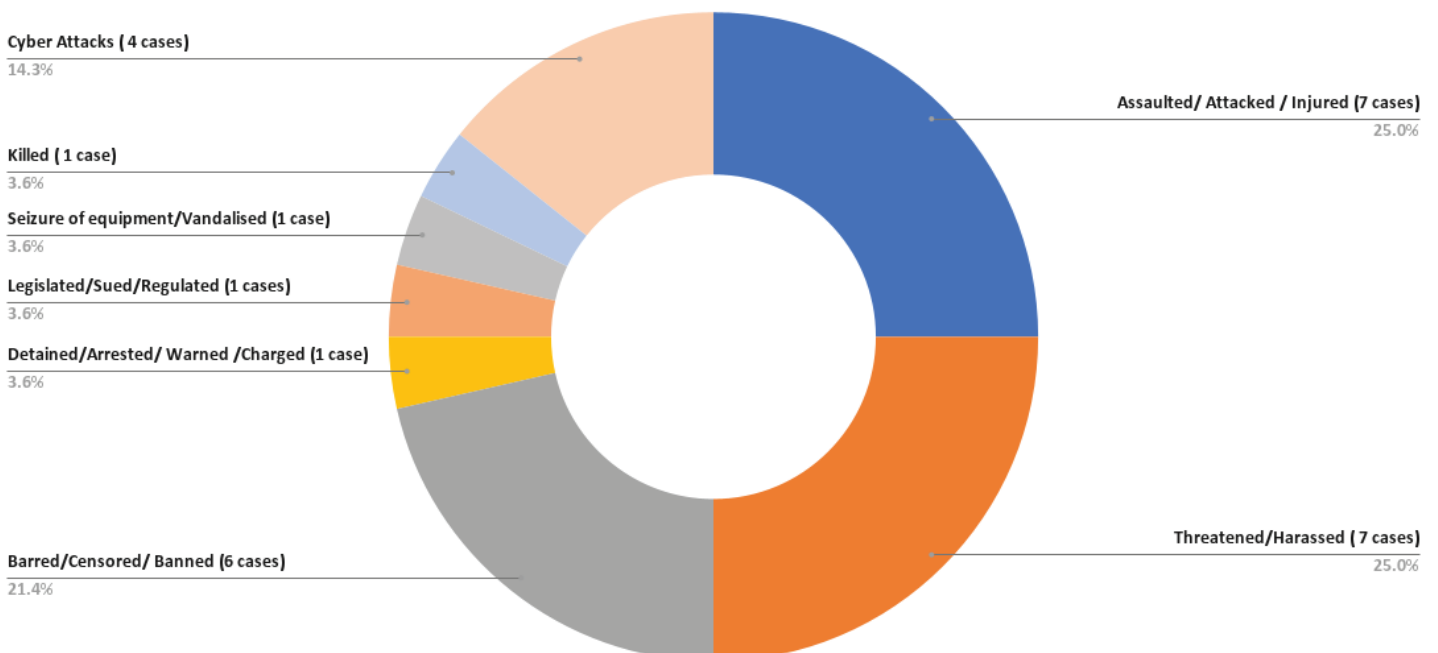
The lack of independence of this key institution as well as that of the National Electoral Commission was buttressed with accusations of electoral fraud.

The announcement by the Constitutional Council that the ruling party had emerged victorious in 64 out of 65 municipalities participating in the country's sixth local elections — immediately heightened tensions leading to demonstrations by opposition parties in several municipalities and the outbreak of extreme violence. ⁽²⁾

About a dozen citizens were fatally shot and hundreds were injured and detained by police forces.

As the Council for Foreign Relations reports:

Media Freedom Violations 2023 Mozambique



“security services assaulted and harassed opposition candidates, supporters, and journalists attempting to cover the elections. Some areas experienced internet shutdowns immediately after the polls closed. Discrepancies in the vote tabulation process and documented instances of outright vote-rigging served as the backdrop for the announcement of a near-sweep for the ruling party . . . Mozambique’s own courts, not noted for their independence, have ordered reruns and recounts in several cities. Prominent figures within the ruling Front for the Liberation of Mozambique (FRELIMO) party have denounced the heavy-handed tactics.”⁽³⁾

The lead up to the municipal elections, the announcement of results and the ensuing clampdown on civic space provides a strong indication of what Mozambicans should brace themselves for, ahead of presidential and general elections scheduled for October 2024.

In their analysis, **Zitamar News** explains: “The party will remain in a dominant position in Mozambique’s politics, as it controls all the machinery of government and public institutions, and it uses public funds to give it an advantage in elections. It remains to be seen how these results will impact internal dynamics within Frelimo in the run-up to presidential elections . . .”

As mentioned already, the levels of State authoritarianism have increased considerably over the years and was strongly evident in 2023, following the peace recorded in the last 10 years or so, in which Mozambique has regressed in the main international indexes that measure the quality of democracy.

The latest reports by Civicus, The Economist Intelligence Unit (EIU) and Reporters Without Borders, for example, show how Mozambique has become an authoritarian country, albeit with formal democratic institutions.

In 2023, the EIU’s Democracy Index marked Mozambique as an authoritarian regime for the fifth year in a row, continuing a pattern that began in 2018 when the nation shifted from a hybrid democracy to an authoritarian regime.

From the perspective of political practices and culture, Mozambique has been gravitating towards authoritarianism, accompanied by human rights abuses and assaults on freedom of expression and press freedom.

The Mozambican government has pursued regional and international assistance to manage the conflict in Cabo Delgado. However, its suppression of media coverage regarding the crisis has significantly impeded freedom of

expression.

Although the situation in Cabo Delgado appeared relatively contained in 2023 compared to prior years, recent developments have negated this progress.

As the Centre for Strategic and International Studies reports: “The uptick in insurgent attacks this year in Cabo Delgado Province, after months of relatively lower levels of insurgent activity, underscores the long road Mozambique still faces in restoring security and stability to this area of the country.”⁽⁴⁾

Although there was a low-intensity war last year, the conflict is still far from over. On the other hand, the conflict with Renamo, although latent, has not yet been fully resolved.

Sometimes, there are threats of its return.⁽⁵⁾ The demobilisation process has been marked by protests due to what Renamo considers the government’s lack of seriousness.⁽⁶⁾

It is in this context that 2023 has become a particularly challenging year for the press, for free expression and the right to information, in Mozambique.

In fact, issues of politics and peace significantly affect the environment and enjoyment of freedom of expression and of the press, access to information, pluralism of views and opinions.

Although the country has been grappling with a steady deterioration of press freedom environment over the last decade — 2023 — was particularly challenging for journalists in the country as the state of press freedom continued its trend of regressing with the added pressure of election related violations.

Press freedom

An electoral landscape marred by violence, intimidation, accusations of vote rigging and other election related activities, the bias displayed by the Constitutional Court, intra-party divisions within the main opposition party and a ruling party focused on retention of power had an enormous impact on the media.

The enabling right of freedom of expression allowing citizens to exercise their right to alternative opinions and also access to information, were under grave threat across the country.

These tensions, aggravated by the electoral developments led to physical and psychological

attacks, restrictions on access to places and sources of information, seizure of journalists' equipment and other limitations on press freedom committed by various political actors as well as security forces under the command of the ruling party, Frelimo.

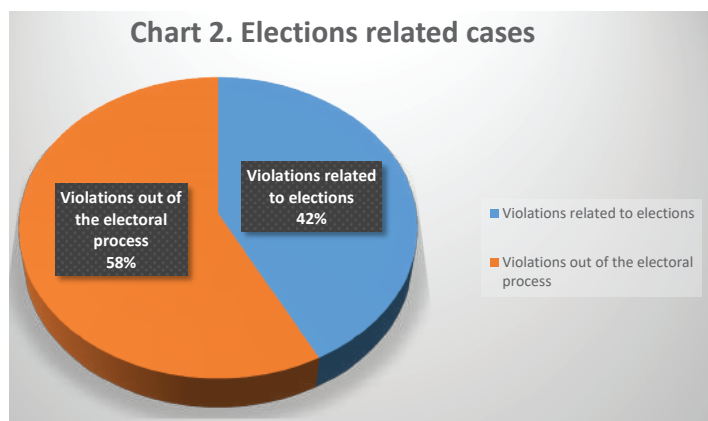
Thus, the monitoring carried out by the Mozambican chapter of the Media Institute of Southern Africa (MISA Mozambique), indicated that, after a slight improvement in the country's landscape in 2022, the framework for press freedoms and expression, deteriorated once more, largely due to the tension and violence associated with local elections. MISA Mozambique's press freedom violation monitoring system detected a doubling of media freedom violations in 2023.

<https://www.csis.org/analysis/winning-cabo-delgado>



Source: Elaboration of the author

Most of the violations against freedom of the press, freedom of expression and the right to information in 2023, including several journalists raped or inhibited from exercising their profession (situations recorded all over the country) were related to the elections. ⁽⁷⁾

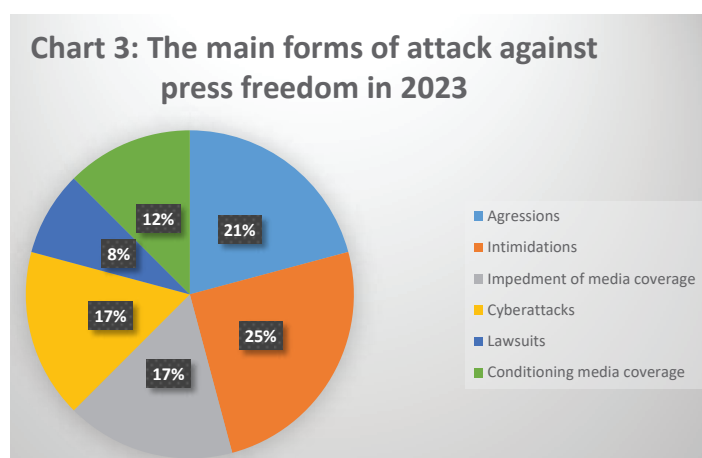


Source: Elaboration of the author

As Chart 2 indicates, 42 percent of the cases were related to the electoral cycle — which translates to 11 of the 28 cases recorded being linked to electoral violations and five of these cases took place on the day of voting — 11 October.

Another four of the cases took place between voting and the day of the announcement of final results by the Constitutional Council.

These attacks took on a range of different forms - from repression, intimidation, seizure of equipment, to physical attacks and included at least one death, João Chamusse, a journalist assassinated in unclear circumstances.



Source: Elaboration of the author

Chart 3 shows that intimidation (6), assaults (5 cases), impediment of media coverage (4), cyber attacks (4), conditioning/limiting media coverage (3) and lawsuits (2) were the most common types of media violations in 2023.

These are attacks on the freedom of the press that go against the principles and legislation that Mozambique has passed or adopted, both at national and international level.

Both the constitution and Press Law (No.18/91) protect the freedom of press, as a fundamental right in the country.

As if that were not enough, the Mozambican constitution states that constitutional provisions relating to fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights (UDHR) and the African Charter on Human and Peoples' Rights.

While the UDHR recommends that everyone has the right to freedom of opinion and expression (art. 19), the African Charter on Human and Peoples' Rights states that Everyone has the

right to information (art. 9).

The defence and security forces, police officers, political actors and government officials continue to be the main threats to the exercise of journalism in Mozambique.

Attacks on journalists

In 2023, one of the most tragic attacks in Mozambique was the barbaric murder of journalist João Chamusse, on December 14.

He was discovered in his garden with a wound on his head and signs of torture marking his body. Although it is not possible to tell if his murder was related to his work — what is suspicious is that, according to Chamusse's

family and work colleagues, two of his mobile phones and a laptop went missing.

Chamusse would have been forced to open the office of the newspaper near his home for these items to be taken.

The co-owner and editor of electronic newspaper **Ponto por Ponto** and a resident commentator on **TV Sucesso** has been described as "a fervent defender of press and expression freedoms". He was also well known for being a stern critic of the current government.

In relation to this tragic assassination MISA-Mozambique organised a demonstration on December 18, which culminated in the submission of a petition to the Attorney General's Office against impunity for crimes against journalists, including Chamusse's murder.



A demonstration organised in December 2023 by MISA Mozambique to demand the end to impunity for crimes against journalists in the country. The demonstration ended with MISA submitting a petition to the Attorney General's Office, asking for serious actions for crimes against journalists. The demonstration took place just four days after the murder of another Mozambican journalist, João Chamusse.

Many of the safety challenges faced by journalists during 2023 were related to the electoral process with several of them attacked on the day of voting.

In Beira, the provincial capital of Sofala, on 11 October, **Academic Television** reporter, Leonardo Limane, was assaulted by agents of the Rapid Intervention Unit (UIR), after filming a group of citizens who refused to go home, allegedly because they wanted to control the vote counting process at Macombe Primary School, in Munhava.

On the same day, in the capital Maputo, a team from **TV Sucesso** was banned from covering the vote count at EPC Polana Caniço B.

When the members of the polling station noticed the arrival of reporter Coutinho Macanandze in the room, they closed the door, with the reporter inside, preventing his cameraperson, Valdo Massingue, from entering the room.

In fact, shortly before closing the door on the cameraperson, a polling station member tried to take the reporter's camera. Inside the room, reporter Macanandze was shoved around and assaulted.

Meanwhile, in Quelimane, the provincial capital of Zambezia, reporter Luís Simindila, from **Radio Zambezia FM**, was attacked in the middle of a live broadcast by a police officer, who then snatched his microphone and cellphone.

The policeman was trying to prevent him from interviewing a Renamo delegate, who had gone to a police station to report an incident where he had found 11 ballot papers out of the ballot boxes.

In a separate incident in Quelimane, a reporter from **Nova Rádio Paz** was prevented from covering the vote count by an officer at one of the polling stations at the Coalane Primary School.

Gabriel Júnior, the chairman of **TV Sucesso's** board of directors — a station noted for revealing discrepancies in the 2023 municipal elections - spoke of receiving death threats.

On his November 12, 2023, broadcast of "Mozambique in Concert", Júnior stated, "I think it's time to ask you to pray for me because for the last two weeks I've been receiving death threats. I thought it was temporary, but with each passing day, the pressure of threats begins to be greater."

He described the distress of living under



In what can only be described as an intimidatory tactic, an armoured police car parked outside **Televisão Sucesso**

constant duress, emphasising the challenges of navigating daily life amidst such intimidation.

On November 24, while the president of the Constitutional Council (CC), Lúcia Ribeiro, was presenting a judgment number (61/CC/2023), in relation to the validation of the results of the 2023 municipal elections, an armoured car of the Police of the Republic of Mozambique (PRM) was parked at the entrance of the facilities where **TV Sucesso** operates.

It was perceived as a clear threat to a television station providing impartial coverage of the 2023 electoral process.

There were numerous incidents of violations outside of the electoral process which impacted on the media sector through the year.

Journalists got caught up in the fray as police officers fired teargas and rubber bullets at a crowd of people planning to take part in a march commemorating musician Azagaia — a rapper vocal in his criticism of the government.

In a separate incident in September, Alfredo Júnior, a journalist from the sports website **LanceMZ**, was attacked by the presidential guard at Zimpeto National Stadium.

During an interview with the head of state after a football match that saw the national team advance to the African Cup of Nations 2024, Alfredo Júnior was forcefully removed from the scene by Military House security guards, leaving fellow journalists in shock.

Júnior recounted the ordeal: “What happened was that after asking a harmless question to the president, who was already responding, I was violently dragged away by the security guards. Despite my protests, they ignored me and disregarded the president’s presence.”

During a press conference on March 21, which occurred three days subsequent to one of the nation’s largest demonstrations wherein citizens paid homage to Azagaia, a musician known for his critique of Frelimo’s governance, Fernando Tsucana, the deputy commander general of the PRM, delivered an intimidating address to the media.

He rationalised the violent suppression of unarmed citizens, who sought to convey their esteem for Azagaia’s accomplishments, by alleging evidence of a “coup d’état” purportedly incited by the press and civil society organisations.

These instances represent merely a fraction of the 28 cases recorded in 2023 concerning

infringements on press freedom.

Access to information

Although Mozambique has a specific law on freedom of information, access remains one of the main concerns of journalists in the country. Almost 10 years after the enactment of law nº 34/2014, of 31 December (Access to Information Law), the culture of withholding public information continues to be the main challenge in the country.

For instance, journalists and citizens are battling to report impactfully on the Cabo Delgado conflict, because the government continues hiding information and instead harasses journalists that are finding ways to investigate and report on events and their impact on the violence and impact of this in the northern region of the country.

A practice that is becoming common amongst government institutions is to organise press conferences where certain information is provided, but after which journalists are not given the opportunity to ask questions, which is a shrewd way of avoiding sensitive questions.

A case that comes to mind is that of the press conference called by the Ministry of Education and Human Development (MINEDH) on 23 January last year, to provide information on preparations for the start of the 2023 school year.

At the time, the MINEDH was under fire for their chaotic acquisition and provision of school books.

In a clear attempt to restrict the conversation, Feliciano Mahalambe, the MINEDH spokesperson informed the journalists present that they would not be permitted to pose questions outside the scope of preparations for the new school year.

When journalists objected to these conditions,, the spokesperson called them “unethical”.⁽⁸⁾ Although the Ministry of Education and Human Development replaced the spokesperson — this incident provides a good example of how journalists are viewed and treated by public servants.

It is important to note that the country’s access to information legal and policy framework is based on international frameworks and good practices which Mozambique embraces, including the African Charter on Human and Peoples’ Rights Declaration on Freedom of Expression and Access to Information, (2019).

The access to information principles contained in national law are also framed around point 16.10 of SDG, which states the need to ensure public access to information and protection of fundamental freedoms, in accordance with national legislation and international agreements.

Consequences

The rise of authoritarianism has a serious influence on journalistic activity. In fact, the result of this hostile environment continues to reverberate in the sector, undermining the exercise of free and independent journalism.

Many journalists have been afraid to exercise their watchdog role, which can spur increasing levels of bad governance and corruption. Journalists' fear of producing investigative reports, especially in conflict zones, remains high.

Journalists in Cabo Delgado have expressed how that fear pervades not only their ranks, but also their information sources.

This fear manifests in the difficulty of engaging sources to discuss issues related to the conflict in that province. Such a situation is unsurprising.

In the face of murders, physical and psychological assaults, intimidation, repression, restrictions on demonstrations, and harassment of journalists and activists, as witnessed in 2023, one can anticipate grave repercussions for press freedom and freedom of expression.

These freedoms are essential to democracy. Moreover, this outcome seems inevitable in a context where impunity for crimes against journalists is on the rise, met with apparent indifference from the authorities.

Legal environment still unpredictable

One of the primary concerns that the media sector in Mozambique has faced over the past four years is the uncertainty surrounding the reform proposals for media and broadcasting laws.

The predominant issue is that the draft laws subject the press to significant informal government control and political interference.

These proposals are undeniably restrictive to media operations and grant the government authority to regulate journalists, such as by controlling the issuance of press cards.

For the third consecutive year, Mozambican authorities postponed the discussion on these reform proposals in 2023.

The government submitted the Bills to Parliament in 2020; however, they do not support media freedom or freedom of expression.

Consequently, MISA Mozambique and other stakeholders engaged with Parliament to demonstrate how the proposed legislation failed to satisfy constitutional standards.

As a result, discussions on the proposals have been deferred since 2020.

In early 2023, there was an expectation that the proposals might finally be addressed, taking into account the feedback provided by relevant stakeholders, particularly MISA Mozambique. Despite being scheduled for the session, the proposals were once again not discussed.

Cyberattacks and internet shutdowns

As internet access and the use of digital spaces increase in Mozambique, so too do the threats online.

It appears that adversaries of press freedom are extending their reach into these spaces to intimidate journalists. Cyberattacks have emerged as a new form of censorship in the digital realm.

In 2023, at least four media outlets in Mozambique experienced cyberattacks. The first incident occurred in April when **TV Sucesso's** page vanished without explanation, leaving over a million followers unable to access the station's content.

In that same month, **Grande Media TV**, an online broadcaster with approximately 20,000 followers, had its *Facebook* page compromised.

The perpetrators altered the name, location, profile images, map, and login details of the page.

The Profundus newspaper, located in Nhamatanda district, Sofala province, central Mozambique, encountered two notable cyberattacks on May 29.



Voters at a polling station in Mozambique

The initial attack involved a virus known as “Gazeta,” which incapacitated the newsroom computers and blocked access to all files.

The subsequent attack targeted the newspaper’s *LinkedIn* page, where the assailant changed the name, login information, and eventually deleted the page, according to the newspaper’s management.

Moreover, the country experienced its first internet shutdown on 11 October, which was election day. Internet service became erratic in the afternoon during voting hours and ceased entirely after the polls closed, precisely when vote tallying commenced — a critical step that could lead to the announcement of results in elections once again marred by allegations of fraud. Service was reinstated approximately one hour later.

Media performance

The media landscape in Mozambique is starkly divided between the private and public sectors. Some private media outlets are co-opted by the authorities, yet most maintain a critical stance towards the government.

This critical perspective is precisely why independent media and journalists often fall prey to governmental assaults intended to stifle their voices.

Conversely, the public sector is under stringent control by the government and the dominant political party, Frelimo.

The electoral process of 2023 has once again illustrated the public media’s inclination to support the ruling party.

This bias manifests in both the disproportionate

coverage afforded to Frelimo and the slant of the reporting. Furthermore, journalists and media executives have engaged in overtly partisan activities.

For instance, Atanásio Marcos, a lead anchor at the state television broadcaster **TVM**, openly campaigned for the Frelimo Party in Beira, donning the party's campaign attire.

Similarly, José Guerra, CEO of **TV Miramar**, despite its private status, participated in the launch of the Frelimo candidate's campaign in Maputo city, where he too appeared publicly garbed in the party's campaign apparel.

Such blatant partisanship severely compromises the professionalism, credibility, and independence of the press, particularly with respect to political diversity.

Despite Mozambique being among the nations most severely impacted by climate change, media coverage of environmental issues remains intermittent, typically limited to instances when officials make pronouncements on the subject.

Although Mozambique is one of the most affected country by the climate change phenomena, the media sector continues to report on climate change and environmental issues in a sporadic manner, mainly when officials deliver speeches about it.

Gender issues in media sector

In Mozambique, women continue to face sexual harassment and other forms of gender-based violence with most incidents involving superiors and colleagues and so they are often silent on these issues.

In Mozambique, gender violence is not only offline. Women, including journalists, also suffer from offline harassment.

A 2022 report by MISA Mozambique on

citizen vulnerability in online space revealed a correlation between violence in the online environment and that promoted in the physical space.

According to that report, women are categorised as victims while men are primarily seen as perpetrators.

Conclusion

The analysis of the media environment in Mozambique shows clearly that journalists are working in a very hostile environment, with the government restricting freedom of expression and access to information in various ways and particularly through political and legal measures.

The violence against journalists, during the electoral process, in 2023, indicated how vulnerable journalists in Mozambique are.

The major challenges for journalists going into 2024 will most likely be heightened and will continue to worsen as Mozambique heads towards the presidential and general elections scheduled for December.

The analysis shows that the main challenge for the country is not the laws themselves, but rather the implementation of these laws.

Indeed, although the Press Law can be considered outdated, as it has not taken into consideration technological developments, it remains one of the most progressive in the region, in terms of provisions protecting freedom of press and expression.

The constitution itself provides guarantees to exercise this fundamental right.

In 2013, the country also enacted the Access to Information Law and as mentioned before, the rollout of provisions is to ensure the proactive disclosure of publicly held information in a way that is accessible to citizens and journalists in particular.

References

1. Mozambique Elections: Bar Association criticises "lack of grounds" in the Constitutional Council's ruling: <https://clubofmozambique.com/news/mozambique-elections-bar-association-criticises-lack-of-grounds-in-the-constitutional-councils-ruling-250056/>
2. Human Rights Watch - Mozambique Police Crack Down on Opposition Before Election Results: <https://www.hrw.org/news/2023/10/13/mozambique-police-crack-down-opposition-election-results>
3. Council on Foreign Relations - A Foreboding Set of Local Elections in Mozambique <https://www.cfr.org/blog/foreboding-set-local-elections-mozambique>

4. Centre for Strategic and International Studies - Winning Cabo Delgado: <https://www.csis.org/analysis/winning-cabo-delgado>
5. <https://aimnews.org/2023/09/12/renamo-leader-threatens-return-to-war/>
6. <https://aimnews.org/2023/09/15/renamo-protests-at-difficulties-in-obtaining-documents-for-pensions/>
7. <https://www.misa.org.mz/index.php/destaques/noticias/193-comunicado-misa-condena-agressoes-contra-jornalistas-e-restricoes-a-liberdade-de-imprensa>
8. <https://aimnews.org/2023/01/30/education-ministry-apologises-to-journalists/>

■ NAMIBIA

GEINGOB LEAVES BEHIND RICH MEDIA FREEDOM LEGACY

INTRODUCTION

NAMIBIA will be holding elections this year on 27 November, with the conspicuous absence of President Hage Geingob who passed away at the beginning of 2024.

His death places Namibia's future media landscape at risk if the incoming president is not as resolute as President Geingob in support of media freedom.

The late president upheld the freedom of the media even when in conflict with the sector. His unwavering support is shown by the country's positive global ranking.

Under President Geingob, Namibia regained its status as the top-ranking African nation for press freedom, as revealed by the 2023 World Press Freedom Index ⁽¹⁾ — a position it last held in 2021 before being surpassed by the Seychelles in the previous year.

In response to Namibia's return to the forefront of press freedom in Africa, the Geingob presidency reaffirmed its unwavering dedication to safeguarding press freedom, recognising its indispensable role in a vibrant democracy.

In a press statement in May 2023, the Presidency emphasised the vital function of the media in keeping the public informed and holding government institutions accountable.

The peaceful and dignified transfer of power to Vice President Nangolo Mbumba, after the death of President Geingob was hailed across the political divide and is indicative of the country's commitment to the spirit of constitutionalism ⁽²⁾, especially as the peaceful political climate was maintained throughout the country. ⁽³⁾

With the election date remaining the same, Namibia has been saved from dipping into uncertainty and unpredictable changes to the political calendar. ⁽⁴⁾

Namibia's smooth leadership change after



■ AUTHOR: June Shimuoshili

the passing of President Geingob will assure the global and local business community that the country remains an attractive investment destination (Duddy, 2024).

State surveillance, Namibia's new frontier

The country's free press environment as per the latest rankings does not take into consideration the risk journalists in Namibia face, of the possibility of censorship and state surveillance.

While Namibia has not recorded incidents of attacks on journalists for the period under review, a decision by the Communications Regulatory Authority of Namibia (CRAN) for compulsory registration of their SIM cards registered has sparked fears of unwarranted surveillance.

This is despite the reasoning provided by government for enforced registration that it is meant to combat crime and reinforce cyber security in line with Section 77 of the Communications Act. ⁽⁵⁾

The decision followed consultations by the minister of Information and Communication Technology, with CRAN and the director-general of the Namibia Central Intelligence Service (NCIS) on the regulations setting the framework for this exercise.

MTC commenced its SIM card registration with the collection of biometric data, raising concerns that this may be used by the state for surveillance.

The collection of biometric data has seen a breach of directives from CRAN, particularly as the MTC has brazenly violated legal requirements mandating the collection of only basic information such as an ID card or passport and an address.

As such, the right to privacy is under threat and has the possibility of sliding Namibia backwards on the global media rankings going forward. ⁽⁶⁾

This has been echoed by research associate at the Institute for Public Policy Research (IPPR), Frederico Links, who submitted that compulsory SIM card registration, mandatory data retention and biometrics harvesting would infringe on the country's human rights standards. ⁽⁷⁾

In his article, Links further argued that perpetual mass surveillance [would] become the norm as mandatory SIM card registration and data retention are fully operationalised

under regulations of the Communications Act of 2009.

A technology expert, Paul Rowney, also questioned why MTC harvested biometric data under the pretext of SIM registration, as well as under false pretenses. ⁽⁸⁾

However, there are no guarantees that this data will be discarded, given that CRAN has demanded that MTC stops forthwith with the collection of biometric data. ⁽⁹⁾

As things stand, the media has been forced to hold on to assurances by the Namibian government, CRAN and the Parliamentary Standing Committee on ICT that citizens' private information would not be used to spy on them. ⁽¹⁰⁾

The CRAN chief executive officer said unless a court order is obtained through the relevant procedures stipulated in legislation, there would not be any mass surveillance of public members.

The major argument from the government of Namibia was that this information would be needed to clamp down on criminal activities and nothing more.

By the 29th of February 2024, Namibia had a total of 2 387 230 active SIM cards, from which a total of 1 687 742 had been successfully registered, representing a registration rate of 70,6 percent.

By the beginning of April and after the registration deadline, 300 000 SIM card users including journalists were cut off by MTC, the country's leading telecommunications company.

Subsequently all Namibians with unregistered MTC SIM cards could not make calls at work and neither could they do online banking transactions using e-Wallet. ⁽¹¹⁾

Editor's suspension at New Era causes uproar

The extent to which Namibia's state-controlled media can practice their craft without undue interference, came to the fore when the **New Era** newspaper decided to suspend its managing editor, Jonathan Beukes, in September 2023. ⁽¹²⁾

Beukes had penned an opinion article criticising a lack of transparency by the country's judiciary on 29 September 2023.

In it, Beukes had questioned why the judicial

officers in Namibia were not committed to the principle of transparency when it comes to the installation of judges.

The managing editor had also run a series of articles critical of the State and many other government institutions to the extent that it illustrated a critical and objective outlook on governance within the country, despite the link to the state.

On 2 October 2023, **New Era** backtracked and

issued a front-page apology to the judiciary, acknowledging that it had published stories and an editorial that did not meet the standards the publication had set for itself. ⁽¹³⁾

Part of the apology read, “We have failed the judiciary, and by extension Chief Justice Peter Shivute, in our mandate by calling respectable members of the judiciary names.”

The apology and the suspension of Beukes was criticised as a government-led attempt to tamper



Namibia's New Era managing editor Jonathan Beukes

with editorial independence and the freedom of the newspaper to report on government and arms of State without interference. ⁽¹⁴⁾

The Affirmative Repositioning movement's leader, Job Amupanda said, "Jonathan Beukes has been suspended on instructions of politicians because he is not promoting the corrupt regime, but instead sticking to media ethics."

The apology also received widespread condemnation led by the Namibia Media Professionals Union ⁽¹⁵⁾, the only union representing media practitioners in the country.

Namibian journalists picketed the office of the **New Era** publication demanding the immediate reinstatement of the managing editor. ⁽¹⁶⁾

Its acting secretary-general went on record to say: "This incident raises serious questions about press freedom, journalistic independence and the protection of journalist rights in Namibia." ⁽¹⁷⁾

Information and Communication Technology minister Peya Mushelenga and his executive director, Audrin Mathe, were accused of pressuring the paper to issue the suspension letter for its managing editor.

Mushelenga responded by saying that the misplaced obsession to drag him into the **New Era** saga was baseless.

Following the very public pressure, **New Era** opted to reinstate Beukes, although there was no information available as to what informed this decision. ⁽¹⁸⁾

Beukes' suspension has put into question the ability of the **New Era** publication and all the other State-controlled media organisations to continue critical reportage on State institutions.

The Namibian government continues to monopolise State media, which also is a recipient of the large portion of government advertisements.

Journalists like Gwen Lister continue to disagree with the notion that government must be involved in media business and that the South African example should have been replicated here, where the **SABC** is not under direct government control.

Growth in the advertising market can also reduce media bias under State ownership, though because the government need not bargain to achieve bias when it directly controls the media (Gehlbach, 2008).

Media freedom and coverage of Geingob's death

While in some countries the death of a president is a closely guarded secret in the early days, the burgeoning free press environment of Namibia allowed the media to report on the health and status of the president in the hours that he died.

Journalists were free to query why the president had to be flown to the US for treatment and whether taxpayers' money was used or not. ⁽¹⁹⁾

Even reports on his death were unrestricted and journalists had access to all facilities for the duration of his funeral services.

Journalists had access to his private residence at Casa Rosalia, although concerns were raised about accredited journalists having to be re-registered to cover the events leading to the burial.

Although there was a heavy military and police presence both on land and in air along with tightly secured borders, journalists were not subjected to suppression during the course of doing their work.

Visa exemptions were given to foreign journalists that flew in to cover the burial at the Heroes Acre. ⁽²⁰⁾

The freedom with which the media were able to cover the president's death can be attributed to Geingob's affirmations, as he assured the sector, that during his tenure no journalists would be restricted from doing their work either by arrests or detentions (**Namibian**, 2017).

He upheld the belief that a free press is the cornerstone of democracy, allowing for open debate, accountability, and the exchange of ideas (Soni, 2024).

Toivo Ndebele, editor at the **Namibian Sun** says the promotion of media freedom will go down as one of the hallmarks of the Geingob administration.

The late president, however, had serious differences with the media which he accused of seeking to topple him when he was implicated in the Fishrot scandal. ⁽²¹⁾

The scandal involved high ranking government officials and business people, who are currently standing trial for giving preferential access to

fishing quotas to Icelandic company Samherji in return for kickbacks. ⁽²²⁾

The presidential press secretary questioned the timing of the reportage of the scandal, a few weeks before the 2019 presidential poll.

Despite these differences, President Geingob did not use raw power or the institutions of the State to clamp down on further scrutiny into his role in the scandal.

It is also not clear whether the same situation will prevail in the event that a new administration comes to power after the November 27 elections as candidates have also said very little about media freedoms in their campaigns.

Ndjebela says President Geingob's successors will have to keep up with his standards on press freedoms, adding that it is too early to see this commitment in the acting president.

Legal and political developments affecting media freedom

Namibia's legal system has leaned towards creating strong constitutional safeguards to protect journalists, sources and enhance access to information.

One of the progressive reforms under the Geingob administration was the promulgation of the Whistleblowers Protection Act 10 in October 2017, which remains inactive due to insufficient funding.

The legislation mandates the establishment of a whistleblower protection office tasked with investigating reports of improper conduct and instances of retaliation against individuals disclosing information related to corruption and misconduct. Namibia is yet to see the full operationalisation of the Whistleblowers Act.

According to Justice minister Yvonne Dausab in September last year, establishing an operational witness protection unit office needs an annual budget of N\$160 million.

Subsequently, this has raised concern as to whether this money will be made available in Namibia's national budget in the financial year 2024/2025.

Speaking in Parliament in September last year, leader of the official opposition party, the Popular Democratic Movement (PDM), McHenry

Venaani said: "It is inexcusable that the government sings the old song of insufficient funds to operationalise this office, despite the law being passed over five years ago."

Namibia's Access to Information Bill has been officially enacted into law by Parliament and was gazetted on 28 December 2022.

So by 2023, Namibia had effectively joined the ranks of the 25 African countries that have access to information laws in place.

Sexual harassment of women journalists online and offline

Namibia has a difficult history of gender-based violence since its founding in the early 90s, and this has spilled over into the newsrooms.

The year 2023 saw the Namibia Media Professionals Union (NAMPU) reporting that interns were being promised full time contracts by senior staff if they consented to sexual favours.

The Namibian newspaper, the largest newspaper in the country, was not spared from the accusations.

In September last year, **The Namibian** refuted claims suggesting it had become a breeding ground for sexual abuse and exploitation of interns and junior reporters. ⁽²³⁾

The newspaper's editor-in-chief Tangeni Amupadhi criticised the acting secretary general of Nampu, Jemima Beukes, for adopting a sensational approach and catering to public sentiment, rather than addressing the root cause of the issue. ⁽²⁴⁾

However, this led to the newspaper drafting and birthing a comprehensive sexual harassment policy to deal with instances of sexual violence and misconduct.

This development was not announced by the paper to the public and thus did not receive media spotlight.

Journalist, Shelleygan Petersen, says while **The Namibian's** sexual harassment policy seeks to protect journalists against future misconduct, it failed to address the allegations made at the time.

"This is a difficult question because one, you

are an employee and you are a journalist. But looking from the perspective of how similar matters are addressed in other institutions, one can see that the sexual harassment allegations were not dealt with well. What we got was a quick response to get over the issue without looking at the crux of the matter," she explained.

Amupadhi criticised the condemnations from NAMPU as "unfortunate and generalised comments", made without approaching the media house in question.

This stance by editors set a dangerous precedent in that there is a knee-jerk reaction to defending media houses as opposed to investigating allegations.

This precedent is seen in the light of a latest report of a news editor assaulting a radio presenter, resulting in media spotlight on the issue and condemnation from NAMPU. ⁽²⁵⁾

The incident highlighted once again the violence women journalists are subjected to, although by the writing of this report, allegations against the editor had not been tested in a court of law. ⁽²⁶⁾

Very little is being done to protect journalists against sexual harassment in Namibia for as long as editors take a defensive approach.

Access to information on environmental reporting

Generally, the Namibian media has been unrestricted in its reportage on environmental issues in the year under review.

The media has been treated as an ally resulting in a close collaborative relationship with the Tourism and Environment ministry, environmental activists and the police to tackle the age old problem of poaching of the country's prized rhinoceros' population.

During the year under review, there were sustained efforts to establish the country's synthetic energy hub and the Green Hydrogen flagship project. ⁽²⁷⁾

The Green Hydrogen project is a joint government and private sector-led initiative to set up clean energy generation technology in the south of the country in order to supplement Namibia's local energy production sources from fossil fuels as well as exports from South Africa and Zimbabwe.

The Namibian government has not been

transparent about the project and information on its implementation has been difficult to obtain. ⁽²⁸⁾

Gabriel Erastus, a business journalist at **Eagle FM** and **The Villager** newspaper, says the only information that is there about the project's Energy Investment Fund (EIF) is limited and basic.

"There is a component of that fund under the EIF. There is something that is not clear there. You launch a fund looking for investors and most of those investors are foreign, yet you do not make most of the information about it public.

"If you look at when Standard Bank and MTC went public, information was there, but with the EIF there has not been any awareness for those who want to invest in it. There is very little writing that has been done about the fund itself. We only get statements once in a while," he added.

In August 2023, **The Namibian** newspaper reported that the government had cited "confidentiality and non-disclosure agreements" as reasons for not answering questions about private meetings in Windhoek last month involving investors from Germany.

The paper also reported that the lack of transparency surrounding the government's partnership with Hyphen Hydrogen Energy has raised the alarm among civil society organisations. ⁽²⁹⁾

Despite these concerns, the government insisted that there was no cover up. ⁽³⁰⁾

However, the secretive nature of the project was confirmed by Mines and Energy minister Tom Alweendo who in August 2023 said, "Nobody is going to invest in your country if everybody knows investment details." ⁽³¹⁾

Namibian media have not been subjected to the same information restrictions in the area of oil and gas discoveries in the Orange Basin which have been transparently reported on. ⁽³²⁾

However, journalists have not yet been given access to these sites. Therefore, it has been difficult to provide a clearer and more nuanced picture of how these activities are playing out in the area and what impact it has had on the environment.

Conclusion

The death of President Geingob has the risk of throwing off the momentum Namibia's free

press gains if it is not followed up by solid commitments from the new administration.

At the same time, the work of journalists as well as the security of whistleblowers will be at risk if the government does not make financial commitment to the establishment of the witness protection office.

Namibia's constitutional and dignified power transfer after President Geingob's death has also created an atmosphere of safety, stability and predictability which is conducive for a safe and free media environment.

The suspension of the managing editor at the **New Era** for expressing his views against the judiciary set a dangerous precedent and has the effect of creating fear in any future endeavour by State-controlled media to make state institutions accountable to the people.

It is equally important to highlight that media houses have the obligation to put in place sexual harassment policies and internal reporting mechanisms that protect fully those, who may report on misconduct.

Media houses are required to protect journalists against abuse, while at the same time taking

stringent measures against perpetrators as opposed to refuting every allegation made.

Furthermore, the government is called upon to be transparent about State projects that are driven by tax-payers' money and allow journalists access to information on deals signed.

The Namibia Media Practitioners' Union has been vocal in protecting the rights of journalists, but the union still needs to find affiliation from all members of the Fourth Estate for it to have bargaining power.

However, Namibia can be lauded for putting in place such a union whose work must also include close consultations and collaboration with civic society organisations in the country and the region.

Finally, the registration of SIM cards via the collection of biometric data has created paranoia as regards the safety of journalists.

Namibia's future press environment rests on adherence to democratic principles safeguarding rights as well as desisting from the abuse of power to get access to private information without reasonable and constitutional grounds.

References

1. <https://www.namibian.com.na/namibia-reclaims-top-spot-on-press-freedom-index-in-africa/>
2. <https://www.voanews.com/a/nangolao-mbumba-is-namibia-s-interim-president/7471038.html>
3. <https://neweralive.na/posts/mbuende-our-democracy-was-tested-to-the-core-unity-calmness-hailed>
4. <https://www.namibian.com.na/will-president-nangolo-mbumba-rock-the-boat-or-steady-it/>
5. <https://www.cran.na/2022/12/07/the-importance-of-sim-registration/>
6. <https://www.namibian.com.na/sim-card-registration-and-the-spy-agency/#:~:text=With%20mandatory%20SIM%20card%20registration,or%20internet%20connection%20in%20Namibia>
7. https://www.eaglefm.com.na/news/journalist-sources-could-face-threats-amidst-mandatory-sim-card-registration/#google_vignette
8. 'MTC must stop biometric data collection' - News - The Namibian
9. <https://www.namibian.com.na/mtc-must-stop-biometric-data-collection/>
10. <https://www.facebook.com/informantenam/photos/a.277814335618867/5520552801344968/?type=3>
11. <https://www.namibian.com.na/thousands-without-e-wallet-after-sim-card-deactivation/>
12. <https://www.namibian.com.na/new-era-managing-editor-suspended/>
13. <https://neweralive.na/posts/apology-to-the-judicial-service-and-judges>
14. <https://www.observer24.com.na/politicians-ordered-suspension-of-new-era-news-editor-amupanda/>
15. <https://economist.com.na/57483/human-resources/journalists-launch-media-professionals-union/#:~:text=The%20Namibia%20Media%20Professionals%20Union,%20Secretary%20General%20Mahongora%20Kavihuha>
16. <https://www.namibian.com.na/journalists-protest-against-suspension-of-new-era-managing-editor/>
17. <https://www.namibian.com.na/media-workers-union-irked-by-editors-suspension/>
18. <https://www.namibian.com.na/suspended-new-era-editor-reinstated/>
19. <https://www.namibiansun.com/local-news/level-of-transparency-urged-for-geingobs-us-trip2024-01-28>
20. <https://www.namibian.com.na/visa-exemptions-for-delegates-coming-to-mourn-geingob/>
21. <https://www.aljazeera.com/news/2021/4/2/namibian-president-caught-in-new-fishing-corruption-allegations#:~:text=The%20lawyer%2C%20who%20is%20not,siphon%20public%20funds%20generated%20from>
22. <https://www.pplaaf.org/cases/fishrot.html>
23. <https://www.namibian.com.na/newsroom-sexual-harrasment-union-plays-to-public-gallery/>
24. <https://www.namibian.com.na/newsroom-sexual-harrasment-union-plays-to-public-gallery/>
25. <https://www.namibiansun.com/crime/news-editor-charged-for-lovers-assault2024-04-04>
26. <https://www.namibian.com.na/news-editor-accused-of-gbv-opens-counter-assault-case/>
27. fdiintelligence.com/content/news/explainer-how-green-hydrogen-put-namibia-on-the-map-83146
28. Address Hydrogen Secrecy and Contradictions - Opinion - The Namibian
29. <https://www.namibian.com.na/civil-society-demands-disclosure-amid-green-hydrogen-secrecy/>
30. <https://www.namibiansun.com/energy/kandjoze-dismisses-green-hydrogen-secrecy-concerns2023-08-18>
31. <https://www.namibianewsdigest.com/alweendo-rubbishes-green-hydrogen-secrecy-allegations/>
32. <https://www.ecoilandgas.com/namibia-sees-11-billion-barrels-in-offshore-oil-reserves/>

■ SOUTH AFRICA

SILENCING JOURNALISTS AND RISING ONLINE ABUSE CASES

INTRODUCTION



■ AUTHOR: **Chris Kabwato**

SOUTH Africa is considered internationally as a country with strong media protection laws and well-established freedom of expression rights.

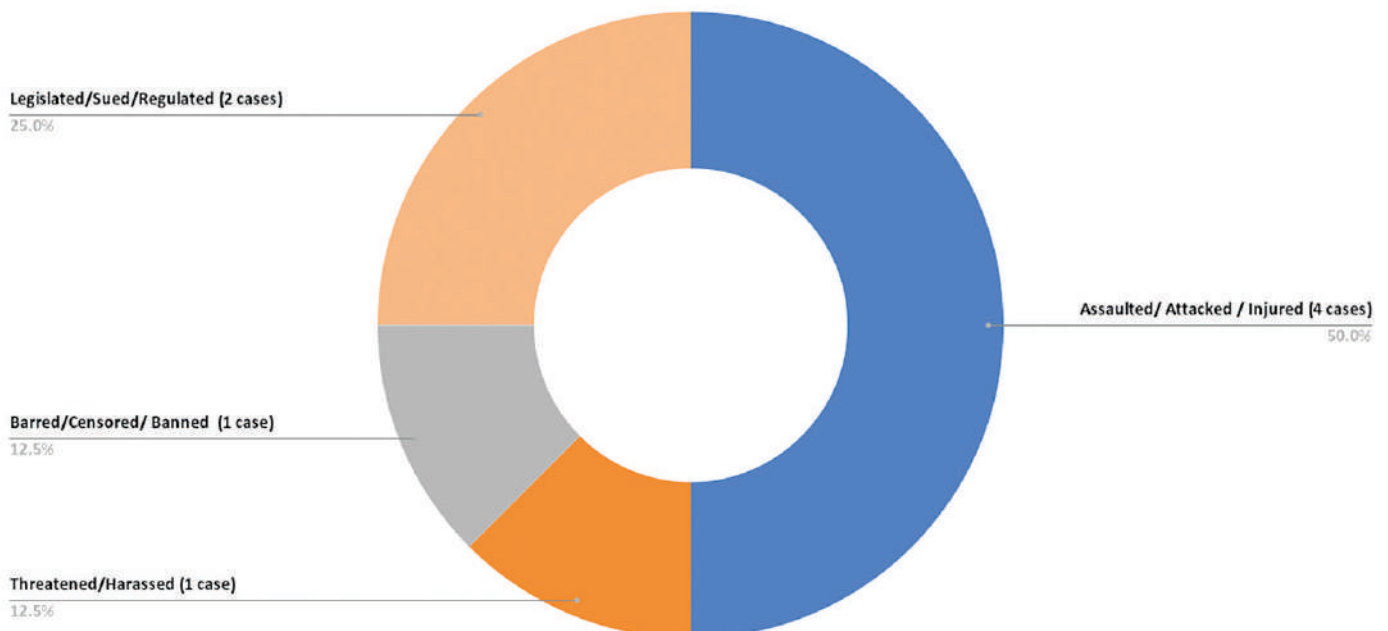
The South African constitution contains key provisions that directly protect the media. In the World Press Freedom Index released by Reporters Without Borders (RSF) in 2023, the country is ranked 25 out of 180 countries, second to Namibia on the African continent. ⁽¹⁾

However, there have been attempts to intimidate and silence journalists who are publishing investigative stories, especially in relation to service delivery and corruption.

There have also been numerous instances of online harassment and disinformation targeting media practitioners and women journalists in particular.

While there have been efforts to mitigate some of these risks through intervention programmes by media bodies such as the South African

Media Freedom Violations 2023 South Africa



National Editors Forum (SANEF) and notable successes in the courts of law to uphold media freedom, there is a growing concern about the declining media freedom locally, especially in periods of intense political contestation.

Principal concerns for journalists: Some case studies

A major concern for journalists is the rise in the use of Strategic Litigation Against Public Participation (SLAAP suits) by powerful people in business and politics in order to temporarily prevent journalists from making public statements about their activities whilst tying up the same journalists in the courts of law. Journalists are forced to spend time and resources defending SLAAP suits that have no legal merit.

AmaBhungane versus Moti Group

After **amaBhungane** published a series of in-depth investigative news articles labelled the “Moti files” that were initially sparked by leaked documents, the Moti Group made an urgent application ex parte to the Johannesburg High Court on 30 October 2023 to interdict reporting and demand the immediate return of the documents used in the investigative reporting, claiming that these were accessed through theft.

The South Gauteng High Court later set the order aside on 3 July 2023 after judge Ronald Sutherland found the original order by Moti Group an “abuse of the process of the court” and that “resistance to disgorgement of information on the ground of protecting a source is functional and not optional to the work-process of investigative journalism” and ruled that **amaBhungane** could continue publishing their investigative stories and would not have to return the Moti documents or reveal their sources.

The original order has been characterised as an attempt to gag the media on reporting on issues of public importance.

In recent years, South Africa has been using lawsuits as a weapon — to intimidate, harass and silence journalists — in carrying out their responsibilities as the Fourth Estate.

The case also reaffirmed the significant role that the justice system plays in safeguarding the constitutional rights of journalists in South Africa as well as highlighted solidarity through

representations from bodies such as SANEF, Campaign for Freedom of Expression (CFE) and Media Monitoring Africa (MMA), who supported amaBhungane with the case.

Media 24 versus the ‘Alex Mafia’

In July 2023, two businessmen, Bridgman Sithole and Michael Maile, with links to Deputy President Paul Mashatile, filed an urgent order with the Johannesburg High Court to prohibit **Media24** and its publications from referring to them as the ‘Alex Mafia’ in any of their communication or publications, including on social media platforms.

‘Alex Mafia’ is a term used to refer to a group of former anti-apartheid activists from Alexandra township in Gauteng who rose to positions of power in government and became wealthy through lucrative contracts with public entities.⁽²⁾

The High Court dismissed the urgent application and judge Ingrid Opperman stated that the application was “an abusive attempt by two politically connected businessmen to gag a targeted newsroom from using a nickname — “Alex Mafia” — by which [Sithole and Maile] are popularly known and called by the public, politicians, political commentators, other newsrooms, and themselves — and have been for at least 16 years”.

The judge also stated that such grievances needed to be pursued via independent regulatory channels such as the Press Council, which deals with media and public disputes.

This order is interpreted, as confirmed by the ruling, as an attempt to infringe on the freedom of the media and freedom of expression by politically connected figures.

Gender-based harassment in the media

South Africa has witnessed a rise in online attacks on women journalists by members of political parties and internet trolls. The journalists are threatened with rape, body shamed and racially profiled.

According to Professor Glenda Daniels, “We have seen trolling and online bullying of women journalists in the past decade — [Karyn] Maughan, Ferial Haffajee, Qaanitah Hunter, Sli Masikane, Lindsay Dentlinger, Pauli van Wyk, Marianne Thamm, Ziyanda Ngcobo, Tshidi Madia, Julia Madibogo and Carien du Plessis

among them.”⁽³⁾

In September 2022, former South African President Jacob Zuma and his legal team filed criminal charges in a private prosecution against **News24** journalist, Karyn Maughan and Billy Downer, a local prosecutor, for violating Section 41(6)(b) of the National Prosecuting Authority Act (NPAA) by claiming that Maughan published a news article on President Zuma’s medical condition using confidential information that was unlawfully accessed.

The court ruled in Maughan’s favour and found that the alleged medical information was, in fact, public and had already been filed in court before her news report.⁽⁴⁾

The judges stated that the attempt at the private prosecution of Maughan was an abuse of the court process and was violating media freedom and that the media’s right to freedom of expression was “not just (or even primarily) for the benefit of the media: it is for the benefit of the public”.

Maughan was also subject to vicious harassment, abuse and threats on social media. Journalists in South Africa supported Maughan in the case, and media organisations such as SANEF, CFE and MMA appeared as friends of the court to argue that the case was not intended to pursue justice, but a SLAPP, to intimidate and create fear.⁽⁵⁾

SANEF stated that the case highlighted how gender-based violence is also entrenched and fuelled online.

Cases such as that of Maughan are only a fraction of the targeted online attacks and harassment that women journalists face in South Africa.

This is further fuelled by the poor content moderation mechanisms on social media to combat not only misinformation and disinformation but increasingly violent forms of hate speech and attacks.

A test by Global Witness revealed significant limitations of social media’s automated and AI-assisted content moderation systems, which are at times unable to detect extreme forms of hate speech such as death threats.

A recent report by UNESCO, “The Chilling”, revealed that out of the 901 women journalists from 125 countries, 73 percent had experienced targeted online violence, with 20 percent stating that they have also experienced offline attacks stemming from online harassment.

Ferial Haffajee, a prominent news editor in South Africa, has experienced targeted harassment and threats due to her investigative work and shared with Global Witness that: “After 29 years as a journalist, I should be bolder and more confident than ever but online hate and the threat of offline violence exhausts and terrifies me. It’s not just attacks from individuals, troll armies are often weaponised to cause insurmountable levels of abuse, which are impossible to stem through deleting and blocking alone. Along with many other journalists, I have tried to use the social media platforms’ reporting mechanisms and even contacted the companies directly, but it is to no avail. They knowingly turn a blind eye while playing host to assaults on women’s rights and media freedom.”⁽⁶⁾

Women journalists such as Caryn Dolley, Pauli van Wyk and Marianne Thamm shared their experiences of cyber-misogyny, cyberbullying and death threats through a documentary, Section 16 which reveals how the right to freedom of expression as enshrined in Section 16, Chapter 2, of the constitution is violated through gender-based violence targeted at women journalists with very little in the way of accountability and recourse.

The lack of adequate protection measures, as well as effective prosecution of perpetrators, creates a culture of impunity for harassment and violence against women journalists.

It further creates a culture of fear with women journalists opting to keep quiet about dangerous encounters.

In a study by Msimanga et al. (2023), an anonymous South African female journalist states, “A lot of the time we work with a lot of anxiety, fear of offending the harasser and fear of being left out of work if we say something and this has been my experience. Even out on the field, the newsmaker could be extremely inappropriate but because there is pressure to bring back a good story, we don’t say anything. A lot of the time I feel like I navigate this complex issue on my own, which is unfair. Those of us working in this industry suffer in silence.”⁽⁷⁾

Women journalists also face harassment, sexist stereotyping and hostilities in the newsroom.⁽⁸⁾

In September 2023, Standard Bank security guards assaulted and manhandled **Daily Maverick** journalist Lerato Mutsila while she was covering the Extinction Rebellion protest at the bank’s headquarters in Rosebank, Johannesburg.

Mutsila was subjected to intimidation by the Standard Bank employees even after explaining

to them that she was a journalist.

She was violently removed from the building by four security guards and had the footage on her mobile phone deleted.

While Standard Bank later apologised for the treatment Mutsila experienced, the incident highlighted institutional harassment that women journalists face when doing their jobs and an attempt at suppressing the freedom of the media by not only individuals, but also corporations.

In a separate incident, staff at a South African Post Office branch manhandled and denied access to **eNCA** journalist Hloni Mtimkulu, where she was interviewing beneficiaries of the government grants on delays and non-payments.

While South Africa is considered to be ahead of many countries in terms of gender parity in the newsroom, there is a long way to go in ensuring inclusion and equity within the media.

Most decision-making positions, such as editor-in-chief, are still occupied predominantly by males, and there is still a considerable gender pay gap.

A Reuters Institute report states that only 29% of top editors in South Africa are women. ⁽⁹⁾

This increases underrepresentation in the media and exacerbates unbalanced, misinformed, and exclusionary reporting.

Addressing gender disparities in the media requires an intentional recruitment process and the creation of safe and fair workspaces for women.

The media and the law in South Africa

In March 2024, the Film and Publication Board (FPB) published a notice to combat misinformation and disinformation online ahead of the 2024 general elections in South Africa.

In the notice, FPB stated that it has identified misinformation, disinformation and fake news to be harmful due to the potential to incite violence, promulgate war and hate speech and would take steps to mitigate this risk by obligating internet service providers to take considerable measures to prevent prohibited content such as misinformation, disinformation and fake news, and content which amounts to propaganda for war, violence and hatred.

Failure to comply would result in a fine,



Daily Maverick journalist Lerato Mutsila is thrown out of the Standard Bank headquarters in Rosebank, Johannesburg, on 19 September 2023 (CREDIT: Kiara Affat)

imprisonment, or both in an instance where there is a conviction.

While attempting to address a legitimate concern, the regulations are fundamentally flawed.

Their design is unconstitutional as there was no public participation in line with the Promotion of Administrative Justice Act.

The FPB appears to have overreached its mandate by attempting to regulate online content, and in a joint article, SANEF, CFE, MMA, SOS Support Public Broadcasting Coalition and the Press Council argued that the vague and loose definitions for misinformation and disinformation were not only misaligned with emerging standards but also provided loopholes for abuse, silencing and censorship which would have a “chilling effect on free speech”.⁽¹⁰⁾

The media bodies requested that the regulations be withdrawn by 4 April, or they will pursue legal action.

The South African government published the SABC Bill in 2021 and it is currently in Parliament for consideration. Public hearings through the Parliamentary Portfolio Committee on Communications and Digital Technologies have been postponed and will now be handed over to the next Parliament.

Broadly defined, the Bill is meant: to repeal the Broadcasting Act, 1999; to regulate the continued existence of the South African Broadcasting Corporation SOC Ltd; to provide for its governance; to amend the Independent Communications Authority of South Africa Act, 2000, and the Electronic Communications Act, 2005; and to provide for matters connected therewith.

There are strong objections to the proposed Bill, and media organisations have called for its withdrawal.

Among the criticisms is that the Bill does not adequately address the financial difficulties the public broadcaster has faced.

Instead of a comprehensive funding model and plan, the Bill states that the Communications and Digital Technologies minister has up to three years to develop a funding model in consultation with the Finance minister.

There are also concerns about government and political interference as the Communications and Digital Technologies minister would have veto powers over the subsidiary company’s board member appointments and remuneration.

The Bill also collapses the functions of the editor-in-chief and the CEO into one, igniting concern of undermining editorial independence and making the SABC vulnerable to external influences and interference.

SANEF, SOS, MMA and CFE have expressed concern that the provision of a subscription-based model as part of the funding mechanism for the public broadcaster is at odds with the public service function of the SABC and limits the services to only those who can afford it.

Furthermore, there has been concern about the decision to rush implementation without creating the necessary regulatory framework on Audio and Audiovisual Media Services and Online Content Safety, which is about 13 years overdue.

The **SABC** as a public service and public interest media is very important in the context of South Africa where most people still face information asymmetries amongst other entrenched inequalities.

Flawed approaches for governance like this not only pose a threat to the financial sustainability of **SABC**, but further reinforce some of the inequalities faced by South Africans today.

In March 2024, the South African National Assembly passed the General Intelligence Laws Amendment Bill which has been sent to the National Council of Provinces for concurrence.

The Bill, which makes amendments to the Intelligence Services Act, the National Strategic Intelligence Act and the Intelligence Service Oversight Act, seeks to address the shortcomings of the State Security Agency (SSA) after significant reform recommendations by the State Capture Commission as well as the high-level review panel led by Sydney Mufamadi, who established that the merging of the National Intelligence Agency and the South African Secret Services into SSA in 2009 by the then president Jacob Zuma was unconstitutional and was used as a parallel intelligence apparatus for the personal political interests of the former president and his allies.

The Bill seeks to establish the South African Intelligence Agency, which will deal with domestic intelligence and counterintelligence gathering, a South African Intelligence Service for foreign intelligence functions, and a national academy for intelligence training.

While the Bill is largely welcomed, the media has expressed concern about how bulk surveillance, even with safeguarding mechanisms such as the

provision of a judge and the also the Inspector General on Intelligence, would infringe on privacy rights and that the Bill did not provide clear explanations on the nature, approach, duration and circumstances of the intelligence gathering, raising fears that this could be abused for political ends and for suppressing media freedom.

Risk and challenges for community-based media

While there is significant coverage of issues faced by journalists of mainstream and national media organisations, the plight of community-based journalists, especially in small towns, peri-urban and rural areas, hardly makes headlines, and this can further entrench marginalisation.

In March 2023, an Eastern Cape-based reporter for the **Daily Dispatch** received death threats via an anonymous phone call warning him to be careful with his investigative reporting or risk being shot.

SANEF stated that they believed the threats to be related to the assassination of Mboneni Vesele, who was a protector to the University of Fort Hare vice-chancellor Sakhela Buhlungu.

Daily Dispatch took immediate action to ensure the safety of the journalists and brought the matter before law-enforcement authorities.

In November 2023, **Mpuma Kapa TV** reporter Jessica Bobo and camera operator Sbu Maingo were physically assaulted while covering a story about the alleged hijacking of RDP houses for a news bulletin in Walmer, Eastern Cape. Maingo sustained injuries to his face, ribs, and neck.

Newcastle Advertiser journalist Estella Naicker was harassed by the mayor, deputy mayor and their bodyguards, who accused her of being paid by the ANC to write negatively about them.

They forced her to delete any images of the scene on her phone, and when her colleagues came to assist her, they were blocked by the councillors' bodyguards.

Freelance journalist Thomo Nkgadima was arrested on 24 December 2023 and charged with intimidation and trespassing after taking pictures of the mayor's house in Praktiseer, Limpopo, in connection with a story he was reporting on concerning illegal electricity connections in the area.

Nkgadima appeared at the Praktiseer Magistrate Court on 27 December 2023, without legal representation and was denied bail. He was released on R1000 bail on 29 December 2023.

Such cases highlight the increasing personal harm journalists face in the line of duty and the disregard for the media's role in community affairs and development issues.

These cases also highlight the limited resources and support mechanisms for community-based media and journalists, often reporting from the margins.

In the broader context of dwindling revenue streams for the media, community-based media are usually at the frontlines of this existential threat, and such challenges, as highlighted above, create a case of double marginalisation and anxieties.

In some instances, given the geographical sizes of small towns and rural areas, journalists' personal lives are often exposed, making it very easy to monitor their activities and movements, including where they live, who their families are and who they are even if stories are pseudonymised for safety reasons.

Access to information

The South African Revenue Service (SARS) denied **amaBhungane** and the **Financial Mail** access to former President Zuma after they requested the Promotion of Access to Information Act (PAIA) on the basis that there was evidence of non-compliance and there was sufficient public interest to make the returns public.

The media houses first submitted the request to SARS in 2019. After protracted litigation, the Constitutional Court ruled that excluding tax records from the PAIA was unconstitutional and that Parliament should rectify sections of the Tax Administration Act and PAIA to include a "public interest override".

In an updated request for information, **amaBhungane** and the **Financial Mail** also asked for documentation that shows how SARS engaged with the ex-president's tax affairs and other entities, such as law enforcement, regarding any matters arising.

SARS stated that some of the requested documents did not exist, could not be found or could not be released as they were subject to ongoing court cases.

The media house intends to pursue further requests with SARS on the matter. Mechanisms such as PAIA are important for holding the powerful to account and for limiting regulatory manoeuvres by the state and its entities in hiding information that is otherwise in the interest of not only the public, but the state itself as highlighted by the successful COVID-19 vaccine contracts application by Health Justice Initiative.

SANEF notes that there have also been cases where journalists were either refused access to the courts or poorly treated, which infringes on the freedom of the media and access to information.

The Council is also concerned about the increasing complaints by the media that government institutions are not responding to media queries or providing useful information when requested to comment despite this being a constitutional obligation.

Limited and non-existent avenues for accessing information, especially from public institutions, present complications for effective, timely and sufficient service delivery, especially in places and times where it is needed the most.

Climate change and justice

According to a recent study by Dr Enock Sithole⁽¹¹⁾, the media coverage of climate change in South Africa is on the increase, although several

issues requiring attention have been identified. Media coverage is still mostly influenced by events such as climate conferences and disasters.

Climate change is still also treated as a beat, instead of being incorporated as a cross-cutting issue that impacts economics, health, agriculture and other areas of development.

Dr Sithole's study also revealed a reliance on stories from foreign news networks and he concludes that this might suggest that the climate crisis is not of local concern.

The study makes several recommendations, which include the training of climate journalists and the sensitisation of media organisations to improve reporting on the climate crisis.

It is worth noting that the **Daily Maverick** and **Bhekisisa Centre for Health Journalism** have deliberately set up dedicated coverage of climate change and sustainability.

The **Daily Maverick** has secured corporate sponsorship to set up a team of journalists specialising in this beat.

Bhekisisa has been producing gendered special reports on climate change that link this phenomenon to physical and mental health.⁽¹²⁾

They have also begun to link climate change to health challenges such as the prevalence of pandemics and changes in diet resulting in lifestyle diseases.

References

1. Reporters Without Borders. South Africa. Reporters without Borders <https://rsf.org/en/country/south-africa> (2023).
2. Committee to Protect Journalists. South African court throws out urgent bid to gag Media24 - Committee to Protect Journalists. Committee to Protect Journalists <https://cpj.org/2023/08/south-african-court-throws-out-urgent-bid-to-gag-media24/> (2023).
3. Ludolph, N. Floods, food and families: Why climate change makes eating well harder. Bhekisisa <https://bhekisisa.org/special-reports/climate-change/2024-02-19-floods-food-and-families-why-climate-change-makes-eating-well-harder/> (2024).
4. Committee to Protect Journalists. South African court prohibits former president's private prosecution of journalist Karyn Maughan - Committee to Protect Journalists. <https://cpj.org/2023/06/south-african-court-prohibits-former-presidents-private-prosecution-of-journalist-karyn-maughan/>. (2023)
5. Media Defence. SLAPPs in South Africa: The Karyn Maughan Case - Media Defence. <https://www.mediadefence.org/news/slapp-south-africa-karyn-maughan/>. (2023)
6. Global Witness. Violent and sexualised hate speech targeting women journalists approved for publication by social media platforms. <https://www.globalwitness.org/en/campaigns/digital-threats/south-africa-women-journalists-hate-speech/>. (2023)
7. Msimanga, M. J., Tshuma, L. A., Matsilele, T. & Jamil, S. Contending with Sexual Harassment: A Study of Southern African Female Journalists' Experiences. *Journal of Communication Inquiry*, 0(0). <https://doi.org/10.1177/01968599231210790> (2023)
8. Daniels, G. Glass Ceilings: cybermisogyny is a sign of unchecked sexism in media and newsrooms. *Agenda35*, 123–135 (2021).
9. Reuters Institute. Women and leadership in the news media 2024: Evidence from 12 markets | Reuters Institute for the Study of Journalism. <https://reutersinstitute.politics.ox.ac.uk/women-and-leadership-news-media-2024-evidence-12-markets>. (2024)
10. Media Monitoring Africa, Campaign for Free Expression, South African National Editors' Forum, SOS Support Public Broadcasting Coalition & Press Council South Africa. New Film and Publication Board regulations stifle free speech. <https://www.dailymaverick.co.za/article/2024-04-01-new-film-and-publication-board-regulations-stifle-free-speech-and-must-be-withdrawn-immediately/> (2024).
11. Sithole, E. Climate change journalism in South Africa: noticeable improvements, less than adequate. *FOJO Media Institute Report*. 10.15626/fojo.s.202301. (2023)
12. Daniels, G. We're a world away from Black Wednesday 1977, but the powerful are still trying to shut up the media in 2023. *Daily Maverick* <https://www.dailymaverick.co.za/opinionista/2023-10-16-media-in-the-crosshairs-some-things-stay-the-same/> (2023).

■ TANZANIA

SAFETY OF JOURNALISTS UNDER SEVERE THREAT



■ AUTHOR: Elizabeth Riziki

INTRODUCTION

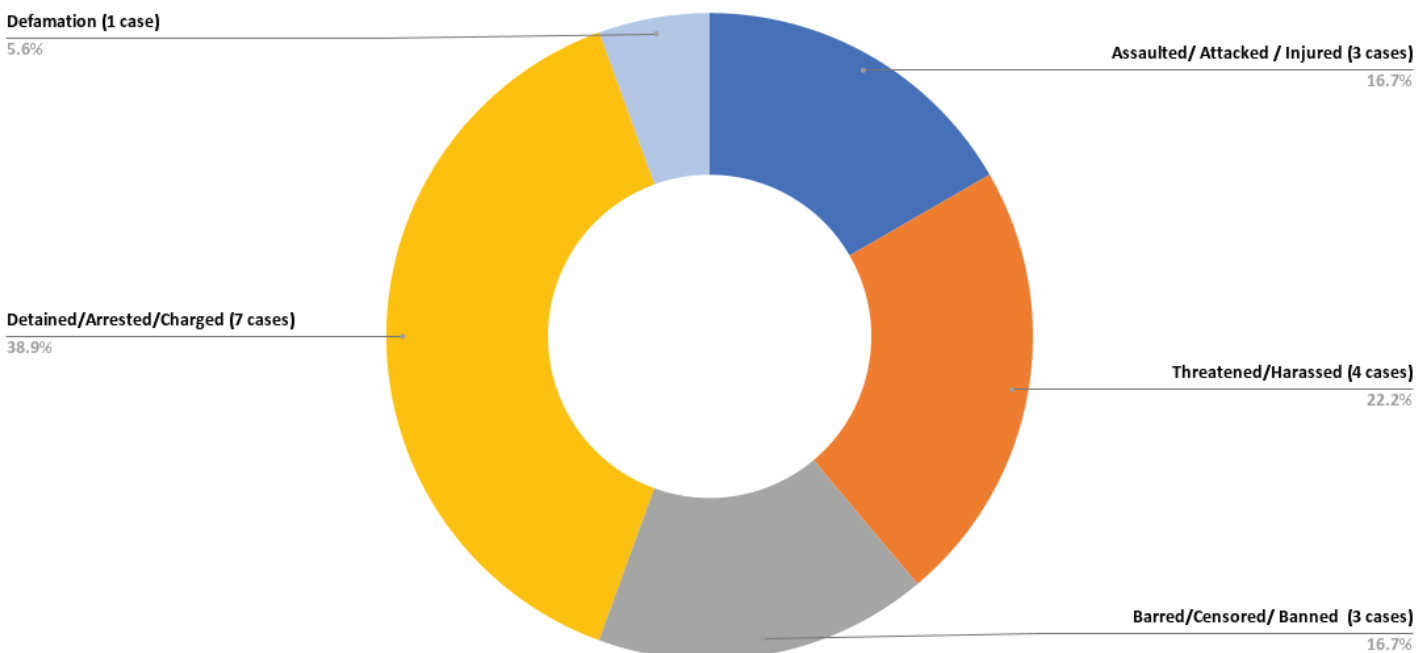
A GAINST the backdrop of a global decline in press freedom, signaling a weakening of a crucial democratic accountability mechanism, the situation becomes particularly pronounced in nations trying to solidify emerging democratic institutions, a challenge faced by numerous countries in Africa.

According to the latest report from Reporters Without Borders (RSF), the percentage of African countries deemed to have a “bad” journalism environment rose from 33 percent last year to 40 percent in 2023, coinciding with an increasing trend of authoritarianism among governments, with exceptions.

This report speaks for Tanzania’s current situation, a nation experiencing rapid erosions in both democratic and press freedoms over recent years.

Despite President Samia Suluhu Hassan’s commitment to reviewing press laws and lifting

Media Freedom Violations 2023 Tanzania





CREDIT: AFP/Getty Images

media bans as declared in her inaugural speech in 2021, Tanzania's standing on RSF's press freedom index dropped from 71st in 2016 to 143rd in 2023.

This stark decline contrasts sharply with President Hassan's predecessor, the late John Pombe Magufuli, who introduced laws undermining independent media, political opposition, and civil society during his tenure.

Recognising the integral role of a free press in the effectiveness of democratic reforms, any constraints on media freedom are viewed as potential weaknesses to the democratisation process.

Now that she has shown goodwill to change the situation, this report will highlight the situations that still hold the press freedom status down in Tanzania.

Despite existing research on the challenges faced by Tanzanian journalists in their daily work, there has been a scarcity of publications since President Hassan assumed office.

The report aims to supplement existing literature by exploring the issues faced by journalists in Tanzania mainland and Zanzibar, providing a more comprehensive understanding of their current reality.

By doing so, it aims not only to shed light on the contemporary journalist's experience in Tanzania, but also to assess the advances made under the President Hassan's administration and identify further measures necessary to safeguard independent journalism.

Journalists' safety, freedom of expression, and the evolving legal and political landscape

In 2016, during Magufuli's presidency, the enactment of the Media Services Act in Tanzania raised concerns about its potential threat to media freedom. Prior efforts had been invested in lobbying to amend the restrictive Newspaper Act of 1976.

The government, under Magufuli, also introduced other laws such as The Cybercrimes Act of 2015, The Statistics Act of 2015, and The Access to Information Act of 2015, collectively influencing media freedom.

This legislative landscape signaled a looming threat of censorship for journalists, human rights defenders, and the opposition.

From 2015 to 2021, the Tanzanian government utilised these laws to target and prosecute critics, leading to media house suspensions, physical assaults, and threats against journalists.

In 2021, a cartoonist was arbitrarily detained for depicting the president under the influence of a predecessor, while investigative reporter Erick Kabendera faced a seven-month jail term in 2019 for critical reporting on the country's economy, governance, and corruption.

The disappearance of journalist Azory Gwanda in 2017 received little official attention.

The Tanzanian government's increasing

intolerance towards rebellious voices, coupled with restrictive laws, resulted in diminished democratic freedoms and heightened self-censorship in both the media and civil society. A pervasive culture of silence emerged.

The 2016 Media Services Act imposed stringent regulations and high registration/accreditation costs on media outlets and journalists.

Granting arbitrary powers to the Information minister to penalise media entities and journalists, the Act allowed direct government intervention in private media content, particularly on issues deemed to be of national importance.

Additionally, the Act prohibited the publication of Cabinet issues, regardless of the legitimacy of the obtained information.

Faced with this growing media suppression, activists collectively filed a lawsuit at the East African Court of Justice, leading to a ruling in favour of the applicants and directives for Tanzania to ensure compliance with treaty obligations.

Amidst scrutiny following President Magufuli's death in March 2021, President Hassan assumed power, bringing a glimmer of hope.



Hon Nape Nauye, Tanzania's Information, Communication, and Information Technology minister

Immediately after taking office, President Hassan allowed previously banned media outlets to resume operations, lifted bans on four newspapers, online TVs, and some blogs, and expressed a commitment to improving human rights and engaging with the media and civil society differently.

In response, local media support organisations began lobbying the government and training media practitioners to advocate for legal reforms.

However, their efforts seemed often disjointed and uncoordinated, with various entities independently approaching the government with similar proposals.

Once this came to the attention of media organisations, they joined hands and prepared a proposal that the ministry was ready to start working on.

In the early months of 2023, during the Miscellaneous Amendments parliamentary session, Attorney General Dr Eliezer proposed a significant modification to the Media Services Act (MSA) Cap 229.

This modification specifically involves removing the responsibility for determining the placement of government advertisements from the duties assigned to the director of Information Services.

Nape Nnauye, Information, Communication, and Information Technology minister, expressed gratitude for the active involvement of various stakeholders in providing input for the revision of the Information Services Act.

He emphasised that this change gives the government flexibility in selecting media outlets for advertisements based on market dynamics.

The presented bill suggested amendments to sections 51, 50, 53, 54, 55, 63, and 64, proposing reasonable penalties for journalists violating the law.

Eliezer further clarified that the proposed changes sought to exempt individuals who own printing presses from penalties, as they typically lack the authority to determine the content printed.

Currently, section 50(1)(c) penalises those involved in printing, publishing, selling, offering for sale, distributing, or reproducing any seditious publication.

The proposed amendment suggests reducing fines to between Tshs 2 million (US\$770) and

Tshs 10 million (US\$3,850), with a two-year jail term for a subsequent offence.

Additionally, a new section, named section 38, was introduced to enhance citizens' right to freedom of expression.

Nauye, the Information, Communication, and Information Technology minister, detailed the amendments, noting that out of the 21 recommendations from stakeholders, eight remained unchanged, while others were reviewed.

This includes the removal of criminal liability for media practitioners. Media players have agreed with the government that the licensing aspect of the law should be addressed during the drafting of regulations.

The minister emphasised the importance of relying on the latest information regarding the amendments to the Media Services Act, that was endorsed by Parliament.

Efforts are ongoing to complete the proposed amendments, with stakeholders being urged to contribute to the sector's liberation.

Control and censorship of digital spaces, internet shutdowns

Despite notable advancements in recent years, Tanzania continues to grapple with the persistent challenge of the digital divide.

A substantial discrepancy in Internet access and digital technology utilisation exists between urban and rural areas.

According to a 2023 report from the Tanzania Communications Regulatory Authority (TCRA), 67.8 percent of individuals in urban areas in Tanzania have access to the internet, while the figure drops significantly to 28.9 percent in rural areas.

Beyond the urban-rural disparity, there is a pressing need to ensure the inclusivity and accessibility of digital training programmes for all Tanzanians, irrespective of gender, age, or socioeconomic status.

It is imperative to recognise that as the digital economy expands, so does the prevalence of cybersecurity threats faced by both media players and individuals in Tanzania.

In 2022, the TCRA reported a surge of over

30 percent in cybercrime incidents compared to the previous year.

The escalating concern over cybersecurity is paramount for the industry, as it faces potential substantial financial and reputational harm from cyberattacks.

Additionally, individuals are susceptible to cybercrimes such as identity theft and financial fraud.

In Tanzania, the primary legal safeguards for protection are outlined in the Electronic and

Postal Communications Act of 2018 and the Cybercrimes Act of 2015.

The Electronic and Postal Communications Act (EPOCA) serves as the key legal foundation concerning electronic, postal communications, and telecommunications in the country.

Administered by the Tanzania Communications and Regulatory Authority (TCRA), a government agency tasked with sector oversight, EPOCA plays a central role in regulating these areas.

The Cybercrimes Act of 2015 establishes penal



TCRA director general, Dr Jabiri Bakar

sanctions to deter and discourage abuses and violations related to privacy and data protection.

However, the Cybercrimes Act has been criticised for its stringent nature and is frequently used to infringe upon citizens' privacy and other digital rights.

In 2018, the government introduced online content regulations that pose a threat to the right to privacy and citizens' freedom of expression.

Tanzania's constitution of 1977 guarantees the right to freedom of opinion and expression, along with the right to seek, receive, and impart information.

While the right to privacy is not absolute, and the government is mandated, under Article 16 (2), to follow legal procedures to limit this right, Tanzania's implementation of this provision has faced criticism.

Legislation governing digital rights, such as the Cybercrimes Act, has faced widespread criticism for potentially undermining constitutional guarantees.

Laws like the Cybercrimes Act have been employed to prosecute online users expressing criticism towards the president or other influential figures and institutions, and it further criminalises the dissemination of false information.

Moreover, the absence of a well-organised and comprehensive legal framework has left gaps concerning privacy and data protection in Tanzania.

These loopholes have been exploited by the authorities to suppress dissent and violate citizens' rights.

Addressing these issues is crucial to ensure that digital rights guarantees are effectively upheld, especially since concepts like privacy and data protection are relatively new to many Tanzanians.

As we are going to the local (2024) and general (2025) elections there is need to make a lot of effort to avoid any misuse of the laws against freedom of the press.

Digital censorship

Due to the weakness of the laws and policies, there was a communication from the government on the use of digital spaces that

was very controversial and aroused the interest of advocates of freedom of information and access to information in 2023.

The Tanzania Digital Rights Coalition, a collective of organisations dedicated to championing digital rights, came out strongly and condemned the statement issued by the Tanzanian Communication Regulatory Authority (TCRA) on 13 October 2023, which imposed restrictions on the use of virtual private networks (VPNs).

The coalition firmly asserted that the right to access information, maintain privacy, and express oneself freely on the internet is fundamental to a democratic and inclusive society.

TCRA's decision to curtail the use of VPNs in Tanzania carries profound implications for the digital rights and freedoms of citizens.

VPNs play a pivotal role in preserving online privacy, ensuring secure communication, and providing access to information and services that may otherwise be restricted or censored.

Additionally, VPNs are crucial tools for businesses, researchers, and individuals to securely access online resources and conduct activities without unwarranted interference.

A notable consequence of this restriction is the hindrance of access to platforms such as Clubhouse.

The availability of Clubhouse through VPNs has enabled Tanzanian citizens to participate in global conversations, share their perspectives, and engage with a diverse range of ideas.

Restricting this access not only stifles freedom of expression, but also impedes opportunities for cultural exchange, learning, and networking.

The Tanzania Communications Regulatory Authority (TCRA) has issued a robust directive regarding the use of Virtual Private Networks (VPNs), targeting both individuals and companies employing VPNs for various purposes.

Through a public notice released on October 13, 2023, the TCRA VPN Directive mandates all VPN users to provide a comprehensive declaration of their usage, requiring the submission of pertinent information, including Internet Protocol (IP) addresses.

This move followed a noticeable surge in VPN use to access content prohibited by Tanzanian regulations, prompting speculation about potential influences.



CREDIT: techweez images

Citing Regulations 16(2) and 19(b) of the Electronic and Postal Communications (Online Content) Regulations, 2020, the TCRA restated its strong opposition to the creation, possession, or distribution of technologies facilitating access to restricted content.

Individuals and corporations relying on VPNs were obligated to convey their usage details to the regulatory body by the submission deadline of 30 October 2023.

The TCRA has streamlined this submission process through an online form, accessible at <https://www.tcra.go.tz/vpn-details-form>.

Failure to comply with these stringent directives carries substantial penalties, including fines of not less than Tshs 5 million (US\$1,925) and imprisonment terms of at least 12 months.

The regulatory authority also reserves the right to take decisive actions against unauthorised VPN usage, potentially including disabling access to such VPNs.

This directive underlines the TCRA's steadfast

commitment to regulating electronic and postal communication services within Tanzania, ensuring the rigorous enforcement of compliance with established online content regulations.

In response to this announcement, individuals and businesses relying on VPNs for operational needs are strongly advised to promptly take action, ensuring the thorough declaration of their VPN usage and relevant details before the approaching deadline.

Digital safety

In Tanzania, the digital security of publishers, journalists, and their sources faces significant threats. At the governmental level, policymakers must recognise the real dangers confronting journalists and ensure that digital policy initiatives not only safeguard them but also uphold free expression, fundamental privacy rights, and protections like encryption and VPN usage.

On the platform side, technology companies have a role in establishing and defending human rights and privacy safeguards.



However, they may also encounter difficult situations where they must balance these principles against State demands, sometimes enforced through legislation to disclose private user data, potentially enabling governmental overreach.

Within the media industry, proactive measures such as cyber education, safety protocols, and mutual support are crucial for protecting digital security. Additionally, sharing experiences within the industry can enhance collective resilience.

Lastly, researchers and civil society organisations play a vital role in collaboratively uncovering trends, identifying risks, and exploring potential solutions to address digital security challenges faced by journalists and publishers in Tanzania.

By working together, these stakeholders can contribute to a safer and more secure digital environment for all involved in the dissemination of information.

Gender and the media, sexual harassment of female journalists

In 2023, amidst global efforts to combat violence against women and girls, journalists in Tanzania emphasised the importance of gender

equality in the media.

The Tanzania Women Journalists Association (TAMWA) reported that 77 percent of women journalists had encountered various forms of violence.

During the association’s 36th anniversary, TAMWA’s executive director, Rose Reuben, disclosed findings from a study involving 22 media outlets and 137 women journalists, revealing ongoing risks of sexual abuse within newsrooms.

Shockingly, 27 percent of the reported abuse came from news sources, while 59 percent of sexual harassment and bribery incidents occurred within newsroom environments.

Reuben underscored the urgency of addressing these challenges, stating, “With these statistics, we still have a long way to go to ensure that acts of violence are stopped and that there is gender equality in order to have a friendly work environment for all groups.”

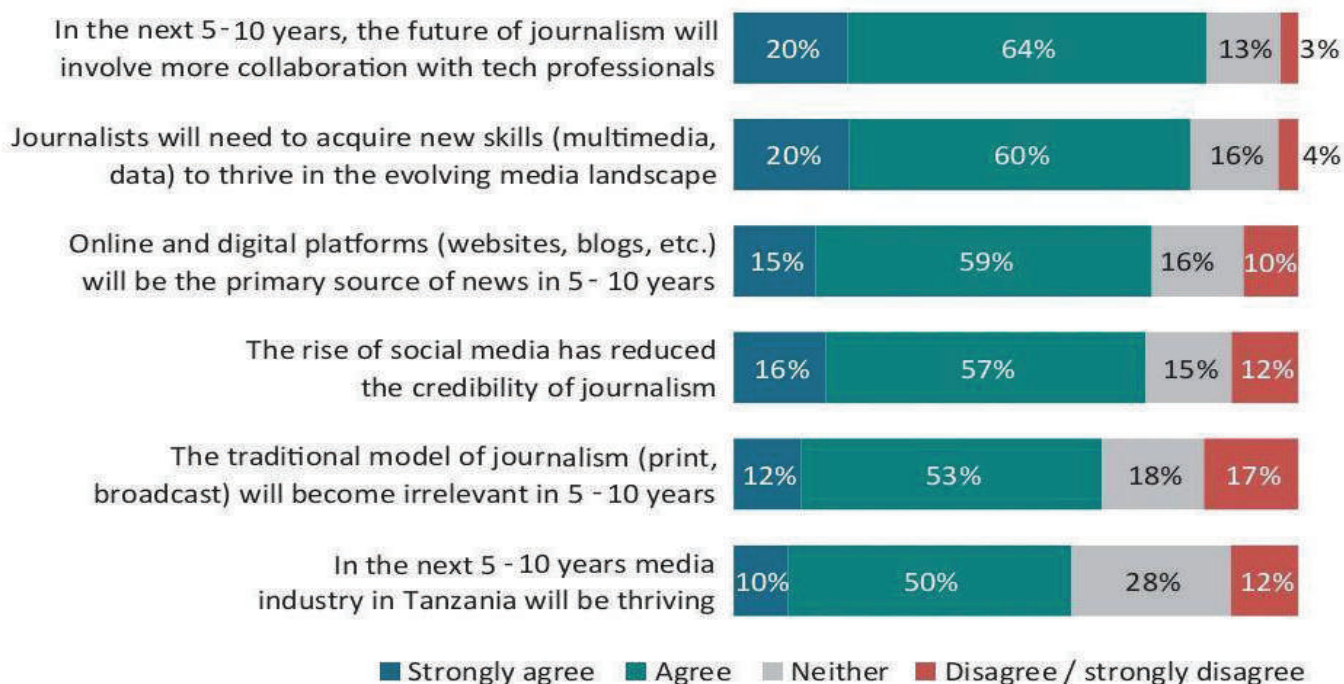
Data from the World Bank highlighted the prevalence of violence against women in Tanzania, with 40 percent of women aged 15 to 49 experiencing physical violence and 17 percent facing sexual violence.

Notably, spousal violence rates were highest in rural areas, averaging 52 percent, compared to 45 percent in urban areas.

Despite the fact that gender violence and



Figure 21: How much do you agree or disagree with the following statements?

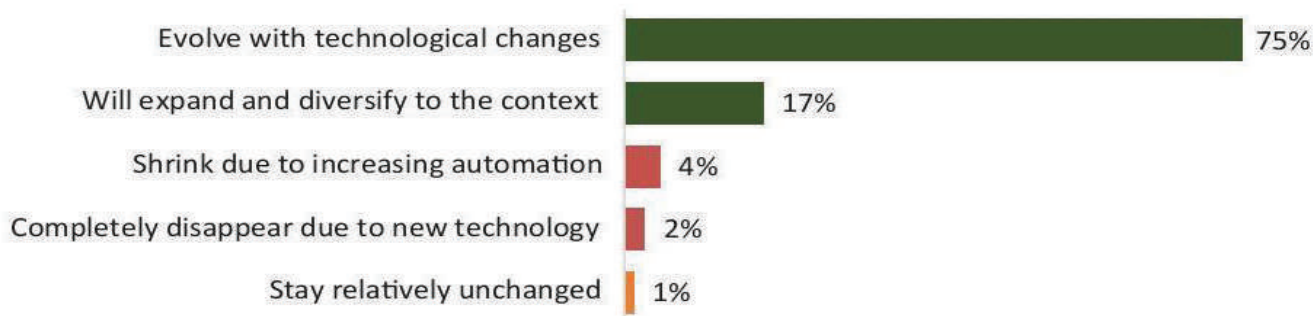


Source of data: *Sauti za Waandishi* survey, September-November 2023
Base: all respondents (n=1,202)

Fact 15. Most journalists expect the role of journalists to change, but not to decline

Most journalists (75%) expect the role of journalists to evolve in the next 5-10 years, or that it will expand and diversify (17%). Few (6%) think it will decline or disappear, and even fewer (1%) expect it to remain unchanged.

Figure 22: How do you foresee the role of journalists evolving in the 5-10 years?



Source of data: *Sauti za Waandishi* survey, September-November 2023
Base: all respondents (n=1,202)

harassment at the work place, touches both women and men, in Tanzania, due to cultural norms, few men come out to share their cases.

laws and policies to protect women, particularly in workplaces, facilitating their ability to fulfill their professional roles.

Different studies have been done and more still needs to be done to end silence and the Tanzanian government is called to review its

Journalists' voices

In addressing press freedom in Tanzania, getting the voices of journalists was crucial and necessary. Journalists wield significant influence in society, serving as vital conduits of information.

The media not only keeps the public abreast of important events and trends but also acts as a vigilant overseer, holding individuals in positions of authority accountable.

It serves as a platform for national discourse, providing a stage and a voice for citizens, with journalists positioned at the heart of these crucial roles.

Consequently, the perspectives and viewpoints of journalists carry substantial weight.

For the first time in Tanzania, media organisations including MISA Tanzania launched a report on journalists' voices "Sauti za Waandishi", a survey led by Twaweza East Africa.

The recent study shed light on the challenging conditions faced by journalists in Tanzania, highlighting various factors such as safety concerns, lack of freedom, and declining well-being.

The study, titled "Sauti za Waandishi: A Survey of Tanzanian Media Practitioners," draws from comprehensive perspectives of 1,202 journalists, editors, and bloggers, making it one of the largest studies of its kind in Africa.

The findings underscore the complex landscape journalists navigate, including issues like financial stability, job satisfaction, and the frequency of threats and harassment they encounter.

Understanding journalists' perspectives on

media freedom, both in theory and in practice, is crucial for grasping their professional values.

Furthermore, exploring their expectations regarding their societal role and impact offers valuable insights into their motivations and aspirations.

Conclusion

The genuine intentions of President Hassan may be understood, but the suspension of media outlets is not the sole cause for concern.

The safety of Tanzanian journalists is a pressing issue, with instances of detentions, arbitrary attacks, and even fatalities among media professionals.

Notably, the VPN issue that came up in 2023 showed that challenges still persist around the access to information and press freedom.

This precarious situation has compelled many journalists and critics to resort to self-censorship as a means of avoiding repercussions.

In essence, critical topics are often presented in a diluted manner to conform to the government's prescribed standards of "ideal" content.

As the survey report of "sauti za waandishi"; where journalists' voice has been aired and identify key issues that affects free press in Tanzania.

Regrettably, the confluence of restricted freedom of expression, increasing self-censorship, and the persistent suspension of legitimate media outlets not only cultivates an atmosphere of fear and tension, but also obstructs the exercise of various human rights, including those of children and women.

References

- (1) Pekkonen, S. (2022, February 24). Tanzania Press Freedom plunges into unprecedented crisis. International Press Institute. Retrieved November 3, 2022,
- (2) Thomas, D., Brian Loader, B. (2000). *Cybercrime: law enforcement, security and surveillance in the information age*. Routledge, London.
- (3) TAMWA (2023). *Survey on Sexual Harassment and Sexual Corruption among Tanzanian Journalists* [Online].
- (4) UN Women (2022). *Handbook on Gender Mainstreaming for Gender Equality Results*.
- (5) Pekkonen, S. (2022, February 24). Tanzania Press Freedom plunges into unprecedented crisis. International Press Institute. Retrieved November 3, 2022,

- (6) (Kivikuru 1994; Servaes & Malikhao 2008; Sparks 2011.)
- (7) <https://twaweza.org/resources/>
- (8) The Media Council of Tanzania. 2012. *State of the Media report 2021*.
- (9) Tanzania Communications Regulatory Authority. 2023.
- (10) Schramm, W. 1967. *Communication and Change*. In Lerner, D. and Schramm, W. (Eds.) *Communication and Change in the Developing Countries*. Honolulu: East-West Center Press.
- (11) Deane, J. 2005. *Media, democracy and the public sphere*. In Hemer, O. and Tufte, T. (Eds.) *Media and Global Change: Rethinking Communication for Development*. 177- 192. Buenos Aires: CLASCO.

■ ZAMBIA:

SOME STEPS FORWARD, MORE BACKWARDS



■ AUTHOR: **Thomas Zulu**

Introduction

ZAMBIA finally enacted an access to information law after three decades of cat and mouse games by successive administrations and freedom of expression activists.

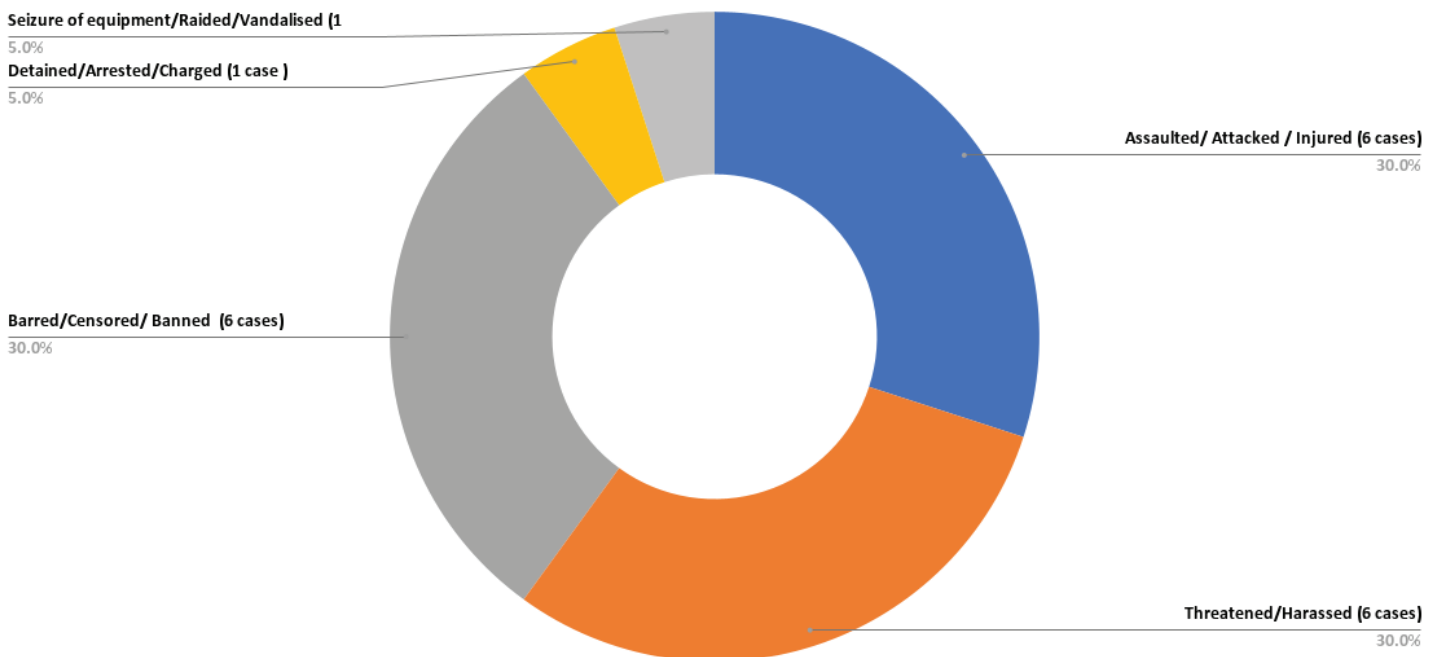
President Hakainde Hichilema assented to the Access to Information Act (ATI) in December 2023, creating excitement among media personnel and various stakeholders.

The presidential assent to the ATI Bill signified a transformative moment for the media and the general citizenry in advancing the establishment of a robust legal framework to guarantee this fundamental right.

This landmark legislation stands as a crucial tool to enhance openness, transparency and citizen engagement in governance processes.

President Hichilema underscored the significance of enacting the ATI into law,

Media Freedom Violations 2023 Zambia



characterising it as a major milestone for both the media sector and the country as a whole. ⁽¹⁾

Some commentators have, however, criticised the new law arguing that it does not go far enough, while others argue that although it is not perfect, it is a good start.

While the country has experienced some positive steps towards policy reform in the last two years, cases threatening media freedom and freedom of expression rose sharply in 2023.

For instance, cases that had an impact on media freedom and freedom of expression in 2022 stood at 22 while in 2023 they almost doubled to 41 cases.

One of the violations recorded in 2023 include the dismissal of a journalist from **Zambia Daily Mail**, a state-owned newspaper.

The journalist was dismissed after taking a picture of people queuing for maize meal, at a government depot. The pictures were published on the publication's online platform. ⁽²⁾

Other incidents were that of party supporters of the ruling party — United Party for National Development (UPND) — storming radio stations while some journalists were either summoned, assaulted, arrested or detained by the police. ⁽³⁾

On a positive note, the Chipata High Court in the eastern part of the country upheld a two-year sentence slapped on the former ruling party the Patriotic Front (PF) cadre, Frank Mwale, who attacked journalist Grace Lungu. ⁽⁴⁾

Mwale was charged for assaulting the journalist and stealing her money in 2019. The two incidents took place on February 12, 2019, during the Mkomba ward by-election in Lundazi District.

Mwale was handed a two-year suspended sentence on the second count, while another two year custodial sentence on the first count was also slapped on him in 2020. He, however, appealed the sentence.

The government also announced a three-year tax holiday on broadcasting equipment, which represents a forward-thinking initiative poised to stimulate growth and development in the media industry.

It also represents "a valuable opportunity for both newly licensed and existing broadcasting stations to bolster their capabilities and enrich the media landscape." ⁽⁵⁾

Freedom of expression and media development

The freedom of expression environment remained a source of concern despite the president directing citizens to freely enjoy this fundamental human right without any harassment or attack by those in authority.

Reacting to media freedom violations, the Zambia Conference of Catholic Bishops (ZCCB) issued a pastoral statement, stressing the need to preserve Zambia's multi-party and democratic identity. ⁽⁶⁾

The statement addressed various political, economic, moral, and social concerns affecting the nation, offering a detailed analysis of both positive and negative aspects of Zambia's governance systems.

However, the governing UPND's secretary general Batuke Imenda accused Lusaka Archbishop Alick Banda and Anthony Salangeta of being fake priests and preaching Patriotic Front ideologies. ⁽⁷⁾

The accusation came after the clergy told church gatherings that people of Zambia wanted reduced cost of living, not graphs and numbers.

The sermons were in response to a media briefing at which President Hichilema used graphs to explain the country's economic performance.

Two opposition political party leaders Sturdy Mwale of the Patriotic Front PF and Sean Tembo of Patriots for Economic Progress (PEP) were arrested for alleged offences of sedition and hate speech, respectively.

Mwale, the PF Copperbelt chairperson, was arrested for advising millers to suspend the production of mealie meal to give chance to the Zambia National Service (ZNS) to prove itself in supplying subsidised mealie meal. ⁽⁸⁾

The then director and spokesperson in the Information and Media ministry and now permanent secretary, Thabo Kawana stormed a live radio programme on **Lusaka Music Radio** to challenge PF aspiring presidential candidate Emmanuel Mwamba, whom he accused of using the platform to tell lies to the Zambian people. ⁽⁹⁾

The move attracted public condemnation, with media associations calling for the government official to tame himself.



Zambian journalists marching as they commemorated World Press Freedom Day 2023

In another case of media freedom violations, the Independent Broadcasting Authority (IBA), summoned **KBN Television** management for implementing an idea of featuring presidential hopefuls from different political parties on a programme called the "Presidential News Desk".⁽¹⁰⁾

During the programme, presidential hopefuls took turns to anchor the Friday news editions. **KBN Television** was accused of having breached the Standard Operation Procedure clause 5.2.1.3 for allowing politicians to anchor news on the TV station.

IBA also issued **UNZA Radio** with a two days' ultimatum "to put adequate measures in place to prevent guests from using what it termed as derogatory language on air".

Before that, the authority also cautioned the radio station against allowing guests to use unpalatable language on air after the guest made some disparaging remarks against the government.⁽¹¹⁾ This was worrying, as it forces the station to practise self-censorship.

In addition, the IBA wrote to **Hot FM** to express concern about a discussion programme featuring a former University of Zambia lecturer Sishuwa Sishuwa.

IBA said the authority was concerned about Sishuwa's assertions that "there is a growing public perception that President Hichilema appears to see himself primarily as leader of Zambia's one half of the country, mainly where the UPND has been doing well electorally".⁽¹²⁾

In a positive development, the government announced Statutory Instrument No. 67 of 2023, where it zero rated customs duty of broadcast equipment in the 2024 budget.

This news was welcomed by various stakeholders, who said the decision would help stations acquire new equipment, which would lead to the improved quality of broadcasting.⁽¹³⁾

The policy will be in place until December 31, 2026 and is expected to stimulate technological advancement and innovation within the broadcasting sector, offering newly licensed and existing broadcasting stations an opportunity to

enhance their capabilities and enrich the media landscape.

IBA also announced that it had granted a radio broadcasting licence to the Catholic Church-owned **Yusufu Radio Station** in Mpika District of Muchinga Province. This brings the number of Catholic owned radio stations in Zambia to 10. ⁽¹⁴⁾

Media Associations for Pure Self-Regulation adopted a code of ethics and a draft constitution that will form part of the self-regulatory mechanism. ⁽¹⁵⁾

The code of ethics and the draft constitution were developed after various consultative meetings held between February and April 2023 with journalists from all the 10 provinces of Zambia.

The journalists that attended these meetings opted for the route of self-regulation rejecting the hybrid route which was advocated for previously.

Safety of journalists

Media plays a watchdog role in ensuring access to information and accountability, hence the safety of journalists is paramount.

Journalists facilitate the free flow of information so that citizens are able to make informed decisions.

Journalists' safety ensures that they are able to play their critical role of informing and educating citizens without fear or favour.

Journalists in Zambia have faced some challenges as they exercise their rights to seek, receive and impart information.

MISA-Zambia notes: "There have also been reports of journalists being denied access to news scenes and their equipment being confiscated, damaged or destroyed, as well as operating under poor working conditions." ⁽¹⁶⁾

There have also been reports of journalists being denied access to news scenes and their equipment being confiscated, damaged or destroyed, as well as operating under poor working conditions. ⁽¹⁷⁾

There was an increased number of media violations in 2023 as compared to 2022. In 2022, there were 22 recorded violations while in 2023, the number almost doubled to 41.

This constitutes not only a threat to qualitative journalism, but also to freedom of expression. Democracy thrives when a plurality of voices is heard.

Unfortunately, many voices are under attack. It is a pity that journalists become targets for political hooligans, who perceive them to be biased in their coverage.

Gender and the media

The media landscape in Zambia is dominated by men with the majority of them in leadership and decision making positions, while the majority of women occupy the lower ranks in newsrooms.

However, in mainstream media organisations, female reporters form the bulk of the staff, while community media are dominated by men.

Despite being the majority in mainstream media, there is literally a glass ceiling for female journalists, as only a few make it to leadership positions.

This raises the need for affirmative action to bring more female journalists into positions of leadership.

There is need to build the capacity of media institutions on the SADC Gender and Development Protocol ⁽¹⁸⁾, which requires balanced sourcing of news between women and men.

The protocol further calls on media in Southern Africa to take measures to promote equal representation of women in the media at all levels and to give equal voice to women and men in all areas of coverage, as well as discourage the media from depicting women as helpless victims of violence and abuse.

If there is one transgression that ranks highly on cases that go unpunished in places of work, it's sexual harassment, because victims generally suffer quietly.

The sexual harassment of female journalists may result in the profession being shunned by women.

Media houses should expose sexual harassment against female journalists so that the vice can be curbed.

At an event in 2018, the OSCE representative on Freedom of the Media, Harlem Désir pointed out how "the harassment of women journalists has an impact on access to information, representation, access to information and citizen

participation, as it affects the voices we hear, the stories we read, and ultimately the freedom and quality of the societies we live in.”⁽¹⁹⁾

Access to information

President Hichilema officially enacted the long-anticipated Access to Information Bill (ATI), which he described as a major milestone for both the media sector and the country as a whole.

It brought closure to a protracted history of advocacy and lobbying with government to legislation for access to information with successive administrations all promising to enact the law, but not fulfilling their promises

The enactment of the access to information law is a beacon for civil liberties and governmental openness.

The law is poised to empower citizens, facilitating their more effective participation in decision-making processes.

Moreover, it provides a legal tool for holding the government accountable for its actions, reinforcing the democratic underpinnings of the society.

It ushers in a new era of transparency and unobstructed flow of information in Zambia. This legislative evolution is a significant step forward in facilitating public access to vital government-held information. The government

is now preparing a commencement order for the ATI legislation.

One of the positives of the law is that the Human Rights Commission is empowered to sanction bodies or individuals that fail to provide information as requested.

However, others argue that Section 40 of the law is problematic, as it gives freedom to the minister to make regulations under the Act.

Critics argue that this should not include the freedom to make additional exemptions of information as noted by Section 40(c).

As currently worded, it would give the minister powers to exempt certain categories and classes of information from disclosure. The categories and classes are not specifically mentioned in the access to information legislation.⁽²⁰⁾

The government is encouraged to put in place effective systems and structures for the successful implementation of this law.

There is need for the speedy strengthening of the Human Rights Commission to effectively carry out its mandate as an oversight institution on matters relating to access to information.

Digital rights

The Cyber Crimes and Cyber Security Act⁽²¹⁾ remains an albatross around the necks of media



The fight for media freedom continues in Zambia

practitioners.

Instead of promoting freedom of expression, it can be argued that the law effectively stifles free expression online.

In its totality, it threatens freedom of the media given some of the excessive provisions it contains, which could allow for arbitrary application or targeting of critical individuals while undermining investigative journalism.

As such, this has created a situation whereby media practitioners perceive a need for self-censorship, especially when interacting with sensitive or politically exposed sources.

The Committee to Protect Journalists and Paradigm Initiative wrote to the UPND government to ask if it was going to honour its pre-election promise “to repeal or reform the Cyber Security and Cyber Crimes Act to ensure journalism is not criminalised and that the media are guaranteed the privacy they require to do their work”.⁽²²⁾

Last year, the government announced that it is reviewing the Cyber Security and Cyber Crimes Act number 20 of 2021 in order to strengthen security online.

The number of cyber attacks, particularly targeting financial service entities such as the Bank of Zambia (BoZ) and the National Pensions Scheme Authority (NAPSA), is also a cause for concern.

According to an opinion piece by the **News Diggers** newspaper of 2 July 2023, around June 2023⁽²³⁾, NAPSA lost four months’ worth of data after hackers compromised their system.

It said the hackers had introduced malware onto the NAPSA website, thereby gaining access to a substantial amount of data and causing disruptions in the organisation’s work.

Regarding the BoZ, its social media platform on *Facebook* was hacked and photos of a woman were posted on the BoZ *Facebook* cover page.⁽²⁴⁾

Community media practice

Zambian community journalists face a myriad of challenges, including difficult labour conditions and poor remuneration.

Politicians, powerful non-governmental organisations and other affluent Zambians use alternative and subtle ways to remunerate

journalists claiming that it is in exchange for favourable coverage and promises of jobs in foreign service or in government to silence quality journalism, particularly community media.

In such an environment, it is difficult for journalism to serve as a public “watchdog” to monitor the political processes.

Therefore, there is need for continuous capacity development for community media journalists to effectively face these challenges,

Climate change and the media

Climate change is a hot topic at the moment, but it’s also one that leaves audiences prone to burnout because climate change stories are always told in the negative, which creates fear.

Rather than telling stories about the negative impact of a changing climate that cause anxiety among audiences, there may be a need for Zambian media to highlight ways that people are responding to these problems.

Furthermore, climate change stories are often considered to be too technical, with media owners preferring to carry stories that sell — such as those about sport, business and politics.

This leaves issues of climate justice being under-reported in Zambian newsrooms, while audiences are left ignorant of the effect and how best they can respond to changing weather patterns, or even how they can effectively scrutinise policy decisions or advocate for meaningful reforms.

“There is a lack of education among reporters on issues to do with climate change. Most of us lag behind when it comes to topical climate change stories. We often rely on press statements because we don’t have the initiative to generate our own ideas and . . . we feel stories to do with climate change are difficult,” said a reporter from one of Zambia’s daily newspapers.

“Most stories concerning land or forestry issues in the country don’t normally carry information addressing key issues surrounding our forests,” another journalist said, referring to the political angle of environmental stories.

“It is common to see headlines such as ‘Politicians differ over mining in lower Zambezi’ or ‘Chief in trouble for awarding land to a mine’,” she said.

According to **Forest News**: “With the right information and support, the media can become better equipped and more interested in developing well-articulated climate change stories.”⁽²⁵⁾

Conclusion

Politically motivated violence against journalists in Zambia is a serious concern, which requires government political will to condemn the attacks, thoroughly investigate these cases and bring those accountable to book.

Impunity for crimes against journalists should not be tolerated in a country whose president has promised to uphold press freedom.

Although the government’s zero rated customs duty for broadcast equipment is a positive move, the Independent Broadcasting Authority’s responses to perceived criticism of the government is most definitely a negative characteristic.”

References

1. <https://www.dailynewsegypt.com/2023/12/27/zambias-president-enacts-access-to-information-law/>
2. <https://diggers.news/local/2023/10/26/journalist-narrates-how-he-got-dismissed-from-daily-mail-over-mealie-meal-photo/>
3. <https://dailynationzambia.com/2023/04/leave-media-alone/>
4. <https://www.lusakatimes.com/2023/04/09/serenje-radio-journalists-attacked-by-suspected-upnd-cadres/>
5. <https://zambianobserver.com/chipata-high-court-upholds-sentence-on-pf-cadre-that-attacked-journalist/>
6. <https://zambia.misa.org/2024/01/10/misa-zambia-applauds-governments-initiative-of-3-year-tax-holiday-on-broadcasting-equipment/#:~:text=The%203%2Dyear%20suspension%20of,innovation%20within%20the%20broadcasting%20sector>
7. <https://www.lusakatimes.com/2023/11/11/catholic-bishops-urge-zambians-to-safeguard-nations-democratic-ideals/>
8. <https://www.lusakatimes.com/2023/05/29/upnd-labels-bishop-alick-banda-and-salangeta-as-political-opponents-dismissing-their-priesthood/>
9. https://kalemba.news/local/2023/10/25/police-arrest-stardy-mwale-sean-tembo-on-sedition-and-hate-speech-charges/?fbclid=IwAR20ESpxTfpxavzW2Y-Fxr8U5J4GpzqQnfoBKYZbnSHsbnrJTRbjrbpJvWQ_aem_Abw9Pyh2ebGayXM-9vCFRSwD1XP7DuTczD8kKd1Yx6eAyE6awyNsJv71iIaA3CZzCQStL92aFBUE-pL1heq_58f7b
10. <https://dailynationzambia.com/2023/05/kawana-storms-radio-programme/>
11. <https://diggers.news/local/2023/08/25/iba-takes-issue-with-kbns-presidential-candidate-news-casters/>
12. <https://diggers.news/local/2023/09/27/iba-writes-to-unza-radio-again-for-allowing-unpalatable-language-on-air/>
13. <https://diggers.news/local/2023/10/18/iba-cautions-hot-fm-over-sishuwa-interview/>
14. <https://communications.amecea.org/index.php/2024/02/09/zambia-yusufu-radio-opens-in-zambia-ushering-in-a-new-era-for-mpika-diocese/>
15. <https://register.misa.org/2023/04/20/journalists-launch-media-pure-self-regulation-mechanism/>

While the enactment of the Access to Information Act is most appreciated, it is hoped with fingers crossed that the Human Rights Commission will be appropriately mandated to fulfil its obligations and the law will not take another three decades to be operationalised.

It is understood that cyber security is a glaring issue, however, increased efforts are required by government and civil society to ensure that legislation in this regard is not misused to silence critical voices or infringe on the rights of privacy.

The media fraternity is to be congratulated for adopting a code of ethics as a critical element of self-regulation to avoid being regulated by the state.

They need to be supported with capacity development to address issues of gender disparity in newsrooms, to overcome the multiple challenges they face and to make climate change more interesting and understandable for their audiences.

16. <https://zambia.misa.org/2018/05/04/ensure-safety-journalists-media-workers/>
17. <https://zambia.misa.org/2023/01/16/misa-zambia-condemns-assault-harassment-of-byta-fm-journalist-by-two-associates-of-green-eagles-football-club/>
18. https://www.sadc.int/sites/default/files/2021-08/Protocol_on_Gender_and_Development_2008.pdf
19. <https://misa.org/blog/misa-welcomes-enactment-of-ati-legislation-in-zambia/>
20. <https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%202%20of%202021The%20Cyber%20Security%20and%20Cyber%20Crimes.pdf>
21. <https://diggers.news/opinion/2023/07/27/the-hacking-at-napsa-boz-pose-a-national-security-risk/>
22. [https://en.sputniknews.africa/20230725/the-mystery-of-the-red-haired-woman-bank-of-zambia-confirms-hacking-of-its-facebook-page-1060761225.html#:~:text=social%20media%20users-,The%20Bank%20of%20Zambia%20\(BoZ\)%20has%20confirmed%20that%20hackers%20have,affecting%20the%20Bank%27s%20Facebook%20page.](https://en.sputniknews.africa/20230725/the-mystery-of-the-red-haired-woman-bank-of-zambia-confirms-hacking-of-its-facebook-page-1060761225.html#:~:text=social%20media%20users-,The%20Bank%20of%20Zambia%20(BoZ)%20has%20confirmed%20that%20hackers%20have,affecting%20the%20Bank%27s%20Facebook%20page.)
23. https://zambiareports.news/2022/11/23/cpj-paradigm-initiative-write-hh-to-honor-promises-on-press-freedom/?fbclid=IwAR07OL73Cfcd-qwbYdNcF_OKmkxiQIEeJ75Ps3C-IeFdpteI3mcpBQZTuPk_aem_AeY1SA3Yacb-POs5gkuDigC1e4lbeCcwFvNwLdX7mFz0S7E0WaFDIkNq1qE9oPK_XjXEXaavZHVtG91sFioUhNU
24. <https://diggers.news/opinion/2023/07/27/the-hacking-at-napsa-boz-pose-a-national-security-risk/>
25. [https://en.sputniknews.africa/20230725/the-mystery-of-the-red-haired-woman-bank-of-zambia-confirms-hacking-of-its-facebook-page-1060761225.html#:~:text=social%20media%20users-,The%20Bank%20of%20Zambia%20\(BoZ\)%20has%20confirmed%20that%20hackers%20have,affecting%20the%20Bank%27s%20Facebook%20page.](https://en.sputniknews.africa/20230725/the-mystery-of-the-red-haired-woman-bank-of-zambia-confirms-hacking-of-its-facebook-page-1060761225.html#:~:text=social%20media%20users-,The%20Bank%20of%20Zambia%20(BoZ)%20has%20confirmed%20that%20hackers%20have,affecting%20the%20Bank%27s%20Facebook%20page.)
26. <https://forestsnews.cifor.org/27297/overcoming-zambias-lack-of-environment-reporting-lessons-from-journalist-training-workshop?fnl=en>

■ ZIMBABWE:

SELF-CENSORSHIP AND ELECTIONS TAKE CENTRE STAGE



■ AUTHOR: **Lesley Moyo**

Introduction

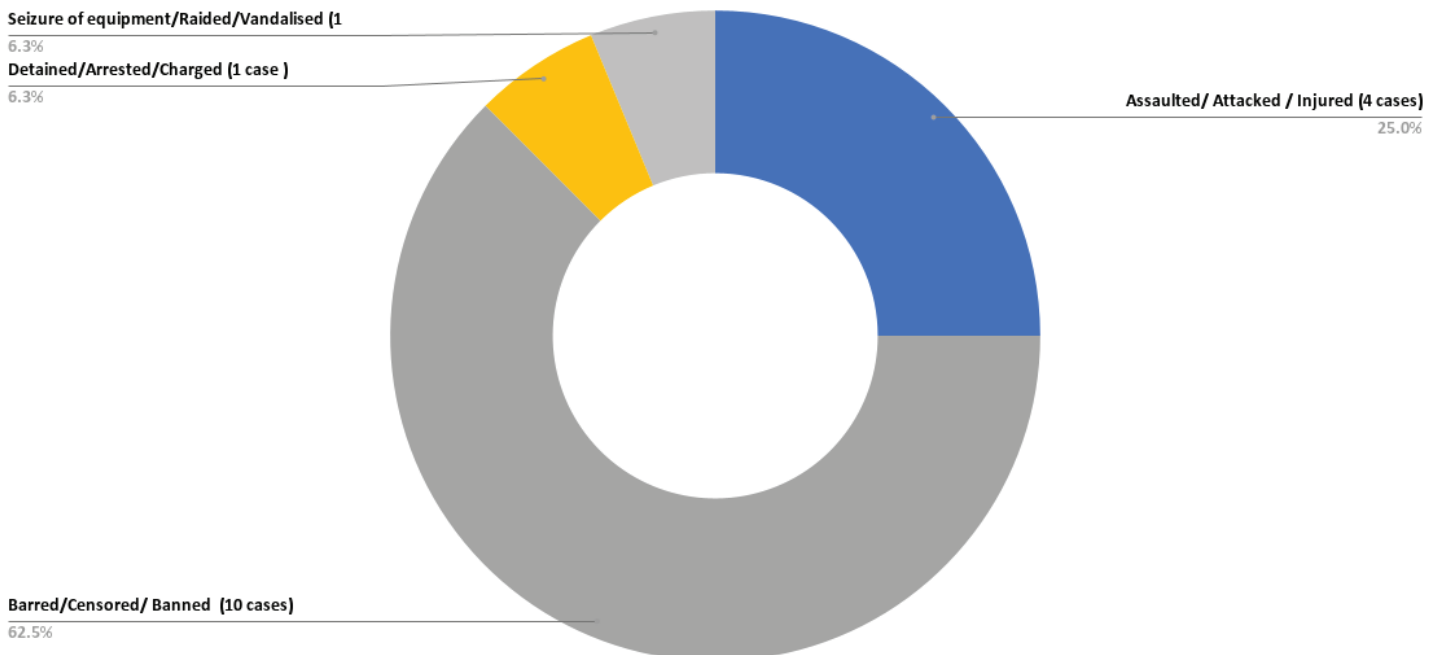
THE general elections of August 2023 in Zimbabwe marked a critical period for the nation — as this part of the electoral cycle is a period historically marred by violence against journalists and media workers.

Past elections had seen attacks on journalists escalating, raising fears that the 2023 elections would be no different.

The 2022 by-elections provided some kind of early warning system, as there were also several attacks against journalists by political parties and the security forces.

Learning from past experiences and from warning signs from the 2022 by-elections, media support organisations took a proactive stance and held discussions with political parties and the police to ensure that the violence of past elections was not replicated in 2023.

Media Freedom Violations 2023 Zimbabwe



This involved engagement meetings with various political parties and the police to apprise them on the role of the media and what could be done to ensure the safety of journalists during elections.

These concerted efforts paid off, as the election period passed without any reported harassment of journalists by security forces or political factions — a significant victory for the advocacy work carried out.

Nevertheless, this positive outcome may also reflect a concerning trend of self-censorship among media professionals — following decades of being intimidated, harassed, and arrested by state authorities.

While it is difficult to measure self-censorship, the possibility that journalists are muting their reporting to avoid conflict cannot be overlooked.

Safety of journalists

Zimbabwe recorded a marked reduction in the number of recorded attacks against journalists in 2023.

This was partly due to the advocacy efforts of media support organisations that engaged the police and political parties ahead of the elections.

Led by the Media Institute of Southern Africa's Zimbabwe chapter (MISA-Zimbabwe), media support organisations held meetings with police commanders throughout the country's 10 provinces.

This went a step further in provinces that are seen as hotspots for violence against journalists such as Bulawayo, Harare, Masvingo and Midlands, where several meetings were held in an effort to reduce media violations as well as build an understanding between journalists and the security services. This safety mechanism is known as the Police Media Action Plan.

To add onto this, MISA Zimbabwe developed a pledge for ethical reporting for journalists to endorse. The idea of the pledge was to build trust between journalists and their audiences.

There is general consensus across the world that trust in the media has diminished over the years, particularly with mushrooming of content creators and the rise in state-sponsored misinformation and disinformation. ⁽¹⁾

Thus, by committing to the pledge on ethical reporting, journalists were committing to

building trust between themselves and their sources. ⁽²⁾

On the other hand, the Zimbabwe Media Commission (ZMC) in collaboration with the UNESCO Regional Office for Southern Africa, (UNESCO-ROSA) produced a peace reporting manual.

This manual was distributed to all newsrooms and to freelance journalists across the country. ZMC also trained a number of journalists on their safety during elections. ⁽³⁾

One of the issues that emerged during these initiatives was that journalists were not visible during public disturbances.

Police said that in their quest to quell public disturbances and riotous situations, journalists were often caught in the crossfire.

To remedy this, UNESCO and ZMC, in collaboration with MISA, distributed press jackets nationwide to enhance the visibility of journalists and protect them from inadvertent harm.

All these initiatives, brought together, helped reduce the number of attacks on journalists in 2023, particularly during the elections.

While the issue of the safety of journalists remains high on the agenda, Zimbabwean civil society, working with the police and the executive, through ZMC, have provided a blueprint for what can be done to reduce attacks on journalists.

While these interventions were ad hoc, with a particular focus on the elections, there is need for a more sustained approach to ending violence against journalists.

In future, there is a need to work with the judiciary, with the aim being to end impunity for crimes against journalists as perpetrators of crimes against journalists often go unpunished.

Developments in law

President Emmerson Mnangagwa assented to amendments to the Criminal Law (Codification and Reform) Act, popularly known as the "Patriot Act".

The law has been criticised for having limitations on freedoms of expression and assembly, which are guaranteed in the constitution and for severely limiting civil liberties.

The newly enacted law criminalises statements or participation in meetings that “wilfully injure the sovereignty and national interest” of the country.

In analysis of the legislation that was signed into law in July 2023, MISA Zimbabwe pointed out that the provisions are vaguely worded and are open to misinterpretation and abuse, given their potential to be widely interpreted.

The rule of law requires that criminal laws be clear and precise so that everyone knows when they are breaking the law as opposed to leaving them to conjecture. ⁽⁴⁾

On the other hand, the Private Voluntary

Organisations Amendment Bill continues to hang like the sword of Damocles over the heads of civil society and activists in the country.

The Bill passed through all stages of Parliament in 2023 and was transmitted to the president for signing into law. ⁽⁵⁾

President Mnangagwa declined to sign the bill and returned it to the legislature. However, President Mnangagwa has indicated that the legislature should complete consultations on the bill and bring it back to him as soon as possible.

For this reason, there are fears that when the Bill is reintroduced, it could further shrink civic space.



Politicians Fadzayi Mahere and Job Sikhala were convicted for transmitting false messages. Mahere was convicted on 5 April 2023. She had been charged under section 31 of the Criminal Law (Codification and Reform) Act with “publishing or communicating falsehoods” after she posted on X (formerly Twitter) a viral video of a woman tussling with a police officer with a motionless baby in her hands in January 2021.

The Zimbabwean constitution provides for statutory regulation of the media. However, advocacy organisations and journalists have been calling for self-regulation, which has been challenging as there is no political will for a self-regulatory mechanism.

Thus, in an effort to find middle ground, stakeholders in the sector have all, but agreed to co-regulation, where the media is self-regulatory and the statutory body, ZMC, acts as the appellate body in cases of disputes.

At the end of 2022, the government approved the principles of the Zimbabwe Media Practitioners Bill, raising hope that the co-regulation mechanism would soon come into fruition. ⁽⁶⁾

However, with elections taking centre stage in 2023, the legislative agenda soon fell down the pecking order and the bill never made it to parliament.

There are efforts to revive the Bill and it remains to be seen whether the new government that came into power in 2023 after the elections has any appetite for such reforms.

Digital rights and the expansion of communications sector

The internet has increasingly become central to communication in Zimbabwe. The COVID-19 pandemic saw most mainstream newspapers migrating to online platforms, while there has been a steady growth in online media start-ups.

However, the Cyber and Data Protection Act, together with the Interception of

Communications Act, continue to pose a threat to access to information online.

The Interception of Communications Act, which is yet to be aligned to the 2013 constitution, allows surveillance of any individual and this poses a threat to journalists and whistle-blowers.

Surveillance under the Interception of Communications Act is carried out with the authority of a minister rather than a judge, raising the possibility that this provision could be abused for political reasons. ⁽⁷⁾

A provision in the Cyber and Data Protection Act, which criminalises the publication of false data messages intending to cause harm, has been used against several journalists such as Wisdom Mdzungairi, Desmond Chingarande, Thembelihle Mhlanga and Hope Chizuzu.

While they have all been summoned for questioning by the police for breaching the provisions of this law and charged, they have not yet been prosecuted.

In January 2024, a civilian was arrested for once again publishing falsehoods online. Politicians Fadzayi Mahere and Job Sikhala were convicted for transmitting false messages.

The Cyber and Data Protection Act on one hand and Section 31(a)(iii) of the Criminal Law Code on the other, engender self-censorship and restrict freedom of expression online.

In February 2024, Mahere was acquitted, with the High Court ruling that she had been charged under a non-existent law.

It is important to note that the Constitutional Court has in the past ruled that criminalising the publication of falsehoods. ⁽⁸⁾

In 2013, then Deputy Chief Justice Luke



Journalist Desmond Chingarande has also fallen victim to a provision in the Cyber and Data Protection Act, which criminalises the publication of false data messages intending to cause harm

Malaba ruled that: “The fact that a person has told lies to others on any subject matter should not be of concern to the State.”

The Constitutional Court further ordered the striking down of provisions that criminalised the publication of falsehoods. With that context, it is surprising that the government still criminalises the publication of falsehoods and such cases are entertained by the courts.

It is also important to note that the High Court ruled in 2021 that the Section 31(a)(iii) of the Criminal Law (Codification and Reform) Act that had been used to charge journalist Hopewell Chin’ono for allegedly publishing false information was non-existent. ⁽⁹⁾

This raises the question on why the State went ahead with charging and convicting politicians in 2023 on a law that had been said to be non-existent about two years before.

Zimbabwe has a history of throttling or blocking the internet.

Ahead of the 2023 elections, the internet in Zimbabwe was degraded. There are different reasons that were given for the degradation of the internet.

Internet watchdog NetBlocks reported that internet service had been throttled in Zimbabwe on the eve of the country’s general elections.

The degradation had affected customers of leading internet service providers including NetOne, Econet, TelOne and Liquid. ⁽¹⁰⁾

However, a different school of thought said that some undersea cables had been damaged on August 8, 2023 and this could have been the reason for the degradation of the internet. ⁽¹¹⁾

In 2016, the government cut off access to social media sites following demonstrations organised by *#ThisFlag* — a protest movement. ⁽¹²⁾

In 2019, the country was engulfed by demonstrations following an increase in fuel prices. ⁽¹³⁾

This led to a weeklong internet shutdown that was ended by the High Court following an application by the Zimbabwe Lawyers for Human Rights and MISA.

The Zimbabwe Lawyers for Human Rights and MISA sought to have the internet shutdown declared unlawful.

In 2022, there were reports that the internet

had been throttled ahead of the launch of the opposition Citizens Coalition for Change party. ⁽¹⁴⁾

Furthermore, the then Information, Publicity and Broadcasting Services minister Monica Mutsvangwa, told an Internet Governance Forum meeting in Addis Ababa, Ethiopia, that shutting down the internet during conflicts was “justified to prevent digital platforms and social media from spreading propaganda and fake news, which might result in bloodshed”. ⁽¹⁵⁾

This raised the spectre that the Zimbabwean government could resort to an internet shutdown ahead of elections.

Media pluralism

The age-old problem of State media bias was again evident in 2023 and the past election. Despite legal and constitutional provisions detailing how the State-owned **Zimbabwe Broadcasting Corporation (ZBC)** should operate, particularly during elections, it remains defiant. ⁽¹⁶⁾

The broadcaster retained its position of bias, with the European Union Electoral Observer Mission (EU-EOM) noting that **ZBC-TV** devoted more than two-thirds of its news and current affairs coverage to President Mnangagwa, and the current government.

On the other hand, **ZBC**-owned radio stations gave the ruling party almost all their election-related airtime. ⁽¹⁷⁾

The Southern African Development Community (SADC) Election Observer Mission (SADC-EOM) noted that State media was unfair against the opposition, in that it “the content of the public broadcaster and the state-owned newspapers were in favour of one political party, contrary to the relevant provisions of the [Zimbabwean] constitution, the Electoral Act, and the Revised SADC Principles and Guidelines Governing Democratic Elections, which requires State-owned media to be impartial.” ⁽¹⁸⁾

The report went on to point out that it had noted some improvements compared to the 2018 electoral processes.

The Zimbabwe Electoral Commission (ZEC) is mandated by law to set up a committee that monitors the operations of the media during elections.

ZEC is also mandated to produce a report on the conduct of the media during elections. This

will help in addressing issues of media bias.

However, as the 2023 elections drew closer, ZEC became increasingly inaccessible, and this prompted complaints from the EU-EOM.

Efforts to reform the public broadcaster in Zimbabwe have all but hit a brick wall. In 2019, a process to amend the Broadcasting Services Act with the state broadcaster and other media stakeholders was halted over what were described as “contentious issues”.⁽¹⁹⁾

Journalists in small towns and rural areas

One of minister Mutsvangwa’s lasting legacies as head of the Information, Publicity and Broadcasting Services ministry is that she oversaw the licensing of a total of 14 community radio stations during her tenure.

While the licensing of community radio stations is expected to improve access to information and public participation in issues affecting them, the reality is that most of these stations are not sustainable and have been hamstrung by the legislative framework.

Until mid-last year, community radio stations were forbidden from accepting advertising from commercial entities. This severely affected their ability to raise money to sustain their operations.

The government then promulgated Statutory Instrument 120 of 2023, which allows community radio stations to offer advertising to commercial entities whose business operations are conducted within the licensee community.

It is important to note that community radio stations operate in usually marginalised communities, meaning that there are not many commercial enterprises in those areas.⁽²⁰⁾

Therefore, while Statutory Instrument 120 of 2023 might bring about some relief, it is not enough to improve the sustainability of community radio stations.

Adding to the issue of limited resources, community radio stations are often manned by volunteers.

Due to an inability to offer remuneration, most community radio stations grapple with high staff turnover and that affects their ability to operate.

Thus, community radio stations are in need of continuous capacity building efforts, while at

the same time they ponder on a skills retention strategy.⁽²¹⁾

Gender and the media

Sexual harassment and other abuses of female journalists are reportedly high, but this is an area that needs more research.

A Friedrich Naumann Foundation (FNF) study (2023) attempted such research, which could be a baseline for future studies.⁽²²⁾

According to the FNF study, three in four women (73.42 percent) in the media reported they had been verbally harassed.

In another survey done by Women in News in 2021, 41 percent of women said they have experienced this harassment in Zimbabwe.

Action taken by media organisations is limited, with the most common response being a warning to the accused, reported fact checking platform, **ZimFact**.⁽²³⁾

The Zimbabwean media landscape was rocked by allegations of sexual harassment in September 2023 after a female staffer accused then **Zimbabwe Broadcasting Corporation** director of radio services Robson Mhandu of sexual harassment.

Mhandu was accused of soliciting for sex from the female staffer before he could sanction her move from Bulawayo to Harare.⁽²⁴⁾

The matter blew up on social media leading to Mhandu’s suspension. He was also due to be brought before a disciplinary committee.

In 2024, the broadcaster announced that Mhandu’s contract would not be renewed.⁽²⁵⁾

Globally, according to a UNESCO-ICFJ report, at least 73 percent of women have experienced abuse online.

The report pointed out that 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 afford to be normalised or tolerated as an inevitable aspect of online discourse, nor contemporary audience-engaged journalism. ⁽²⁶⁾

A yet to be published report carried out by MISA-Zimbabwe reports how female journalists tend to post less over time.

This could be attributed to the chilling effect based on their experience on social media although this study does give reasons for this reduction.

Conclusion

The regulatory and operating environment is quite constraining in Zimbabwe, giving rise to self-censorship. Offline and online abuse of female journalists could also be contributing to self censorship.

References

1. *Rebuilding Trust in Media: Conference for Media Practitioners, Academics, and Policymakers* <https://www.unesco.org/en/articles/rebuilding-trust-media-conference-media-practitioners-academics-and-policymakers>
2. *Zimbabwean media pledge to uphold ethical standards in covering 2023 election* <https://zimbabwe.misa.org/2023/08/16/zimbabwean-media-pledge-to-uphold-ethical-standards-in-covering-2023-election/>
3. *Elections reporting and peace journalism manual* <https://unesdoc.unesco.org/ark:/48223/pf0000385484>
4. *Criminal Law (Codification and Reform) Amendment Bill: Is history repeating itself?* <https://zimbabwe.misa.org/2023/06/21/criminal-law-codification-and-reform-amendment-bill-is-history-repeating-itself/>
5. *UN experts urge President of Zimbabwe to reject bill restricting civic space* <https://www.ohchr.org/en/press-releases/2023/02/un-experts-urge-president-zimbabwe-reject-bill-restricting-civic-space>
6. *Cabinet okays 2 media bills* <https://www.herald.co.zw/cabinet-okays-2-media-bills/>
7. *The authoritarian roots of Zim's surveillance laws* <https://www.newsday.co.zw/theindependent/opinion/article/200021984/the-authoritarian-roots-of-zims-surveillance-laws>
8. *SC14-13 - CONSTANTINE CHIMAKURE and VINCENT KAHIYA and ZIMIND PUBLISHERS (PVT) LTD vs THE ATTORNEY-GENERAL OF ZIMBABWE* <https://lawportalzim.co.zw/cases/civil/691/constantine-chimakure-and-vincent-kahiya-and-zimind-publishers-pvt-ltd/the-attorney-general-of-zimbabwe>
9. *Judge ends Persecution of Chin'ono in Landmark Decision which Humiliates Magistrate Ncube* <https://www.zlhr.org.zw/?p=2356>
10. *Ahead of Wednesday's general elections, Zimbabweans are experiencing internet disruption* <https://techcabal.com/2023/08/22/zimbabwe-internet-disruption/>
11. *No, the Zimbabwean govt has not disrupted the internet ahead of election day, it's something else* <https://www.techzim.co.zw/2023/08/no-zim-govt-has-not-disrupted-internet-ahead-of-elections-its-something-else/>
12. *Zimbabwe shutdown: What is behind the protests?* <https://www.bbc.com/news/world-africa-367764>
13. *Zimbabwe protests after petrol and diesel price hike* <https://www.bbc.com/news/world-africa-46862194>
14. *Internet slowdown limits coverage of Zimbabwe opposition rally* <https://netblocks.org/reports/internet-slowdown-limits-coverage-of-zimbabwe-opposition-rally-oy9Ykoy3>

Self-censorship is a result of sustained intimidation and threats, which often lead to journalists toning down on what stories they cover.

The arrests of journalists for allegedly publishing false data messages or contravening the Cyber and Data Protection Act have a chilling effect on how journalists operate and post online.

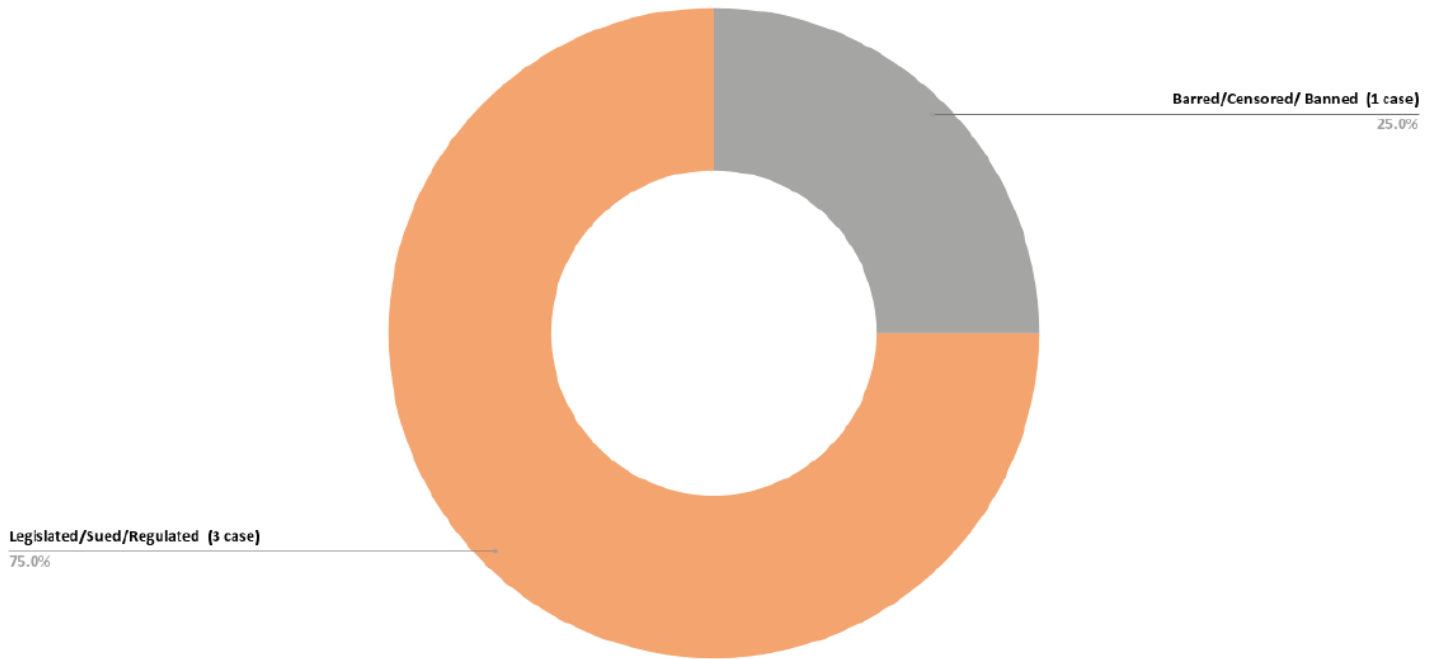
A lot of commendable work has been done in engaging security services over the safety of journalists.

This could be a blueprint for a safety mechanism for journalists both in Zimbabwe and the region. It is imperative that engagements between the police and journalists be sustained over the coming years so that the gains of the past year are not reversed.

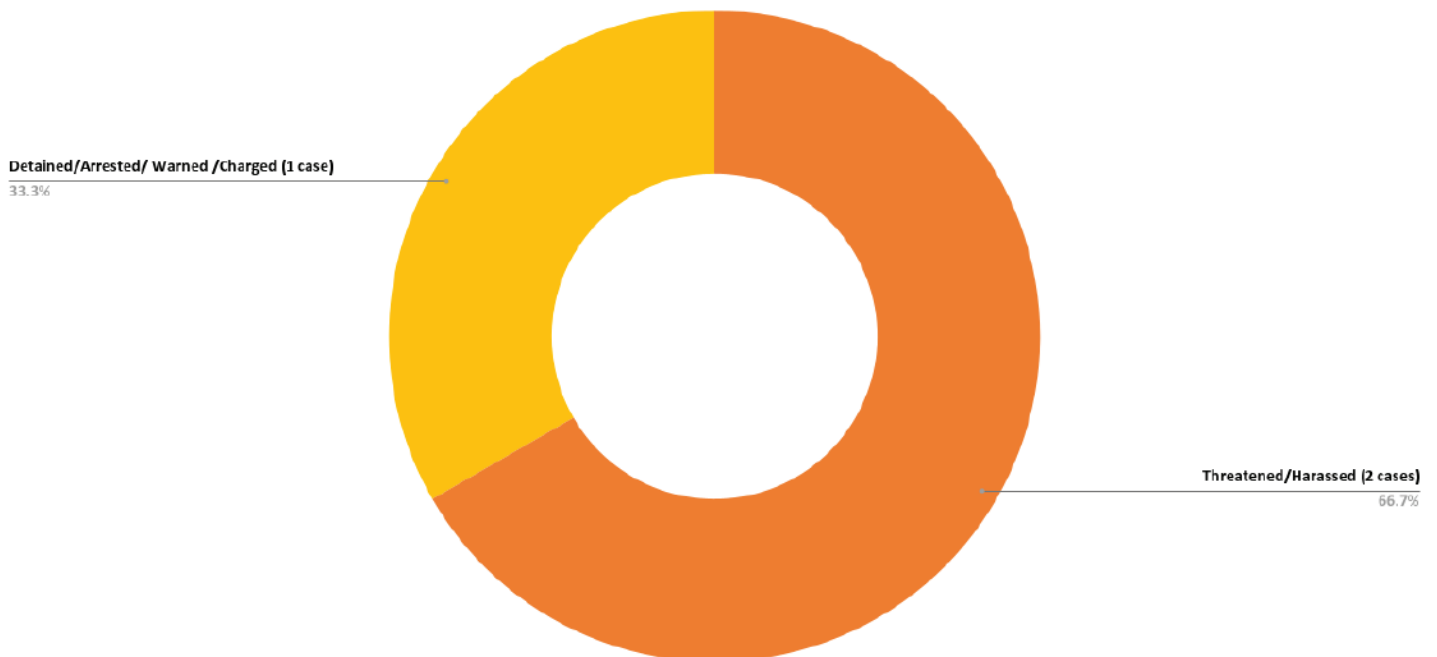
15. *Conflict-induced digital shutdowns lawful* <https://www.herald.co.zw/conflict-induced-digital-shutdowns-lawful/>
16. *Request for implementation plan for fair and balanced coverage during elections* <https://zimbabwe.misa.org/2022/01/26/request-for-implementation-plan-for-fair-and-balanced-coverage-during-elections/>
17. *European Union Election Observation Mission Zimbabwe* <https://eeas.europa.eu/sites/default/files/documents/2023/250823-EU%20EOM%20PS%20ZIM.pdf>
18. *Preliminary statement* https://www.sadc.int/sites/default/files/2023-08/ZIMBABWE%20SEOM%20-2023%20PRELIMINARY_STATEMENT-Revise%20adopted-25%20August%202023%2012pt.pdf
19. *Joint statement on the media law reforms processes and engagements* <https://zimbabwe.misa.org/2019/04/03/joint-statement-on-the-media-law-reforms-processes-and-engagements/>
20. *14 newly licensed radio stations form association* <https://www.chronicle.co.zw/14-newly-licensed-radio-stations-form-association/>
21. *A New Era or Error? Community Radio Licensing in Zimbabwe: Issues, Dynamics, and Sustainability Challenges* https://www.researchgate.net/deref/https%3A%2F%2Fdoi.org%2F10.1080%2F19376529.2023.2246140?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmXpY2F0aW9uIiwicGF-nZSI6InB1YmXpY2F0aW9uIiwicHJldmlvdXN0YXWdlIjoicHVibGJjYXRpb24ifX0
22. *Coming out of the shadows: The untold stories of sexual harassment in Zimbabwe's media* <https://cloud.freiheit.org/index.php/s/7SdSZK6dwKLGbGS>
23. *Factsheet: Sexual harassment in Zimbabwe Media* <https://zimfact.org/factsheet-sexual-harassment-in-zimbabwe-media/>
24. *ZBC investigates 'sex pests'* <https://www.newsday.co.zw/southerneye/local-news/article/200018306/zbc-investigates-sex-pests>
25. *ZBC CEO resigns* <https://www.herald.co.zw/zbc-ceo-resigns/>
26. *The Chilling: global trends in online violence against women journalists; research discussion paper* <https://unesdoc.unesco.org/ark:/48223/pf0000377223>

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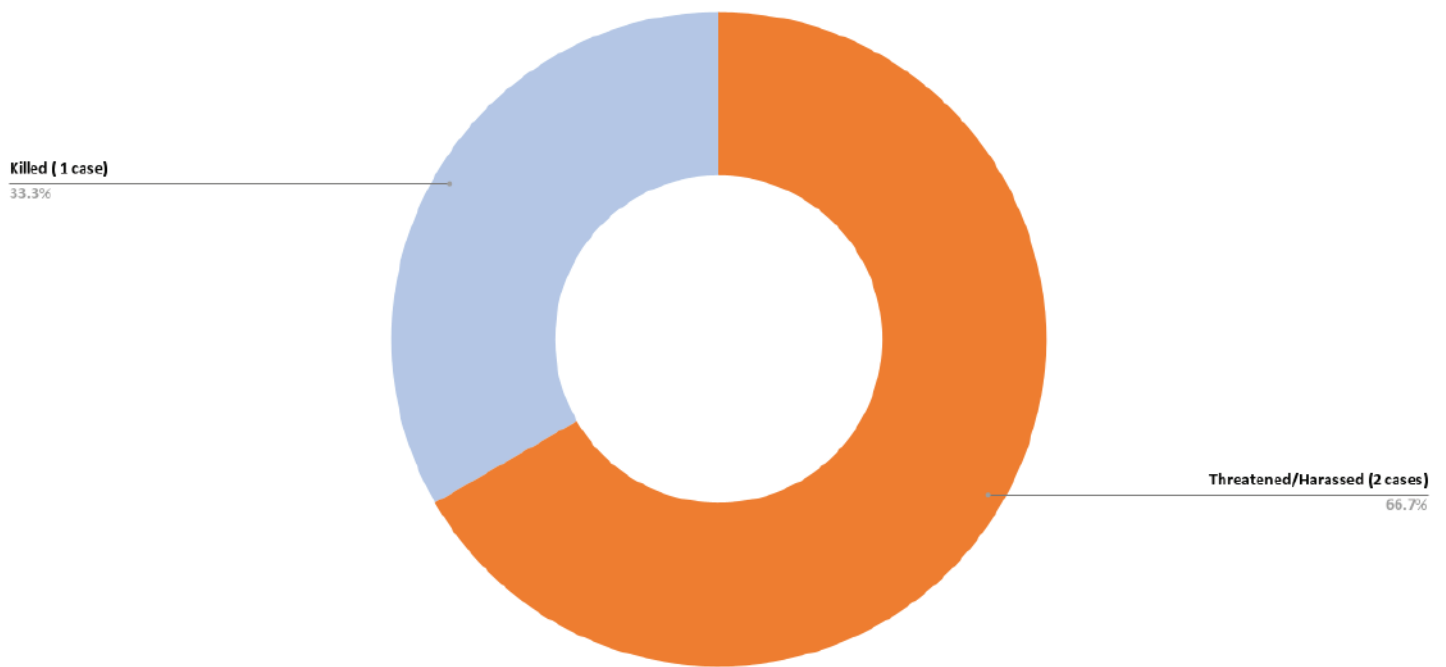
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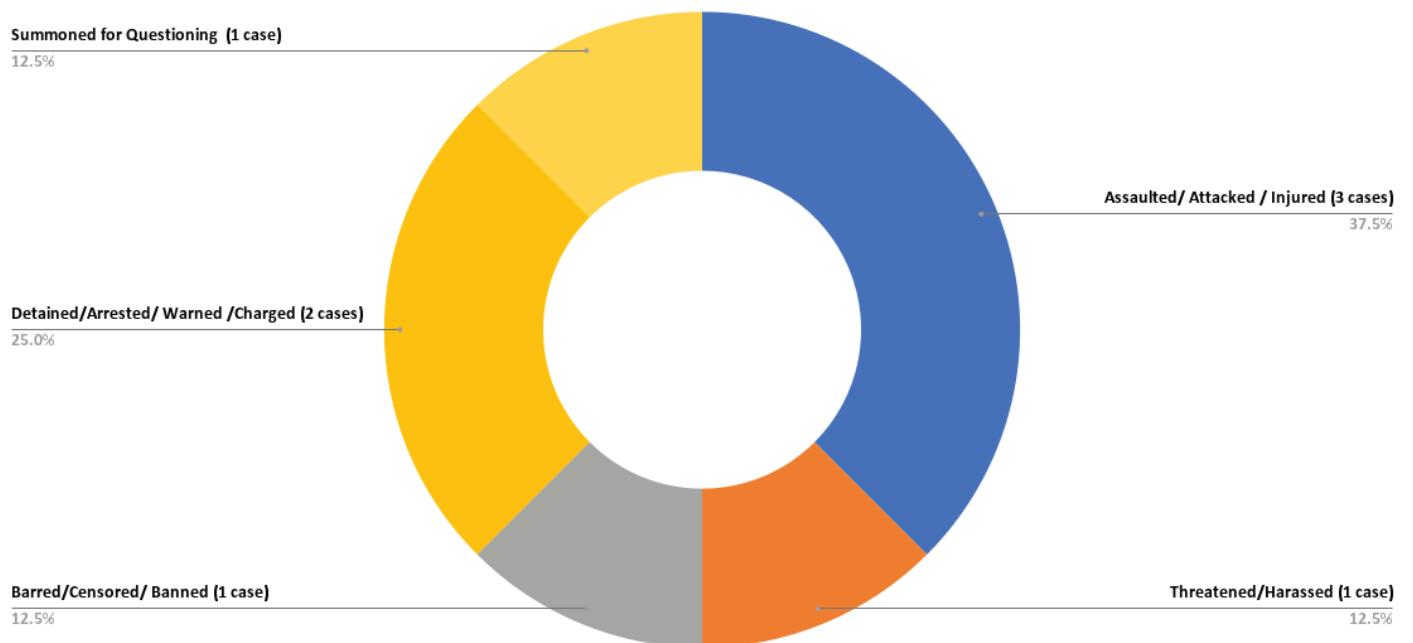
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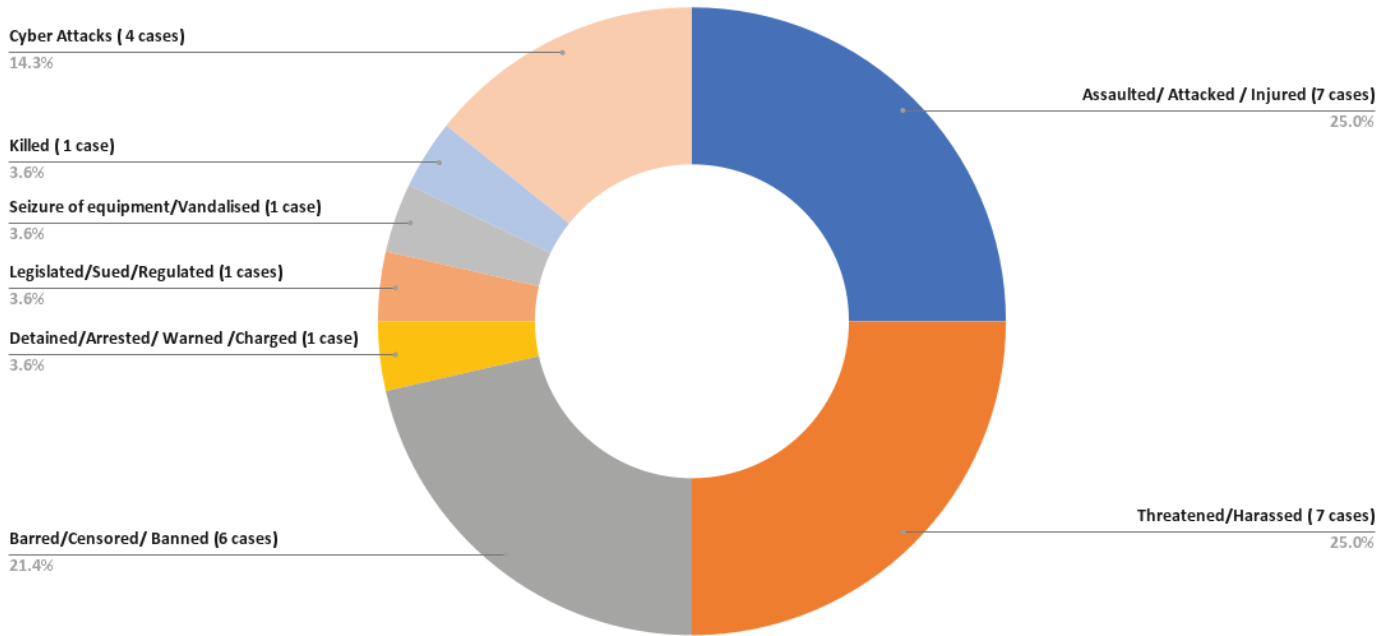


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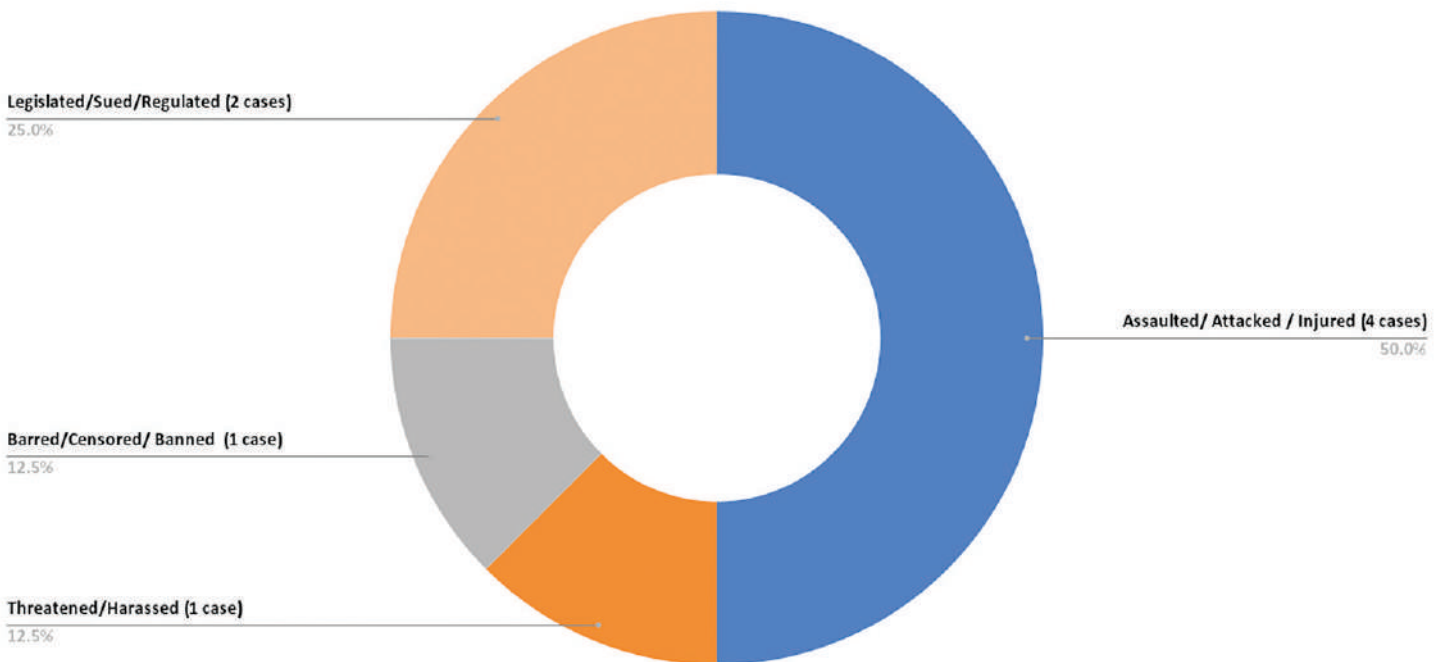
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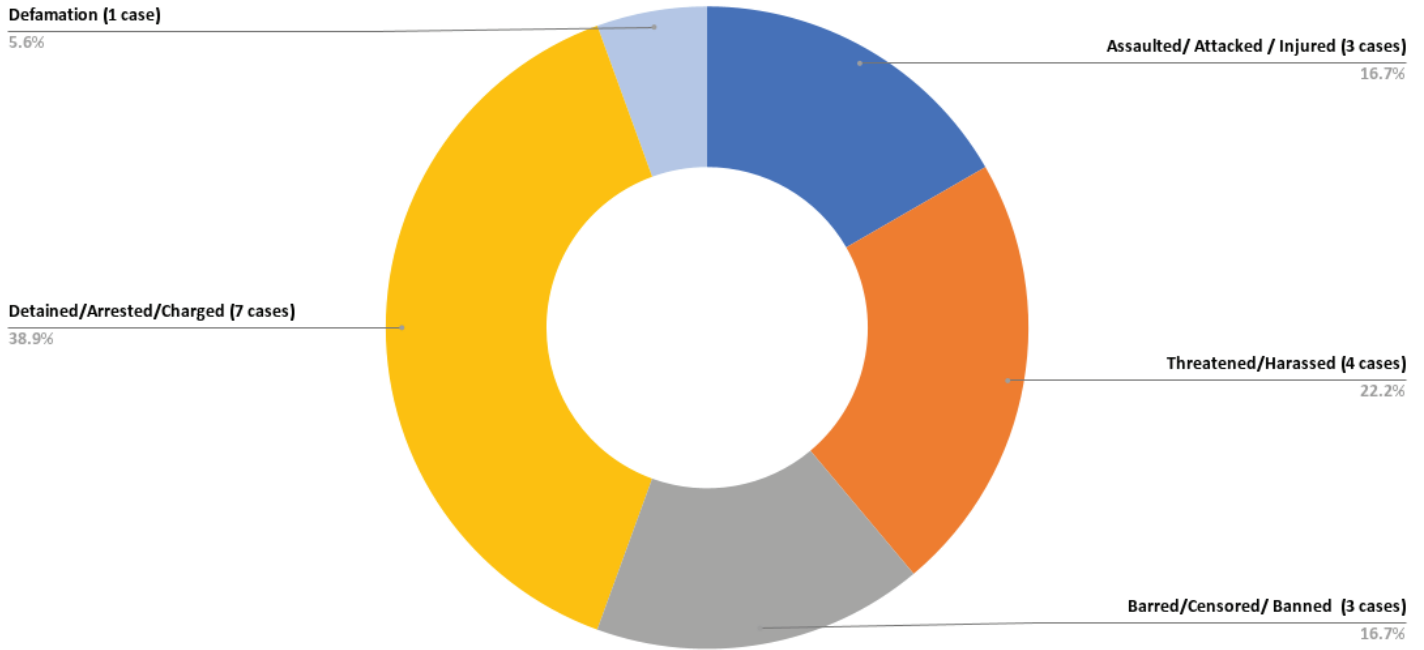


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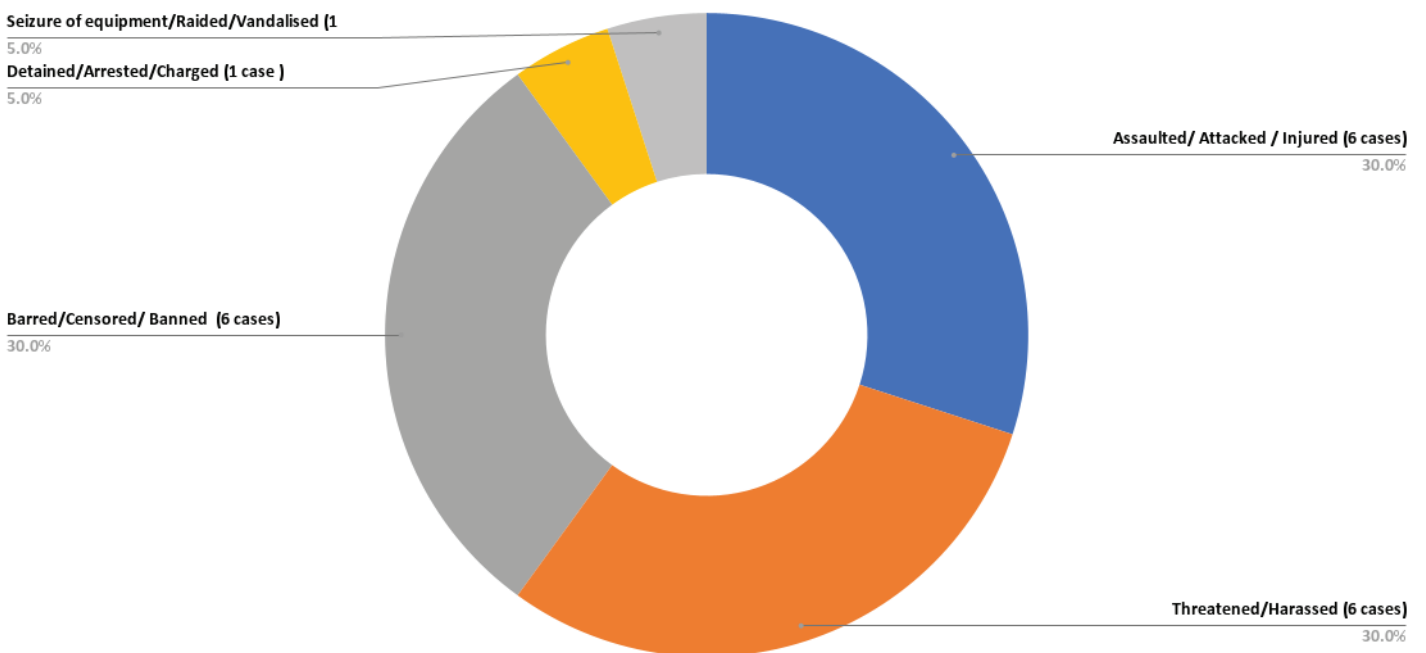
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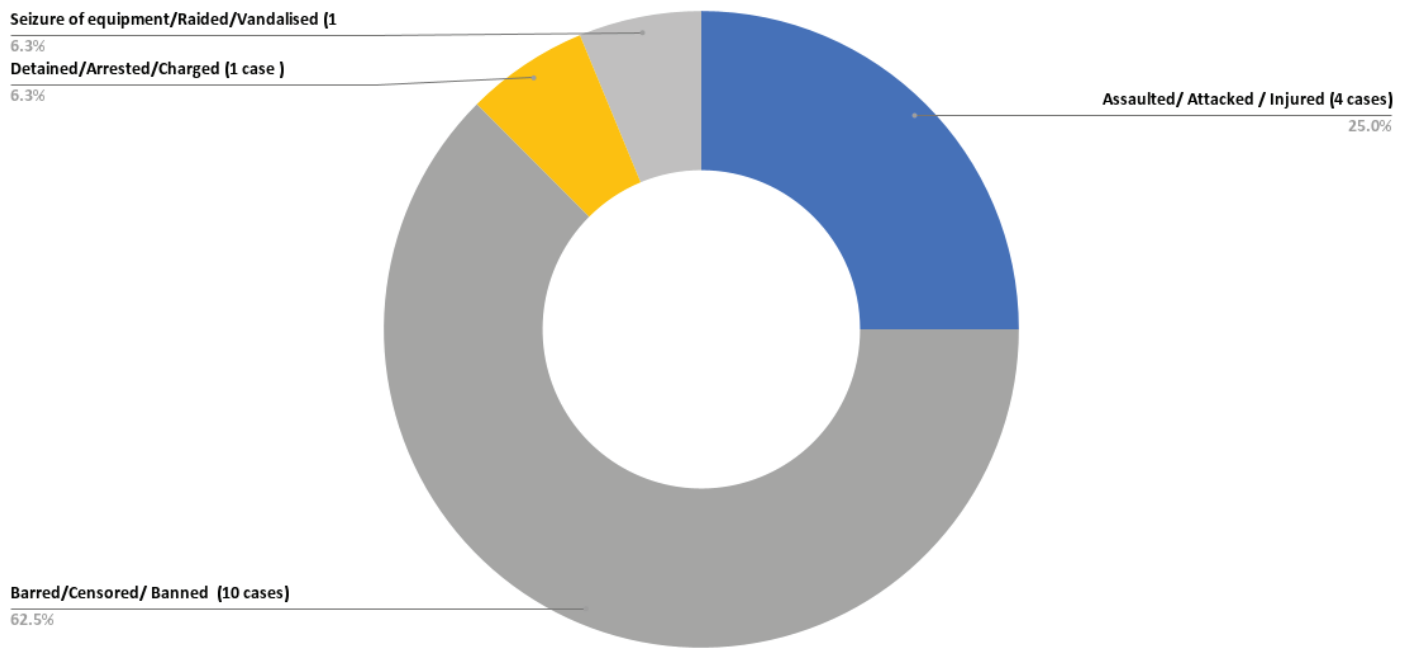
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