State of media freedom in Southern Africa 2011
Isaac Kambwiri, a journalist with Malawi’s Capital FM, fell victim to police brutality during the July 20/21 mass demonstrations against the repressive regime of late president, Bingu wa Mutharika whose failed policies and mismanagement had seen Malawi face its worst economic crisis since Independence, leading to social unrest. (pic: supplied by Kondwani Munthali - http://munthalikondwani.blogspot.com/)
By publicly revealing abuses against the media and by acting on behalf of imprisoned and threatened journalists, MISA strives to secure the safety of the journalists who – through their work seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights.

This 18th edition of So This Is Democracy? documents numerous media freedom and freedom of expression violations that MISA recorded in Southern Africa during the course of 2011. The critical monitoring and research function is at the core of MISA’s work throughout Southern Africa and closely linked with decisive action, both in terms of practical support to journalists and media policy advocacy. It is this gathering of evidence that has positioned MISA as the main driver of media policy reforms in the region over the last two decades.

Having said that, it remains essential to mention that an organisation consists of individuals. In this case MISA’s network of media monitoring and advocacy officers throughout Southern Africa, as well as its regional monitoring and research staff must be acknowledged for their dedication. Additionally, we acknowledge the support of our funding partners - Danida, Sida and Norad who have supported our work in Southern Africa for more than 17 years.

Celebrating 20 years of media freedom monitoring and advocacy

2012 is an important year for our organisation as we celebrate our 20th anniversary. MISA was established in 1992 in response to the Unesco-sponsored Windhoek Declaration of 1991. It was then mandated by concerned journalists to implement decisions adopted under the declaration in the Southern African region.

It is our sincere wish that journalists and media institutions remain confident in MISA and its ability to articulate their concerns and advocate for an environment that facilitates professional and accountable media operations. We are ever mindful of the vital role of the media to safeguard and promote our democracies, and will continue capacitate media professionals and ultimately our citizens, so that we may all evolve from being subjects to active citizens who engage in the governance of their countries.

Aluta continua!

Zoe Titus
Regional Director
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The list and definitions of classifications in “So This Is democracy?” - which makes up the bulk of the content of this book - are assigned to specific categories. Actual alerts issued by MISA are indicated by the ALERT in the top right hand corner of the entry. In all, there are eleven categories:

- Beaten
- Bombed
- Censored
- Legislated
- Detained
- Expelled
- Killed
- Sentenced
- Threatened
- Victory
- Others

As indicated above, the categories are arranged in alphabetical order. Below is a description of each category. Each category captures a fairly broad range of incidents, and more than just the single word it is represented by. Nevertheless, each category is an accurate summation of incidents that are not too dissimilar with respect to their nature and the manner in which they affect the individual media workers and/or the media in general. Except for victory, the categories make up a list of the various types of violations media workers can experience during the course of or as a result of their work:

**Killed** - This tops the list in terms of severity, and there is no need to explain why. Included under this category, however, are incidents where journalists have been kidnapped or gone missing, and have disappeared. For the purpose of this publication, that means that any incidents involving the latter will add to the statistics of this category. The statistic given is for the number of media workers involved, as opposed to the number of incidents reported.

**Beaten** - This includes incidents where journalists are assaulted, attacked physically, tortured, or wounded during the course of their work. The statistic...
given is for the number of media workers involved.

**Bombed** - This includes incidents where a home of a journalist or the office of a media house/outlet/organisation is sabotaged through bombing, arson, vandalism, theft, or is raided or occupied forcibly. The statistic given is for the number of media workers or media organisations involved.

**Detained** - This involves a media worker being put behind bars. It can be legal or illegal and includes being sentenced to a jail term or being detained (without charge, incommunicado, preventative, arrest). The statistic given is for the number of media workers involved.

**Censored** - This is where information is suppressed or prevented from being published, or where media workers are somehow or other prevented from getting their information out. It involves straightforward censorship such as a banning, a gagging order, order for excisions, preventing the publication of information through legislative restrictions, e.g. public officials or the courts, and interdicts, court orders or civil litigation resulting in the suppression of information. It also involves a publication or broadcaster or programme being shut down or suspended, as well as incidents where equipment and/or materials are confiscated. The statistic given is for the number of media workers or media organisations involved.

**Expelled** - This category relates to the free movement of media workers. It involves incidents where journalists are expelled from a country, are prevented from entering a country (denying of Visas, work papers or accreditation), are prevented from leaving a country, are barred from travelling into a country or from entering certain areas, and generally inhibited from moving freely in order to perform their work. The statistic given is for the number of media workers involved.

**Legislation** - This relates to all aspects of the legislative process and the application of common law. It includes instances where official proposals are made for new laws, legislation is passed, laws are amended or struck down either in parliament or by the courts, and civil litigation is instituted against media. This category is not all about violations, since there can be legislation that enhances media freedom and freedom of expression. This has been pointed out accordingly through the descriptive terms ‘threatening legislation’ and ‘positive legislation’. The statistic given is for the number of incidents reported under this category, as opposed to the number of media workers or media organisations involved.

**Sentenced** - This is when a judgement is handed down against a media worker involving either a prison term or a fine. The statistic given is for the number of media workers involved.
**Threatened** - This involves a threat from a public official, a death threat, various forms of harassment (such as veiled warnings, threats of action, or interference in editorial processes), or journalists being questioned or interrogated on their sources. The statistic given is for the number of media workers or media organisations involved.

**Victory** - This is self-explanatory in terms of its implication for the media, but involves different types of incidents. Some incidents falling under this category have immediate implications for individual media workers or media organisations (being released unconditionally, having charges dropped, winning or avoiding civil litigation, overturning gagging orders and acquittal on criminal charges), while others have broad implications that advance media freedom, access to information or freedom of expression in general (favourable policy statements from public officials, the adoption of media-friendly laws or policies, favourable and precedent-setting court judgements, and favourable procedures and decisions by statutory or other bodies dealing with matters of media content or freedom of expression). The statistics given is for the number of incidents reported under this category.

**Other** - These are incidents which do not necessarily involve the media, but which affect aspects of freedom of expression or speech in general. These can involve cases of sedition against a member of the public, a general curb on free speech, parliamentary speech or access to information (e.g. matters involving the internet, pornography, hate speech, political speech), a violation of the right to freedom of assembly and protest, or an incident relating to artistic or academic freedom. Incidents involving the media, which do fall under this category, involve that of media pluralism (a publication closing down because of financial reasons) or incidents involving access to the public media. The statistic given is for the number of incidents reported under this category.
State of media freedom in Southern Africa

Regional Overview

By Levi Kabwato
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Introduction

The November 2011 passing of the Protection of Information Bill (POIB) in South Africa aptly captures the state of media freedom in southern Africa during the year under review. Contemporary experience in the region shows that governments, including those deemed to be progressive – like South Africa – are increasingly becoming secretive, hindering access to information and expressing more fervent desire to exercise political oversight of the media.

The regional symbolism of the POIB development, which comes against the backdrop of a proposal by the ruling (South Africa) African National Congress (ANC) to institute a Media Appeals Tribunal (MAT), is not impotent. As was highlighted on these pages in the 2010 report, “threats and harassment of media workers in South Africa [are] particularly damaging and [resonate] far beyond [the country as it is] a leading economic and political force in the region as a whole.”

The concern, therefore, is that “what happens in South Africa is easily a justification for similar policies and actions in other countries in the region and elsewhere.” Hence, with a policy conference coming in 2012, followed by an elective conference in the same year, how the ANC defends its MAT proposal and also respond to the public’s criticisms of the POIB will be of key interest.

Democracy, Constitutionalism and Media Freedom

In a way, debates in South Africa show the challenges facing all democracies in the region, especially when tested against the claim that democracy is a prerequisite to development. Throughout the region, this is the accepted discourse; that development goes hand-in-hand with democracy and the two cannot be separated. In fact, most – if not all – media in the region have organised themselves around this idea, whether state-owned or private. Hence, any attempts to restrict media freedom or narrow the spaces of freedom of expression, when they are made apparent, are always analysed within the context of their negative impact on development.

In Southern Africa all countries are, supposedly, guided by their own constitutions. The idea of Constitutionalism, therefore, promotes the rule of law and prevents the governing authority from doing as it pleases, acting against the public interest and liberty by failing to observe the limitations of the law.

While most of the countries in the region have had successful transitions from single-party to multi-party systems of government, holding periodic elections and setting up various institutions that seek to promote and defend human rights, key concerns remain around the practice of patronage politics within these countries. This, unfortunately, has made these democracies somewhat fragile.
But, the fragility of any democracy – certainly in the case of Southern Africa – is also as a result of severe weaknesses within other democratic institutions such as the judiciary, legislative assemblies, opposition political parties, civil society organisations and the media, whether state-owned, public or private.

Such weaknesses have, for instance, allowed some governments to disrespect the rule of law with reckless abandon. Consequently, the work of the media in countries that do this has been profoundly affected as evidenced by, amongst other tactics, arbitrary arrests, detentions without trial and the instigation of lawsuits that have the clear objective of bankrupting targeted media organisations and have them focus their energies elsewhere outside their core business. It does not help either that certain judiciaries and legislatures in the region appear to be in cold complicit with repressive regimes targeting the media.

**Role of the media**

For the above reason, it has become a continuous need to define the role of the media in a democracy. As the age-old maxims go: information is power and informed citizens make informed choices. If these are true – and they are very true – it means that every democracy needs a free, independent and diverse media to facilitate the various interactions of citizens as well as capture their own national aspirations, hopes and dreams by productively promoting vibrant and robust debate on development-related issues.

This activity is consistent with Article 19 of the 1948 Universal Declaration of Human Rights which reads; “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

In practice, however, and as we show in this report, that is not always a universal truth. Experience, certainly in Southern Africa, shows that most government officials, especially the political appointees and their ruling party functionaries tend to desire media coverage that is flattering and react with anger to criticism or exposures of how they are failing to deliver on their set mandates.

Indeed, the whole idea of seeking, receiving and imparting information is becoming even more complex as efforts to block free access to public information are becoming systematic and deeply embedded in the way governments conduct themselves. Yet, access to and freedom of information is a prerequisite to development and the sustainability of democracy as it promotes good governance and the protection of the public.

Hence, any attempts to hinder access to and freedom of information represent a devastating blow to democratic culture and stunts growth and development in any country because citizens are denied their right and power to actively participate in national processes. Therefore, the intrinsic relationship between the democratisation project and advancement of media freedom, of which the promotion of access to information is an
integral part, can only be ignored at own peril by the media themselves, but more critically, the citizenry.

**Freedom of Information**

The Zambian government announced in November 2011, just one day after parliament in South Africa voted for the POIB that it was committed to enacting and implementing a Freedom of Information Bill. Botswana, similarly, has shown a willingness to enact a Freedom of Information law, and a parliamentary meeting held in November 2011 greeted a proposed draft by opposition Member of Parliament, Honorable Dumelang Saleshando with enthusiasm. The Bill has been gazetted and will be considered by Parliament in the first quarter of 2012.

To some extent, Namibia has also shown some developments with regard to promoting access to information and a Statistics Bill is expected to come into full force in 2012, in addition to a Universal Access and Service in Electronic Communications Bill. The Statistics Bill is expected to provide greater public access to national statistics, whilst the Communications Bill should provide for more equal access to Information Communication Technologies (ICTs) amongst Namibian citizens.

Of course, there will be more to be done in ensuring that these laws, if passed, will not only give access to selected types of information that may be deemed harmless but grant full access to all information that is in the public interest.

Overall, the year under review has recorded some positive and very encouraging success on the campaign for access to and freedom of information. Some of these successes are, the widespread celebrations marking the 20th anniversary of the Windhoek Declaration (1991), the passing into law of five additional access to information (ATI) laws on the continent (bringing the total number to 10), the organisation of the largest gathering of ATI experts on the continent at the Pan African Conference on Access to Information (PACAI), and the signing and adoption of the first African Declaration on Access to Information (APAI) in September 2011.

At an International level, the United Nations Human Rights Committee, in July 2011, adopted General Comment 34, detailing its interpretation of governments' obligations to protect freedom of opinion and expression, as guaranteed by Article 19 of the Universal Declaration of Human Rights. It stated that access to information is a human right.

The burden now lies upon southern African governments to prove that they are not only committed to protecting freedom of opinion and expression but also willing to promote access to information as a prerequisite to development.

**Media Law Reform**

The glimmer of hope presented by Zambia, Botswana and Namibia should, one hopes, be deeply instructive to those countries that are still unwilling to put in place legislation that promotes access to
information. Zimbabwe, for example, has an Access to Information and Protection of Privacy Act (AIPPA), yet that piece of legislation comes nowhere close to living up to its name. Rather, it has been used to prevent journalists from freely executing their duties. And, while Angola has a freedom of information law, this piece of legislation is so weighed down by the rigmarole of bureaucracy that it becomes ineffective and defeats the point of its existence.

In Lesotho, also, journalists are still constrained by a number of archaic laws that pose significant threats to media freedom and freedom of expression. These include; the Obscene Publications Proclamation Act (1912), Sedition Proclamation Act (1938), Official Secrets Act (1967), Internal Security Act (1984) and the Emergency Powers Order (1988).

And, Section 46 of the Penal Code in Malawi, which empowers a cabinet minister to ban any publication deemed not to be in the public interest – as defined by the minister – is also seen as standing in the way of media freedom. Although this law has since been sent for review by a law commission, deteriorating democratic culture in Malawi paints bleak prospects of this law ever being done away with, let alone reformed.

It is the case within the legal frameworks of all southern African countries that there exist laws that have broad clauses which can be used to criminalise the practice of journalism. Criminal defamation and insult laws are increasingly being used to target journalists and media houses in clear attempts to prevent them from doing their work properly.

In Lesotho alone, one newspaper – the Lesotho Times – is currently facing more than a dozen defamation lawsuits based on some of the archaic laws cited above. The same scenario obtains also in Tanzania where a significant number of journalists and media houses are answering to criminal defamation charges.

In this regard, the SADC media reform agenda remains a complex but necessary pursuit and must be undertaken in the spirit of the 1991 Windhoek Declaration and espousing the ideals of promoting independent and pluralistic media in the region.

Freedom of Expression in Cyberspace

In the aftermath of the Arab Spring and the evident power of social media such as Facebook and Twitter as critical tools for mobilisation, southern African governments are slowly awakening to the power of the Internet and may be prepared to restrict freedom of expression in cyberspace.

Two cases in Zimbabwe and Swaziland reveal a very disturbing trend of how in the Internet and the applications embedded within it are understood by these governments. The 16 March 2011 arrest of Zimbabwean, Vikazi Mavhudzi for expressing his approval through a Facebook posting of citizens’ uprisings in Egypt proves, on the part of the Zimbabwe government, a profound lack of understanding of the nature of the Internet but more menacingly, a fervent desire to close the democratic cyberspace as much as it has done to the physical spaces in Zimbabwe.
Mavhudzi was arrested for allegedly "subverting a constitutional government" following comments he posted on a Facebook page belonging to Zimbabwe Prime Minister, Morgan Tsvangirai who is sharing power with president Robert Mugabe. He was repeatedly denied bail since his arrest, only being freed of these charges on 20 September 2011 after the prosecution failed to produce evidence against him.

In Swaziland, the government issued stern threats to all citizens who were using Facebook to air out their concerns regarding the way they were being governed. On March 25 2011, Prime Minister Dr. Barnabas Dlamini gave his assurance to Senators in Parliament that his government would hunt down, arrest and prosecute a citizen by the name of Gangadza Masilela who was said to be highly critical of the regime of King Mswati III.

The attitude towards Masilela – or those with a similar stance – is a clear violation of the right to freedom of expression as guaranteed and protected under Section 24 of the Swaziland Constitution. The threat from the Swazi government, coming as it did ahead of the April 12, 2011 mass demonstrations, shows a regime that wants to be immune from criticism and also one that is reluctant to engage with its citizens directly on issues that affect them.

As the infrastructure for telecommunications improves, accompanied by the full roll out of Third and Fourth Generation (3G and 4G) networks in Southern Africa, more and more citizens are going to harness the power of these technologies. Social media are only but a component of the possibilities available to those who can access such technology. Hence, freedom of expression in cyberspace will have to be vigorously defended in a manner that is consistent with all rights and responsibilities.

The future of media repression

Although no deaths of journalists occurred as a direct result of media freedom violations, the environment across southern Africa remained dangerous. We report, in this book, incidents of journalists who have been physically and verbally assaulted in the course of doing their work.

We report also, on the unlawful arrests that have been suffered by various journalists as they simply try to earnestly seek out information and report what is happening in the societies they live in. Most of these arrests have occurred under criminal defamation and insult laws, as highlighted earlier.

As the strategies of beating journalists to a pulp, kidnapping or killing them or bombing printing presses lose their appeal, the future of media repression will rely greatly on the threat of legal action against a journalist or media house. And, as long as the media law reform agenda is held back, the more repressive governments will use outdated laws and the inherent colonial instruments of repression that come with such, to restrict media freedom and media growth in the region.

It is critical, however, to remain mindful that when laws are ‘reformed’
they do not re-appear with clauses that seek to still exercise political oversight of the media under the guise of protecting “national security” or promoting “national sovereignty”. It is, therefore, important to always demand a “public interest” clause in such laws so that it is made clear that such laws stand to benefit ordinary citizens and not specific political or commercial interests.

**Who shall watch the watchdogs?**

Looking ahead, the long-standing question of how the media are regulated will, yet again, have to be given prominence. While self-regulatory bodies exist throughout the region and new ones are being launched in countries that did not have any, the whole idea of media regulating themselves has come under strict scrutiny by SADC governments, more recently in South Africa.

What is clear in the year under review is that within the self-regulatory framework, those who sit in Media/Press Councils/Tribunals will have to create some critical distance between themselves and the media they regulate in order to gain confidence from both the public and those who criticize them, mostly politicians. The self-regulatory image currently being portrayed by various Media/Press Councils/Tribunals in the region is that they are closely-linked, if not part of, the media institutions they watch over and therefore cannot inspire public confidence because of the question marks placed on their credibility given these seemingly intrinsic links.

However, the creation of such distance must not be read as weakness or the satisfaction of the political voices that have criticized the current arrangement. Rather, it should be the result of critical introspection by regional media that is informed by a greater desire to protect democracy, advance and protect their own freedom as well as freedom of expression on the part of all those who engage and interact with the diverse products produced by media organisations. On the other hand, political oversight of the media is undesirable, as has been recorded in previous reports, and efforts towards such must be resisted.

**Sticking Issues**

Digital migration remains a key concern throughout the region. While several governments, for example South Africa and Botswana have insisted they will be able to meet the set deadlines of the International Telecommunications Union (2015) to complete digital migration, hope remains dim that Southern Africa will satisfactorily meet this deadline. SADC governments themselves had committed to a 2013 deadline but it appears highly unlikely, given the policy implementation stalls and lack of clear technical direction that are accompanying this vital process.

The glacial pace at which reforms in the broadcast sector are occurring is also cause for concern. With elections and noticeable political contests looming in several countries in the years ahead, more effort will have to be made by countries such as Zimbabwe to fight
for the freeing of the airwaves and the acceptable constitution of broadcasting authorities in those countries. MISA remains committed to fighting for diversity and pluralism in the broadcast sector as such media and radio and television provide useful media for access to information.

In 2012, there will not be an International Broadcasting Day for Children. How children are reported in the media, how their rights are covered and protected and the extent to which they are given platforms to manufacture their own media will have to be given premium in the year ahead. Special considerations will also have to be made on the interactions children are having with technology and the future patterns and trends that are emerging on the consumption of media and information generation. MISA encourages all SADC media to still pay close attention to children and also to act more in awarding children access to the media so that they can be able shape debates and discussions around their own experiences, hopes and dreams.

PORTUGUESE VERSION

Introdução

A Nota de Informação de Proteção (POIB) passada em Novembro de 2011 na África do Sul captura apropriadamente o estado da mídia na África Austral durante o ano em revista. Experiência contemporânea na região mostra que governos, incluindo aqueles julgados em serem progressivos – como a África do Sul – tornando-se crescentemente reservados, retardando o acesso à informação e exprimindo desejo mais fervente para exercitar supervisão política da mídia.

O simbolismo da região do desenvolvimento da POIB, que vem contra o que esta por de traz da proposta feita pelo dominante African National Congress (África do Sul) instituir um Apelo de Tribunal da Mídia (MAT), não é impotente. Tal como foi destacado nestas paginas no relatório de 2010, ‘ameacas e tormento dos trabalhadores de mídia na África do Sul danificam particularmente é (ressoante) uma liderança economica e forca política (tal como pais esta) dentro da região como um todo’.

O interesse, portanto, e que “o que acontece na África do Sul e facilmente uma justificação para directrizes e acções semelhantes em outros países da região e em outras partes.” Consequentemente, com uma conferencia directriz vindo em 2012 , seguida por uma conferencia electiva no mesmo ano , como o ANC
defende a sua proposta MAT e também responde censuras do público do POIB, será interesse chave.

**Democracia, Constitucionalismo e Liberdade de Imprensa**

De uma maneira, debates na África do Sul mostram os desafios que todos os regimes políticos encaram na região, especialmente quando testados contra a pretensão de que a democracia e um pré-requisito para o desenvolvimento. Do começo ao fim da região, este o discurso aceite, que o desenvolvimento vai de mãos dadas com a democracia e ambos não podem ser separados. De facto, maior parte – se não toda – a mídia na região tem se organizado por si em volta desta ideia, tanto pertencente ao estado como privado. Por isso, quaisquer tentativas de limitar a liberdade de imprensa ou estreitar o espaço da liberdade de expressão, quando feitas evidentes, são sempre analisadas dentro do contexto do seu impacto negativo ao desenvolvimento.

Na África Austral todos países são, supostamente, guiados pelas suas próprias constituições. A ideia de constitucionalismo, portanto, promove a regra de lei e impede autoridade governativa de fazer como quizer, agindo contra o interesse público e sua liberdade por deficiência a observar as limitações da lei.

Enquanto que maior parte dos países na região tenham tido transições bem sucedidas de sistemas de governo partido único para múltiplos partidários, tendo eleições periódicas e assentamento de várias instituições que procuram promover e defender direitos humanos, soluções chaves permanecem em volta da prática de políticas patronadas dentro dos países. Isto, infelizmente, tornou essas democracias um pouco frágeis.

Mas, a fragilidade de qualquer democracia – certamente do caso da África Austral – é também resultado de fraquezas ásperas dentro de outras instituições democráticas tais como jurisdição, assembleias legislativas, partidos políticos de oposição, sociedades de organizações civis e a imprensa, tanto pertencentes ao estado como privada.

Tais fraquezas tem, por exemplo, permitido alguns governos desrespeitar a regra da lei com abandono de negligência. Consequentemente, o trabalho da mídia foi profundamente afetado em países que fazem isto como evidência de que, dentre outras tácticas, apreensões arbitrais, detenções sem julgamento e instigações de ação judicial que tem o objectivo claro de levar a falência organizações de mídia como alvo e te-las a focar suas energias em outras partes fora dos seus centros de ocupação. Também não ajuda que certas jurisdições e legislaturas na região aparecem estar em cumplicidade de calafrio com regimes repressivos tendo a mídia como alvo.

**Função da mídia**

Pela razão acima mencionada, tornou-se uma necessidade continua para definir a função da mídia na democracia. Como diz o velho adágio: informação
é poder e cidadãos informados fazem escolhas informadas. Se essas são verdade — e são muito verdades — isso significa que toda democracia precisa de uma mídia livre, independente e diversa para facilitar as várias interações dos cidadãos bem como também capturar suas inspirações nacionais, esperanças e sonhos através de promover produtivamente debates vibrantes e fortes no desenvolvimento de assuntos relacionados.

Esta atividade e compatível com o Artigo 19 de 1948 da Declaração Universal dos Direitos Humanos que diz; “Cada um tem o direito a liberdade de opinião e expressão, esse direito inclui a liberdade para apegar-se a opiniões sem interferência e busca, receber e conceder informação e idéias através de qualquer mídia e sem considerações de fronteiras.”

Entretanto, na prática, e tal como mostramos neste relatório, que não é sempre uma verdade total. A experiência, certamente na África Austral, mostra que maior parte dos oficiais dos governos, especialmente os nomeados políticos e seus funcionários do partido no poder tendem a desejar a cobertura da mídia que é agradável e reage com fúria à censura ou exposições de como falham em libertar seus conjuntos de mandato.

De facto, toda Idéia de busca, recepção e concessão de informação torna-se ainda mais complexa visto que esforços de bloquear acesso livre a informação ao público torna-se sistemático e profundamente fixado de maneira que os governos se conduzam por si mesmo. Ate agora, o acesso a e liberdade de informação e um pré-requisito para o desenvolvimento e a sustentabilidade da democracia visto que promove bom domínio e projecção do público.

Consequentemente, qualquer tentativa a impedir o acesso a e liberdade de informação representa um golpe devastador a cultura democrática e retardamento ao crescimento e desenvolvimento em qualquer país porque os cidadãos são negados os seus direitos e poder para ativamente participar em processos nacionais. Portanto, o relacionamento inerente entre o projeto de democratização avanço da liberdade de imprensa, do qual a promoção de acesso a informação e uma parte integral, só pode ser ignorada a seu próprio risco pelos próprios médias, mas mais criticamente, os cidadãos coletivamente.

**Liberdade de informação**


Ate um certo grau, a Namíbia mostrou também algum desenvolvimento no
que diz respeito a promoção de acesso a informação e uma Nota de Estatística aguarda-se a chegar com força integra em 2012, somando ao Acesso Universal e Serviço na Nota Eletrônica de Comunicações. Da Nota de Estatística espera-se o fornecimento de grande acesso do público as estatísticas nacionais, enquanto que a Nota de Comunicações deveria fornecer igual acesso a Tecnologias de comunicação e Informação (ICTs) entre os cidadãos nacionais.

Claro, muito ainda tem de se fazer para assegurar que essas leis, se forem passadas, não darão apenas acesso a tipos de informações selecionadas que podem ser julgadas inofensivas mas que deixam acesso completo a toda informação que é de interesse público.

Além de tudo, o ano em revista registrou algum sucesso positivo e animante na campanha para o acesso e liberdade de informação. Algumas dessas sucessos são, celebrações difundidas que marcam o 20 – Aniversario da Declaração de Windhoek (1991), a passagem para leis de 5 das admissões adicionais para informação (ATI) leis no continente (sendo o número total de 10), a organização do maior ajuntamento de especialistas da ATI no continente na Conferência Pan Africana sobre Acesso a Informação (PACAL), e a assinatura e adoção da Primeira declaração Africana sobre o Acesso a Informação (APA) em Setembro de 2011.

O Comitê das Nações Unidas para os Direitos Humanos, a um Nível Internacional em Julho de 2011, adotou o Comentário Geral 34, detalhando suas interpretações das obrigações dos governos para proteger a liberdade de opinião e expressão, como foi garantido pelo Artigo 19 da Declaração Universal dos Direitos Humanos. Este artigo declarou que acesso a Informação é um direito humano.

A carga fica agora sobre os governos da África Austral provar que não estão somente confiados a proteger liberdade de opinião e expressão mas também desejam promover o acesso a informação como pré-requisito para o desenvolvimento.

Reforma da Lei de Imprensa

A vislumbre de esperança apresentada pela Zâmbia, o Botsuana, e a Namíbia deve, como se espera, que seja aprofundadamente instrutiva para aqueles países que ainda não querem colocar legislação que promova acesso a informação. O Zimbábue, por exemplo, tem Acesso a Informação e Acta de Protecção de Privacidade (AIPPA), ainda assim esse pedaço de legislação não se aproxima ao ponto do seu nome. Antes, foi usada para evitar que jornalistas livremente executem seus deveres. E, enquanto que Angola tem uma liberdade de Lei de Informação, esse pedaço de legislação não é considerado pelo palavrório de burocracia de maneira a ficar sem efeito e vence o ponto de sua existência.

No Lesoto, também, jornalistas ainda são esforçados por um número de leis arcaicas que colocam ameaças significantes a liberdade de imprensa e liberdade de expressão. Isso inclui, a Acta de

E, a Secção 46 do Código Penal no Malauí, que autoriza um conselho de ministros a proibir qualquer publicação considerada não ser do interesse público – tal como e definido pelo ministro – e também vista num estado de espera a caminho de liberdade de imprensa. Embora essa lei tenha sido mandada para ser revista pela comissão de lei, culturas democráticas em depreciação no Malauí descrevem baixas perspectivas dessa lei a ser sempre removida, permitindo correção solitária.

E o caso dentro das estruturas legais de todos países da África Austral que haja leis que tenham clausulas amplas que podem ser usadas para criminalizar a prática do jornalismo. Difamação criminal e insultos de lei são crescentemente usadas para atingir como alvo jornalistas e habitações da mídia em tentativas claras para impedi – las de funcionarem propriamente. Somente no Lesoto, um jornal – O Lesotho Times - esta nesse momento encarando mais de uma doze de processo de difamação fundamentados em algumas das leis arcaicas acima citadas. O mesmo cenário alcançou também a Tanzânia onde um numero considerado de jornalistas e habitações de mídia respondem a custodias de difamação criminal.

A respeito disto, a agenda de reforma de imprensa permanece um complexo mas uma busca necessária e tem de ser empreendida no espírito da Declaração de Windhoek 1991 e expor os ideais de promover imprensa independente e múltipla na região.

Liberdade de Expressão no Espaço Cibernético

Na conseqüência do Arab Spring e a evidente capacidade da mídia social tal como o Facebook e o Twitter como instrumentos críticos para mobilização, os governos da África austral despertam – se vagarosamente a capacidade da Internet e pode ser preparada para limitar a liberdade de expressão no espaço cibernético.

Dois casos no Zimbábue e na Suazilândia revelam uma grande tendência perturbante de como pela internet e dispositivos mergulhados dentro dela são compreendidos pelos governos. A apreensão de 16 de Marco de 2011 do Zimbábue, Vikazi Mavhudzi por ter expressado seu consentimento através de ter colocado no Facebook das revoltas dos cidadãos no Egito prova, da parte do governo do Zimbábue, uma falta profunda de entendimento da natureza da Internet mas mais ameacadamente o desejo fervente para fechar o espaço cibernético democrático tanto quanto tenha feito aos espaços físicos no Zimbábue.

Mavhudzi foi capturado por ale-gadamente “subverter um governo constitucional” depois de comentários ele colocou na pagina do Facebook perten-cente ao Primeiro Ministro do Zimbábue,
Morgan Tsvangirai que partilha poder com o presidente Robert Mugabe. Ele foi frequentemente negado fiança desde sua detenção, somente sendo liberto de sua custodia aos 20 de Setembro de 2011 depois da prossecução ter falhado para produzir evidencia contra ele.

Na Swazilandia, o governo emitiu ameaças severas a todos cidadãos que usavam Facebook para remover suas inquietações a respeito da maneira em que eram governadas. Em Marco 25 2011, o Primeiro Ministro Dr. Barnabas Dlamini deu sua garantia aos Senadores no Parlamento que o seu governo buscaria, capturaria e daria seguimento a um cidadão de nome Gangadza Masilela que e dito ser altamente crítico do regime do Rei Mswati III.

Atitude com respeito a Masilela – ou aqueles com ponto de vista semelhante – e uma violação clara do direito a liberdade de expressão como garantido e protegido sob a sessão 24 da Constituição da Suazilândia. A ameaça do governo Swazi, vinda tal como vinha adiante das demonstrações em massa de Abril 12, 2011, mostra um regime que quer ficar imune do criticismo e também alguém que esteja relutante para empenhar-se com seus cidadãos directamente em assuntos que os afectam.

Como as infraestruturas para telecomunicações melhoram, acompanhados pelo rolo completo sobre redes da Terceira e Quarta Geração (3G e 4G), mais e mais cidadãos vão aproveitar a capacidade dessas tecnologias. A Mídia Social não e só mas um componente de possibilidades disponíveis para aqueles que podem ter acesso a tal tecnologia. Por isso, liberdade de expressão no espaço cibernético terá de ser vigorosamente defendida de uma maneira que seja consistente com todos direitos e responsabilidades.

**O future da repreensão de imprensa**

Embora não ocorreram mortes de jornalistas como resultado de violações de liberdade de imprensa, os arredores da África Austral continuam perigosos. Nos informamos, nesse livro, ocorrências de jornalistas que foram fisicamente e brutalmente assaltados no decurso de seu trabalho.

Informamos também, sobre as apreensões ilegais sofridas por vários jornalistas que simplesmente com seriedade tentam buscar informações e relatam o que estiver acontecer em sociedades nas quais eles vivem. Maior parte dessas apreensões tem ocorrido sob difamação criminal e leis de insulto, tal como foi antes destacado.

Como estratégias de obter jornalistas a polpa, rapta-los ou matando – os ou bombardear imprensas perdem seu apelo, o futuro da apreensão da mídia grandemente dependerá de ameaça de acção legal contra um jornalista ou casa de imprensa. E, quanto mais a agenda de reforma de lei de imprensa for travada, mais governos repreensivos hão de usar leis antiquadas e instrumentos coloniais inerentes da apreensão que vem como tal, limitar liberdade de imprensa e seu crescimento na região.

E crítico entretanto, continuar atentos de que quando as leis são " refor-
madas" não re-aparecem com clausulas que procuram ainda exercitar supervisão política de imprensa sob maneira de proteger "segurança nacional" ou promover "soberania nacional". Portanto, e sempre importante exigir uma clausula de "interesse publico" nas tais leis para que se torne claro que tais leis estão ali para beneficiar cidadãos ordinários e não interesses políticos ou comerciais.

**Quem vigiara os cães guardas?**

Olhando adiante, a questão que a muito tempo permanece em pé de como a imprensa será regulada, ainda assim, tem de ser dada proeminência. Os corpos auto – regulatórios existem em toda parte da região e novos estão a ser lançados em países que não tinham nenhum, na sua totalidade a ideia da imprensa regulares – se por si veio sob escrutínio rigoroso pelos governos da SADC, mais recentemente na África do Sul.

O que esta claro no ano em revista e que dentro da estrutura auto – regulatória, aqueles que sentam-se em Mi-di/Amprensa Conselhos/Tribunais terão de criar alguma distancia critica entre eles e a imprensa que eles regulam a fim de que possam ganhar confiança tanto do publico como daqueles que os criticam, principalmente os politicos. A imagem Auto – Regulatória que e de momento descrita por varias Mi-di/Amprensa Conselhos/Tribunais na região e que estão muito ligados, se assim não for, então uma parte,as instituiçãoes de imprensa vigiam e portanto não podem inspirar confiança ao publico por causa das perguntas colocadas na sua credibili-

dade dada essas ligações aparentemente intrínsecas.

Entretanto, a criação dessa distancia não tem de ser lida como fraqueza ou satisfação de vozes políticas que cen-suraram o arranjo actual. Melhor ainda, poderia ser o resultado de introspecção pela imprensa regional que informou com grande desejo proteger a democ-racia, dar avanço e proteger sua própria liberdade como tambéem liberdade de expressão da parte daqueles todos que se engajam e interam-se com produtos diversos produzidos por organizações de imprensa. Por outro lado, super-visão política da imprensa não e dese-jável, como se registrou em relatórios anteriores, e esforços para tal tem de ser resistidos.

**Assuntos ainda impedidos**


O período glacial em que as reformas no sector de difusão estão a ocorrer e tambéem uma razão de preocupação.
Com as eleições e tentativas políticas notáveis que desagradavelmente estão por vir nos próximos anos em vários países, mais esforços terão de ser envidados por países tal como o Zimbábue lutar a favor de ondas de radio e constituição aceitável de autoridades de difusão nos países. A MISA continua comprometida a lutar a favor da diversidade e pluralismo no sector de difusão porque tal mídia e radio e televisão fornece imprensa útil ao acesso de informação.

Special considerations will also have to be made on the interactions children are having with technology and the future patterns and trends that are emerging on the consumption of media and information generation. MISA encourages all SADC media to still pay close attention to children and also to act more in awarding children access to the media so that they can be able shape debates and discussions around their own experiences, hopes and dreams.

Em 2012, não haverá nenhum Dia Internacional de Transmissão para as crianças. Como as crianças são relatadas na mídia, a maneira de como os seus direitos são tratados e protegidos e o nível de plataforma que lhes é dado para produzir sua própria imprensa terão de ser dados um montante além do habitual no próximo ano. Considerações especiais devem também ser feitas nas internações que as crianças tem com a tecnologia e os padrões futuros e as mudanças que emergem no consumir a imprensa e geração de informação. A MISA encoraja toda imprensa da SADC dar as crianças ainda mais atenção e mais chances de acesso a imprensa de maneiras que sejam capazes de desenvolver caráter de debates e discussões em volta de sua próprias experiências, esperanças e sonhos.
By Candido Teixeira
Editor Jornal de Angola and Assistant Secretary General of the Union of Angolan Journalists.
Introduction

The year 2011 marked the consolidation of state secrecy and restrictions on media freedom and freedom of expression in Angola. In response, it is also a year in which the Angolan public showed greater desire to use alternative – and more democratic – sources of communication in order to seek objective information.

Reporting on the activities of government and the ruling party, the Popular Movement for the Liberation of Angola (MPLA) became cumbersome and significant pressure was also put on independent media to toe certain editorial lines that are not consistent with the ideals they espouse. At some point, there appeared to be a general recognition of all media players, private and public, as presidential and government press conferences and events attracted diverse journalists. This seems to have now stopped.

However, in the year under review, most media organisations decried the lack of transparency within state organs and made mention of the vast difficulties that existed around access to public information. Given Angola’s experiences and history, especially most recent history, characterizing access to information is somewhat difficult. There remain significant opportunities, however, for interaction and perhaps these can bear fruit sooner, rather than later.

Restrictions on media

The announcement that Angola will hold parliamentary elections, scheduled for end 2012 has already ignited a crusade against media that are seen as anti-establishment and against certain key political interest and therefore threats to selected powerful political interests.

One such publication is A Capital, a weekly newspaper that is almost compulsively bought by many Angolans because of its investigative journalism and credibility. Several attempts have been made by people with known connections to the ruling elite to shut the newspaper down, or at least prevent it from publishing certain stories, but these have all remarkably failed. At one point, the newspaper published six blank pages after the content of those pages had been heavily censored. There are times when editorial pages have also gone to press blank. While this act is symbolic within the media, the office of the Attorney-General ironically criticised the newspaper’s owners for not fully meeting their obligations to inform the citizenry.

A Capital embodies the resilience of independent media in Angola but also reflects the unwavering commitment to defend media freedom and freedom of expression by media activists in Angola. Even outside the media-space, ordinary citizens have shown a resolute willingness to speak out against the excesses of the ruling elite as witnessed by the anti-government protests of February 2011, around the same time as the Arab Spring was at its most fervent pitch.

The intensity of the anti-government protests was quite unprecedented. The influence of Internet-powered social media tools, used extensively to organise, mobilise and share information, was widespread and took the regime of presi-
dent Jose Eduardo dos Santos by surprise so much that it was left with very little option than to crackdown on the protesters, a large majority of whom were youths.

Needless to say, journalists also suffered the pain of the crackdown but this has become part of the everyday culture of journalism in Angola, punctuated by unlawful detentions, physical assault and confiscation of equipment.

The more specific episodes of such occurrences are chilling and highlight the systematic attempt by the ruling elite in Angola to curtail media freedom and freedom of expression. An example is the alleged defamation case against journalist and Managing Editor of the controversial weekly publication Folha 8, William Tonet who was given a suspended sentence and fined US$100,000 for a 2008 story he published about army generals who were said to be abusing their office and embezzling public funds. Folha 8 stands out in the coverage of government and ruling party excesses and also seen a significant contributor to the protection of democracy in Angola.

### Media Law Reform

Considerably deeper debate has been held around the issue of media law reform in Angola. Whenever the government has proposed new legislation, or amendments to existing legislation that seek to stifle and not enable media growth, debates and discussions have taken place at a national level and the wider public, civil society organisations and the media have often been quite clear about their stance towards such legislation.

The role played by the Union of Angolan Journalists (UAJ) in raising awareness and fighting off the entrenchment of repression via laws that affect media freedom also deserves mention. Had it not been for this union, and the solidarity received from other progressive bodies, Angola would have, by now, taken pole position on the list of countries that use archaic laws to clamp down on the media.

Interesting developments, however, surround proposals to legislate the cyberspace via an Internet Bill. Some of the sentiments from the ruling elite speak to a very strong desire for political oversight of the Internet and the need to punish ‘offenders’ who may use social media tools such as Facebook, Twitter and YouTube to express themselves by sending messages that may be different from those the government and the ruling party would prefer to hear. Yet, these social media websites remain very popular amongst Angolans.

### Freedom of Expression in Cyberspace

It is very clear that Angolan government is aware of the possibilities that exist in cyberspace and their potential political power. For this reason, popular websites such as Club K and Maka Angola, which are considered to be credible and independent sources of information have come under attack from the government.

Club K has become well-known for
its unprecedented access into the operations of higher echelons of power from where it publishes deep insights that are usually believed to be reflecting the thinking, lifestyles and desires of the ruling elite. In February 2011, at the height of anti-government protests, Club K became a useful and reliable source of information that countered state-media propaganda.

It was not with much surprise, therefore, that an official in the presidency was quoted in an article predicting a "sad future" for Club K. Months later the popular site met countless interruptions of its service in what, clearly, were cyber attacks, which eventually led to the publication being taken offline.

The same experience has also been suffered by Maka Angola, another publication that is equally critical and popular with Angolans seeking alternative information about their country. Late in 2011, the site announced it would use part of received financial donations to fight the successive attacks that are targeted at it.

**Conclusion**

The parliamentary elections towards the end of 2012 will have the greatest influence on media freedom and freedom of expression in Angola. The trend from 2010 through 2011 shows greater commitment by politicians in power towards making the operating environment for journalists as difficult as possible.

The MPLA knows that they are becoming unpopular with the masses, as evidenced by the anti-government protests. It is for this reason that president dos Santos, at a ruling party meeting, is reportedly to have taken issue with the party ranks for failing to publicise the achievements of his government. This, he is said to have argued, would affect the outcome of the parliamentary elections, costing the MPLA a number of seats in the House.

The concern, therefore, is around the case for extensive propaganda that was being made by dos Santos. How much more abuse with the state-media suffer? More critically, how far will the government be willing to go in order to silence the voices that may be seen as threatening the MPLA’s electoral victory? Only time will tell...
<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Publisher</th>
<th>Circulation</th>
<th>Distribution</th>
<th>Frequency</th>
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</thead>
<tbody>
<tr>
<td>Jornal de Angola</td>
<td>Edições Novembro</td>
<td>25 000</td>
<td>Luanda</td>
<td>Daily</td>
</tr>
<tr>
<td>Jornal dos Desportos</td>
<td>Edições Novembro</td>
<td>5 000</td>
<td>Luanda</td>
<td>Daily (Monday to Saturday)</td>
</tr>
<tr>
<td>Expansao</td>
<td>ScoreMedia</td>
<td>8 000</td>
<td>Luanda</td>
<td>Weekly (Friday)</td>
</tr>
<tr>
<td>O País</td>
<td>SociJornal</td>
<td>10 000</td>
<td>Luanda</td>
<td>Weekly (Friday)</td>
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<td>New Media Angola, SA</td>
<td>8 000</td>
<td>National (with serious limitations)</td>
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<td>Semanário Angolense</td>
<td>Media Investe SA</td>
<td>4 000</td>
<td>Luanda</td>
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<tr>
<td>A Capital</td>
<td>Media Investe SA</td>
<td>4 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Folha 8</td>
<td>WT-Mundovideo</td>
<td>10 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Semanário Económico</td>
<td>Media Nova</td>
<td>2 000</td>
<td>Luanda</td>
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</tr>
<tr>
<td>Independente</td>
<td>SAEP, SA</td>
<td>2 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Continente</td>
<td>Casa Blanca</td>
<td>2 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
</tbody>
</table>

**Broadcasting**

At the end of 2011, the following broadcasting stations were on air.

<table>
<thead>
<tr>
<th>Radio/TV Station</th>
<th>Owner</th>
<th>Classification</th>
<th>Coverage</th>
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</thead>
<tbody>
<tr>
<td>TPA</td>
<td>Angola Government</td>
<td>Public service</td>
<td>National</td>
</tr>
<tr>
<td>TV Zimbo</td>
<td>Media Nova</td>
<td>Private</td>
<td>Urban areas</td>
</tr>
<tr>
<td>RNA</td>
<td>Angola Government</td>
<td>Public service</td>
<td>National</td>
</tr>
<tr>
<td>Radio Ecclesia</td>
<td>Roman Catholic Church</td>
<td>Roman Catholic Church affiliate</td>
<td>FM</td>
</tr>
<tr>
<td>LAC</td>
<td></td>
<td>Private</td>
<td>FM</td>
</tr>
<tr>
<td>Radio Mais</td>
<td>Media Nova, SA</td>
<td>Private</td>
<td>FM</td>
</tr>
<tr>
<td>Rádio 2000</td>
<td>Pontual, SA</td>
<td>Private</td>
<td>FM</td>
</tr>
<tr>
<td>Continente</td>
<td>Casa Blanca</td>
<td>Private</td>
<td>Weekly (Saturday)</td>
</tr>
</tbody>
</table>
O ano de 2011 pode ter marcado a consolidação de um cenário, se não desesperante, pelo menos atípico em matéria de liberdade de imprensa e de expressão em Angola. O público angolano passou a dispor de menos alternativas na incessante e justa busca por uma informação objectiva, plural e, acima de tudo, independente.

Foi o ano em que a cobertura de acontecimentos ligados ao governo e ao partido que o sustenta tomaram uma dimensão nunca antes visto, ao mesmo tempo que órgãos que se supunham independentes foram sendo forçados a tomar um rumo diametralmente oposto às suas linhas editoriais, tornando-se, por conseguinte, doceis e acessíveis.

Foi também o ano em que os mesmos órgãos privados, segundo relatos dos próprios, sentiram dificuldades acrescidas na obtenção de informação de claro interesse público. Aliás, a questão sobre o acesso às fontes oficiais tem tomado um rumo algo curioso, caracterizado pelo fim das conquistas verificadas logo após o fim do conflito civil – há precisamente uma década –, durante o qual o país conheceu tímidas mas significativas aberturas da parte de quem detém a informação.

O aproximar das eleições parlamentares, agendadas para finais de 2012, atingiu o “modus operandi” de sectores do poder numa verdadeira cruzada contra a imprensa, preocupados em condicionar, controlar ou até mesmo silenciar toda e qualquer plataforma que constituia ameaça real ou potencial aos seus desígnios políticos.

Entre os aspectos mais salientes do novo clima que caracteriza o exercício do jornalismo independente no país sobressai, certamente, a dramática questão do jornal A Capital, até recentemente uma das publicações mais influentes e de cariz marcadamente crítico. Comprado quase compulsivamente em 2010 por uma até então desconhecida empresa – detida por indivíduos com ligações íntimas ao regime – o jornal tem passado desde então por uma série de vicissitudes que levaram, por exemplo, à publicação de seis páginas em branco, cujo conteúdo havia sido censurado pelos novos donos, e a não publicação de um editorial pela mesma razão.

Em ponto de saturação ante as constantes e impunes interferências da administração, os editores e jornalistas do semanário A Capital ameaçaram demitir-se em bloco caso não terminassem as interferências da administração da publicação no dia-a-dia editorial do jornal.

Entretanto, mais do que ao jornal A Capital, esses factos poderão já ser considerados representativos do cenário actual em matéria de exercício da liberdade de imprensa e de expressão.

Estes constituíram de certa maneira os incidentes mais significativos e dramáticos que cunharam 2011 como um ano negro para uma efectiva imprensa independente em Angola. Um ano que prometia um clima mais salutar para os jor-
nalistas mas que foi sendo gradualmente manchado pelas autoridades a nível do país. Inicialmente tida como imune à febre das sublevações populares contra poderes longevos e autocráticos no Ori-ente Médio e no Magrebe, Angola conheceu as primeiras, ainda que bastante timidas, movimentações de contestação anti-governamentais em princípios de Fevereiro de 2011.

A perspectiva de realização no mês seguinte de uma manifestação de proporções sem precedente desde a abertura do país à democracia, mediante uma influência sem precedentes no uso das redes sociais, atiçou os nervos das autoridades de uma forma muito pouco comum. A repressão policial da anunciada manifestação, que entretanto acabou por reunir um número bastante humilde de cidadãos, desencadeou vários eventos em cadeia que ainda hoje se fazem sentir. Repórteres e editores sofreram o peso do bastão na medida em que as forças de segurança se opunham ao avanço de grupo dos jovens que clamavam por justiça social, transparência e boa governação no seu próprio país.

A série de detenções de repórteres em pleno uso do dever profissional trouxe à ribalta o carácter repressivo ao altamente violador das autoridades angolanas. Segundo vários relatos, registaram-se inclusive agressões físicas e apreensão de material de trabalho.

Como se não bastassem esses episódios, outros registos vieram adensar o clima de ataques coordenados contra a liberdade de imprensa e de expressão no país. Um facto altamente mediático decorreu de um processo por alegada difamação e injúria contra o jornalista e director do controvertido semanário Folha 8, William Tonet. Tonet foi condenado a seis meses de pena suspensa no rescaldo de um rocambolesco caso intentado por quatro proeminentes generais do exército angolano. A condenação incluía o pagamento de US$100,000, valor recorde na história de casos judiciais contra jornalistas.

O Folha 8 destacou-se na cobertura da série de manifestações anti-governamentais acima referidas, com sucessivas matérias de capa que, no essencial, apelavam ao respeito dos direitos fundamentais e liberdade de expressão dos manifestantes, bem como a mudança de atitude das autoridades para o reforço da democracia em Angola.

Ainda no campo judicial, a comunicação social registou uma vitória quando a Procuradoria Geral da República (PGR) condenou a os novos donos do semanário A Capital pela censura que levou a que o jornal saísse a rua com inéditas seis páginas em branco. Segundo a PGR, os accionistas do jornal haviam violado um direito consagrado constitucionalmente e apelavam aos mesmos a adoptar uma postura condizente.

Outro avanço significativo registado nos últimos tempos em matéria de acesso à informação parece também ter sido abandonado. A convocação periódica da imprensa pela Presidência da República para balanços do desempenho do executivo constituiu um exemplo raro de transparência e libertação de informação de interesse público. Outro mérito da iniciativa residiu no convite até de órgãos de imprensa privados, tradicionalmente
preteridos e até mesmo impedidos da cobertura de actos oficiais que decorram no palácio presidencial.

Este foi, entretanto, sol de pouca dura. A série de conferências de imprensa deixou de ser convocada. Consequentemente, o público deixou de ter acesso a informação útil que lhe permitia avaliar o nível de governação.

Vários sectores nacionais que se batem pela defesa das liberdades em Angola respiraram claramente de alívio quando, ao meio do ano, o parlamento angolano deu mostras de desistência na aprovação de uma denominada Lei de Combate à Criminalidade no Domínio das Tecnologias de Informação e de Comunicação e dos Serviços da Sociedade de Informação. A apresentação em si deste projecto para discussão gerou uma onda de choque em toda a sociedade e desencadeou um debate a escala nacional. Nunca, provavelmente, se havia assistido a tamanha manifestação de repúdio pela elaboração de um tal instrumento legal.

A proposta, apresentada pelo Governo à Assembleia Nacional, recebeu uma clara e sonora reprovação durante os vários debates, formais e informais, promovidas por organizações da sociedade civil e nas quais a classe jornalística teve uma participação preponderante. Saliente-se o papel desempenhado pelo Sindicato dos Jornalistas Angolanos (SJA), que teve um desempenho absolutamente aglutinador e decisivo na cruzada contra uma lei que ameaçava remeter Angola na lista de países com legislação pré-histórica em matéria de liberdades no fluxo de informação. Teria, certamente, anulado uma série de conquistas registadas ao longo dos anos, sendo certo que o país assistiria a uma fase bem mais difícil do que aquele vivido durante os duros anos de conflito civil angolano.

Caso fosse aprovada, a referida lei prometia punir com vários anos de cadeia quem ousasse fazer circular via internet, ou qualquer canal electrónico, por exemplo, imagens de quem quer que fosse e que apenas precisaram reclamar da violação dos seus direitos. As objeções a esta lei poderão encontrar explicação no facto de existir actualmente uma forte tendência de o público angolano voltar-se gradualmente para as plataformas electrónicas de acesso a informação. Sites de notícias e as redes sociais como o Facebook e YouTube ganham rapidamente notoriedade e popularidade, assumindo-se como verdadeiras alternativas na partilha de informação de interesse público que não chegam facilmente – em muitos casos não chegam de todo – aos órgãos tradicionais.

Em definitivo, estes meios constituem o futuro na garantia do livre fluxo de informação, com já claros reflexos no presente.

Entretanto, tão logo ficou claro que a muralha de revolta da sociedade para com essa proposta de lei não teria pernas para andar, foram surgindo sinais de graves atentados contra algumas das páginas de internet mais representativas, sobretudo o Club K e Maka Angola, largamente consideradas hoje como as principais fontes de informação independente.

O Club K notabilizou-se por possuir fontes na alta esfera do poder e publi-
car informação geral altamente actual e privilegiada. Foi, sem dúvidas, a principal fonte de informação durante o período das manifestações anti-governamentais e das repressões que se seguiram a elas. Notou-se nesse período a sede, a avidez do público por informação independente, actual e imparcial que a poderosa mídia estatal não fornece.

Na senda da publicação de um artigo, um alto funcionário da presidência angolana vaticinou um "futuro triste" para o Club-K. Meses depois o popular site conheceu inúmeras interrupções do seu serviço, alguns mais demorados que outros, tendo os seus responsáveis notado que o mesmo estaria a sofrer vários e sucessivos ataques cibernéticos que o forçavam a estar fora do ar.

O mesmo tem sucedido com Maka Angola, especializado em denúncias de casos de corrupção nas altas esferas do poder angolano. Recentemente, o site anunciou que empregaria parte de uma doação financeira recebida de uma instituição norte-americana para mitigar os sucessivos ataques que originavam as conhecidas "negação de serviço"

**Conclusão**

Acredito que as movimentações para a realização das eleições no último trimestre de 2012 irão determinar fortemente o estado da liberdade de imprensa no país. Isso e quase inevitável e para se chega a uma tal conclusão precisaríamos apenas ter como referência alguns dos acontecimentos mais significativos registados em finais de 2010 e que se acentuaram em 2011, nomadamente a compra dos dois principais jornais independentes e as investidas judiciais.

São factos que permitem antever um cenário muito pouco salutar, sendo certo que a sociedade deverá continuar a apostar na advocacia que evitem a casos desta natureza, sem nunca descurar a denúncia sempre que eles sucederem.

Recentemente, o Presidente da República manifestou durante um encontro do seu partido descontentamento contra o que considerou de fraca divulgação das actividades do Governo, apelando ao redobrar da propaganda oficial em vista a realização das próximas eleições. Seguiu-se um corrupio de movimentações que incluíram a convocação, para a sede do MPLA, dos presidentes dos Conselhos de Administração dos quatro órgãos de comunicação do Estado. Segundo o site Maka Angola, o encontro serviu para, no essencial, o partido no poder transmitir "orientações" no sentido daqueles órgãos públicos conferir maior destaque às realizações do governo e exaltar-se a imagem do seu chefe.

Receia-se que este novo posicionamento do Governo angolano condicione a objectividade no tratamento da informação e o princípio do interesse público, alem de condicionar o trabalho de outros órgãos privados que, apesar de oficialmente não serem tutelados pelo Estado, estão sob controlo de grupos de interesses doa actual regime.
Angola

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Publisher</th>
<th>Circulation</th>
<th>Distribution</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jornal de Angola</td>
<td>Edições Novembro</td>
<td>25 000</td>
<td>Luanda</td>
<td>Daily</td>
</tr>
<tr>
<td>Jornal dos Desportos</td>
<td>Edições Novembro</td>
<td>5 000</td>
<td>Luanda</td>
<td>Daily (Monday to Saturday)</td>
</tr>
<tr>
<td>Expansao</td>
<td>ScoreMedia</td>
<td>8 000</td>
<td>Luanda</td>
<td>Weekly (Friday)</td>
</tr>
<tr>
<td>O País</td>
<td>Socijornal</td>
<td>10 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Novo Jornal</td>
<td>New Media Angola, SA</td>
<td>8 000</td>
<td>National (with serious limitations)</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Semanário Angolense</td>
<td>Media Investe SA</td>
<td>4 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>A Capital</td>
<td>Media Investe SA</td>
<td>4 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Folha 8</td>
<td>WT-Mundovideo</td>
<td>10 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Semanário Económico</td>
<td>Media Nova</td>
<td>2 000</td>
<td>Luanda</td>
<td>Weekly (Friday)</td>
</tr>
<tr>
<td>Independente</td>
<td>SAEP, SA</td>
<td>2 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
<tr>
<td>Continente</td>
<td>Casa Blanca</td>
<td>2 000</td>
<td>Luanda</td>
<td>Weekly (Saturday)</td>
</tr>
</tbody>
</table>

**Broadcasting**

At the end of 2011, the following broadcasting stations were on air.

<table>
<thead>
<tr>
<th>Radio/TV Station</th>
<th>Owner</th>
<th>Classification</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>TPA</td>
<td>Angola Government</td>
<td>Public service</td>
<td>National</td>
</tr>
<tr>
<td>TV Zimbo</td>
<td>Media Nova</td>
<td>Private</td>
<td>Urban areas</td>
</tr>
<tr>
<td>RNA</td>
<td>Angola Government</td>
<td>Public service</td>
<td>National</td>
</tr>
<tr>
<td>Radio Ecclesia</td>
<td>Roman Catholic Church</td>
<td>Roman Catholic Church affiliate</td>
<td>FM</td>
</tr>
<tr>
<td>LAC</td>
<td></td>
<td>Private</td>
<td>FM</td>
</tr>
<tr>
<td>Radio Mais</td>
<td>Media Nova, SA</td>
<td>Private</td>
<td>FM</td>
</tr>
<tr>
<td>Rádio 2000</td>
<td>Pontual, SA</td>
<td>Private</td>
<td>FM</td>
</tr>
<tr>
<td>Continente</td>
<td>Casa Blanca</td>
<td>Private</td>
<td>Weekly (Saturday)</td>
</tr>
</tbody>
</table>
Alert
Date: March 7, 2011
Person/ institution: Armando José Chicoca
Violation/ issue: Sentenced
A court in Angola's southwestern province of Namibe sent Armando José Chicoca, a freelancer who reports for U.S. government-funded broadcaster Voice of America (VOA) and private Angolan newspapers such as Folha 8, Agora, and O Apostolado, to prison for one year on the 4th of March 2011. He was sentenced without due process over his coverage of a sexual harassment scandal in 2007 that implicated the province's top judicial official.

Alert
Date: June 2, 2011
Person/ institution: Koqui Mukuta, Despertar
Violation/ issue: Detained
On 25 May 2011, police in Angola arrested and seized working material of a journalist, Koqui Mukuta, with popular radio station "Despertar", who was reporting on a peaceful demonstration in the capital Luanda.

Alert
Date: June 14, 2011
Person/ institution: William Tonet, Folha 8
Violation/ issue: Threatened, legislated
The editor and owner of the weekly newspaper Folha 8, William Tonet appeared before Angolan court on 13 June 2011, on charges of defamation and libel filled against him by three prominent army generals based in Luanda. The case was then postponed to 15 June 2011.

Alert
Date: July 5, 2011
Person/ institution: Nelson Sul Angola and Ismael Samalata
Violation/ issue: Assaulted, threatened
Nelson Sul Angola of Angolense and Ismael Samalata of Folha 8 told Voice of America that provincial governor Faustino Muteka assaulted them while interviewing him about an ongoing investigation alleging that members of the political party incite violence and murder opposition supporters in the province of Huambo. The governor demanded that they should not write anything about the issue if they did not want to face any "serious consequences." Israel Samalata said he is considering a lawsuit against the governor.

Communiqué
Date: August 24, 2011
Person/ institution: José Lopes Canhina
Violation/ issue: Other
The 31th Summit of the Heads of State and SADC Government, which took place in Luanda gave awards to best journalists within the SADC member countries in 2011. The award-winning journalists were José Lopes Canhina of Angola, in radio category, Mozambican Alfredo Mueche (photojournalism), Zimbabwean Justin Mahlahla (press) and Namibian Steven Ndorokaze (television), reported Anglo-Press.
Alert
Date: September 7, 2011
Person/ institution: Alexandre Solombe and Antonio Cascais,
Violation/ issue: Assaulted
On September 3, 2011, four Angolan and foreign journalists were severely beaten and their working material seized by police while covering a major anti-government demonstration in the Angolan capital Luanda.

Communiqué
Date: September 11, 2011
Person/ institution: Luis Fernando, O País weekly
Violation/ issue: Other
Journalist, Luis Fernando with O País weekly won US$ 100,000 at the Mabuque Journalism Award for 2011. The hand-over ceremony took place on Friday, 9 September 2011 in Luanda. Nominated for the same award were, Rádio Nacional de Angola (RNA) journalist, Amílcar Xavier, and Radio Ecclesia's Sem Duvida. A former State-owned Jornal de Angola (JA). Fernando, got the reward in absentia for his more than 20 years experience in the journalism industry.

Alert
Date: October 12, 2011
Person/ institution: Association Justice Peace and Democracy (AJPD)
Violation/ issue: Sentenced
The Angolan civil society initiatives proposed under the Association Justice Peace and Democracy (AJPD) a campaign to collect funds to pay the fine requested by the Court of Luanda, in favor of freedom of lawyer and journalist William Tonet. They also provided bank details to which the donations should be made. William Tonet was sentenced to one year in jail which was to be suspended if a fine of $ 100,000 was paid by Friday, 7 October 2011.
National Overview Botswana 2011

By Thapelo Ndhlovu
Journalist, Media and Civil Society Activist
Introduction

The story of 2011 in Botswana is incomplete without mentioning the unprecedented two months long public service strike. The strike provided the populace with the opportunity to peep into itself and see how it reacts or behave while under enormous pressure. As always the media’s role was vital and pivotal.

If the idea was to rate the government’s relations with the media during the strike, she would most likely rate below average. Interestingly this would mainly arise from her relationship with government media as opposed to the private one, as one would expect. The role the state media played during the strike could be described as embarrassing to say the least.

To cite just a few incidents; when the strike started, the Executive almost literally camped at state media studios. From directors of departments, all the way up to ministers and even up to the state president himself, it seemed occupy-Wall Street had finally been exported to Gaborone, just under different circumstances and objective this time.

It was the minister of health, Reverend John Seakgosing who irrevently announced on television that everything was going well at the clinics and hospitals despite a whole mob of doctors and nurses camping at the striking points across the country. This assertion that business was usual would prove ironic but perhaps more damagingly, expose the unashamed propaganda by the government itself when she later approached the courts complaining that the hospitals were understaffed as a result of the strike.

The viewers were treated to one side of the story as government literally dominated the airwaves and never broadcast the point of view of the unions. This defeated the very Reithian conceptualisation of Public Service Broadcasting (PSB) that Botswana Television (BTV) envisions itself as. John Reith, the Scottish Lord who managed British Broadcasting Cooperation (BBC) at its formative years, envisaged PSB principles as follows: to be considerate of all view points, probity, universality as well as commitment to public service.

Current Overview

The strike, therefore, was a little test for the state media to reflect on its existence as well as its relevance in as far as serving the public interest is concerned. Questions that may arise could be:

- Who, really, is the state media supposed to serve? Is it the government - as the then Department of Broadcasting Services Director, Mogomotsi Kaboeamodimo once implied?
- Who, really, owns the state media? Is it the taxpayer or the government or the president?
- Who, really, is government? Is it the ruling party? Or the public servants or the people?

What is very clear from the past strike is that whatever the answers to the above questions, someone at the state media already had answers. It was clear during the strike that whoever was
Late in 2011, the government gazetted a Botswana Communication Regulatory Bill, which, if adopted, would effectively phase out the concept of public service broadcasting, including community radio. This new bill will leave state media out of regulatory reach. A look at past and present experiences will show that state media have been used as propaganda tools for the ruling party hence, to afford them a free reign, leaving them unaccountable to any regulatory authority is to threaten democracy itself.

Aside from the assault by government, the royal family, the Kgatleng royalties, and in particular Kgosi Kgafela has also exhibited hostility towards the private media. Besides alleged harassment of photojournalists following a royal court case, Kgafela was also quoted castigating the media through a series of verbal tirades. This, juxtaposed with his earlier attempt to sue a number of newspapers and the lashing at of dramatists at his kgotla for daring to act out a play about the culture of his tribe, Kgafela and some of his subjects, could be seen as some of the threats to media freedom and freedom of expression that exist outside the political establishment.

Access to information

Botswana still does not have a law guaranteeing access to information. There has however been new development towards such a law. Having been given the go-ahead to mould a private member’s bill on freedom of information, Honourable Dumelang Saleshando in control believed the thousands of Botswana workers who were on a legal strike did not deserve to be heard by the rest of the citizens. He or she also believed that the 2 million people of Botswana did not deserve to know about one event that had the potential to detour their route to economic prosperity.

The Botswana government and by extension the ruling party has never really allowed the state media editorial independence. Prior to the general strike, it was predominantly the domain of MISA-Botswana to raise alarm over the overarching influence of politics in the management and running of state media. However, during the demonstrations, new voices that came face-to-face with the arrogance of public media were added to a broad church of voices that sought fair and balanced reporting. These voices came from the church and other civil society organisations.

Except for the usual murmurings and complaints, there is no recorded case where government attempted to dictate the coverage in the privately-owned media. This is commendable, despite the ominous existence of the Media Practitioners Act of 2008, which demands the registration of all people who practice journalism in Botswana. Despite the one-sided and biased reporting of the state media, privately-owned media attempt to balance their coverage. For example, the Minister of Education at one point called a live phone-in programme at Gabz FM to give her own side of a story that was discussing her and she was allowed to do that.
was expected to table the bill during the December 2011 session of parliament. Various stakeholders have already made their input through workshops facilitated by MISA-Botswana. Although members of parliament have already given the bill a green light outside parliament, it is their final in-session decision that matters most.

The bill’s objectives are set out as thus:
(a) making available to the public, information about the operations of public bodies and, in particular, ensuring that the rules and practices affecting members of the public in their dealings with public bodies are readily available to persons affected by those rules and practices;
(b) creating a general right of access to information in the possession of public bodies, limited only by clearly and narrowly defined exemptions in accordance with well established international standards;
(c) creating a right to bring about the amendment of records containing personal information that is incomplete, incorrect, misleading or not relevant to the purpose for which the record is held; and
(d) fostering a culture of transparency and accountability in public bodies in order to give effect to the right of access to information.

Although some of the exceptions in the bill could be open to abuse, the public can draw comfort in the public interest override clause. This is the same clause that the absence of which, pitted the government of South Africa against its information activists. Without it in the current bill would elicit the same kind of backlash that the South African government has attracted. The motivation for access to information law is abound. In its two successive surveys, MISA-Botswana found out that the Botswana government is either very secretive or not responsive. The 2011 report was even more damning as not a single department that MISA-Botswana requested information from responded. It was also surprising that instead of seeking opportunities for engagement with the media, the government responded by tightening the screws further.

The following is the instruction that the Deputy Permanent Secretary and head of Botswana government communication and information services (BGCIS) in the office of the president, Dr. Jeff Ramsay gave to government workers regarding the open and secret awards organised by MISA-Botswana:

“As the Government of Botswana does not accept the legitimacy of the said awards, we are hereby instructing that under no circumstance should any Government public relations officer attend the said ceremony, or otherwise accept any resulting award or undertake any other action that would associate Government with the said ceremony. Put simply we expect all public officers to boycott this event”,

It must also be noted that once again another year has gone by without a declaration of asset and liabilities law.
The absence of this law compromises any hope of transparency, and the rising number of corruption cases against members of the executive vindicate this fear. In 2011, the country’s magistrate courts had to deal with high profile cases involving ministers of defence and security as well as finance and development planning, both of which were eventually dismissed. It is, therefore, hereby argued that with more information coming out the country would be in a good position to counter corrupt practices and empower the people to directly monitor the situation.

Development of print and broadcasting

The only new entrant in the private print mainstream news was the Weekend Post, which went on to earn itself recognition by winning the best designed newspaper at the 2011 national awards. Otherwise the status quo remained with the same media giants in the form of The Dikgang Group (Mmegi, Monitor, Botswana Guardian, Mid-Week Sun and some stake at GabzFM), The Tsodilo Group (Sunday Standard and The Telegraph), The News Company group (Botswana Gazette, Lapologa, and some interest in the visual media), and The Voice. Also publishing consistently was The Echo newspaper which appears to have stabilised enough to compete. There are still no independently verified figures to support circulation numbers of newspapers in the country.

The private print media must continue to seek to improve quality and diversity in their coverage. They need to ask themselves why only the same people contribute to opinion pages. The answer does not lie with readers but newspapers who should always be on the look out for new ways of attracting interest. Opinions and analyses add enormous value to newspapers reading and newspapers must strive to attract them. Some letter writers have become de-facto columnists as a result of lack of contribution. Related to this is the tendency to print one letter in all the newspapers, even when editors have had enough time to know it was published elsewhere. Unless it is in the public interest or that of the newspaper, the practice compromise quality of news.

The government Daily News remains the most circulated print publication as it reaches most parts of the country and it is distributed for free. It claims to print 80 000 copies and none of the private newspapers are known to consistently print even half that mark.

State of the Broadcast Media

As for broadcasting, there was no new entrant in the reporting period. The newest station however remained Duma FM (2007). Yarona FM and Gabz FM continue to broadcast consistently after 12 years in operation. The three private radio stations are seen as alternative news providers to the state broadcasters, which appear to lose credibility by the day.

Although sometimes appearing too conservative in the way it directs conversations and interviews, Duma FM
performed exceptionally well during the national strike as it provided the listeners the most opportunity to interact through call-in programmes while others mostly stuck to their usual programmes. Although an adult station, Gabz FM seemed too reluctant to offer more debates and it even reduced the phone-in portion of the morning show time to 45 minutes; apparently it realised it was a "music radio station". This has made it to be too vulnerable to external interference as evidenced by at least two known interventions by ruling Botswana Democratic Party (BDP) organs in its programming.

A youthful station, Yarona FM is also very cautious in handling callers opinions. While it provides ample time for spontaneous call-in on social and entertainment issues it would rather not do the same with politics and hard news stories. It must, however, be singled out for its innovation as far as use of new media are concerned.

Another characteristic of private radio stations is the high turnover of its presenters. It appears there is a general problem with staff welfare across the stations, or the calibre of their staff, especially sports presenters. The result is journalists who are too mobile and in pursuit of monetary compensation as opposed to building a solid presence in the industry. For example, at one point Duma FM and Yarona FM seemed to exchange staff as sport presenters of either stations made rapid moves to the other. Gabz FM also lost staff members to Duma FM. This trend could be detrimental to the presenters themselves in the long run, since they are not able to maintain a consistent following.

**Botswana and digital migration**

Of note is the report by *Mmegi* of February 2011, in which it revealed that Botswana was likely to adopt the European digital system (DV-B) as opposed to the Japanese (ISDB) as speculation had earlier pointed. Although not commit-tal, the report quoted a senior member of staff at Botswana Telecommunications Authority (BTA), Caiphus Moletsane informing a conference in South Africa about such a possibility.

According to *Mmegi*, Moletsane opined that "Botswana Television, whose transmitters covers 80% of the country is digitally ready and can switch to the European system, DVB-T2 with ease and at less cost'.

It does appear the move towards Europe is much affordable and easier to follow than that of the Japanese, the reason being, it would not require a lot of old equipment disposal. This would be a good move especially if it does not demand added cost from consumers. The public awareness campaign is however still confined to the elite and those more informed. The sooner it rolls down to the populace the better.

The country has committed itself to completing digital migration by 2015 in accordance with a deadline set by the International Telecommunications Union (ITU).
Conclusion and recommendations

Botswana’s media freedom’s rating by Freedom House stayed at partly free as opposed to free. This calls for serious introspection by all stakeholders and the nation at large, if at all, media freedom is regarded as vital in the democracy of the country.

By end 2011, parliament had not yet passed the Freedom of Information Bill (FOIB), sponsored by Hon Dumelang Saleshando. If passed it would come as relief and present, partially, evidence of a country willing to stay on democratic course. Together with other transparency laws, such as the declaration of assets and liabilities and the protection of whistle blowers, FOIB is an empowerment tool that citizens may utilise to achieve greater freedoms.

The media and freedom of expression activism must be aware of new threats that will emerge outside the realms of government. In this regard, traditional leaders must be recognised as potential partners in ensuring that culture is not abused as a fertile ground for human rights abuses. Early warning mechanisms such as partnerships suggested above must be established to pick out threats to freedom of expression across the country.

The use of new media is not very common in the Botswana media. Concerted efforts must be made to adopt strategies that enable increased use of these media in reporting and also investigative journalism.

MISA-Botswana must continue to bring on board other civil society organisations to assist in implementing its freedom of expression and access to information campaigns. The Coalition of Freedom of Expression (COFEX) that MISA-Botswana set up two years back must be revived and used to attract and mobilise other people who are not actively concerned about media freedom for various reasons. This, perhaps, can add more voices demanding plural, diverse, independent and free media in Botswana.
Introdução

A história de 2011 em Botsuana é incompleta sem mencionar-se os dois longos meses de greve inédita dos serviços públicos. A greve proporcionou a população a oportunidade de piar em si mesma e ver como reage ou se comporta debaixo de uma enorme pressão. Como sempre, o papel da mídia foi vital e fundamental.

Se a ideia fosse avaliar as relações do governo com a imprensa durante a greve, estaria provavelmente abaixo da média. De forma interessante isto surgiria principalmente da relação deste com a mídia do governo ao invés da privada, como alguém esperaria. O papel que a mídia estatal desempenhou durante a greve poderia ser descrito no mínimo como vergonhoso.

Citando apenas alguns incidentes; quando a greve começou, o Executivo acampou quase literalmente em estúdios de mídia estatais. Começando dos diretores de departamentos, até aos ministros e até mesmo ao próprio presidente do estado, parecia que o occupy-Wall Street tinha sido exportado finalmente para Gaborone, desta vez sobre circunstâncias e objectivos diferentes.

Os espectadores foram tratados literalmente a um extremo da história pois que o governo dominou as ondas de transmissão e nunca radiodifundiu o ponto de vista das uniões. Isto derrotou o próprio conceptualismo de Reithian sobre Serviço público de Radiodifusão como se visiona a Televisão de Botsuana. John Reith, o Lorde escocês que administrou a British Broadcasting Cooperation (BBC) nos seus anos formativos, visionou os princípios de PSB enfrentados como segue: ser circunspecto de todos os pontos de vista, proibidade, universalidade como também compromisso para o serviço público.

Avaliação actual

Portanto, a greve foi um pequeno teste para a mídia estatal reflectir na sua existência como também a sua relevância no serviço ao interesse do público. Perguntas que poderiam surgir seriam:

- Quem, realmente, a mídia estatal deveria servir? É o governo - como o então Director do Departamento dos Serviços de Radiodifusão, Mogomotsi Kaboeamodimo uma vez insinuou?
- Quem, realmente, é o dono da mídia estatal? São os contribuintes ou o governo ou o presidente?
• Quem, realmente, é o governo? dono da mídia estatal? É o partido no poder? Os funcionários públicos ou o povo?

O que está muito claro na greve passada é que quaisquer que fossem as respostas para as perguntas anteriores, alguém da mídia estatal já tinha as respostas. Estava claro durante a greve que quem estava no controlo acreditou que os milhares de trabalhadores de Batswana que estavam numa greve legal não mereceram serem ouvidos pelo resto dos cidadãos. Ele ou ela também acreditou que os 2 milhões de pessoas de Botsuana não mereceram saber de um evento que teve o potencial para voltar a sua rota para a prosperidade económica.

O governo de Botsuana e por extensão o partido no poder, realmente nunca permitiram a independência editorial da mídia estatal. Antes da greve geral, o domínio para elevar o alarm era predominantemente da MISA-Botsuana sobre a envolvente influência da política na administração e acção da mídia estatal. Porém, durante as demonstrações, vozes novas que vieram face-a-face com arrogância da mídia pública foram acrescentadas a maioria de igrejas que buscaram a informação justa e balanceada. Estas vozes vieram da igreja e outras organizações da sociedade civil.

Com excepção das habituais murmurações e reclamações, não há nenhum caso registrado onde o governo tentou ditar a cobertura das mídias privadas. Este é um elogio, apesar da existência omniosa da Acta dos elementos da Mídia de 2008 que demanda a inscrição de todas as pessoas que praticam jornalismo em Botsuana. Apesar da reportagem unilateral e parcial da mídia estatal, a mídia privada tenta equilibrar a sua cobertura. Por exemplo, o Ministro da Educação em um certo ponto convocou um programa telefónico ao vivo na Gabz FM para dar a sua própria versão da história em discussão e permitiram-na fazer isso.

Tarde em 2011, o governo publicou em diário oficial um Projecto Lei Regulador de Comunicação em Botsuana que, se adoptado, vai efectivamente fasear o conceito de serviço de radiodifusão pública, inclusive rádio comunitaria. Este novo projecto, deixará a mídia estatal fora do alcance regulador. Um olhar no passado e presentes experiências mostrarão que a mídia do estado tem sido usada como ferramentas de propaganda para o partido no poder, daí que, proporcionando-lhes um reinado livre, deixando-os irresponsáveis para qualquer autoridade reguladora, é ameaçar a democracia em si.

Aparte da agressão por parte do governo, a família real, the Kgatleng royals, e em particular Kgosi Kgafela, também exibiu hostilidades contra as mídia privadas. Além do alegado molestamento de foto-jornalistas acompanhando o caso do tribunal real, Kgafela também foi mencionado como alguém que dirigiu uma série de tiradas verbais contra a mídia. Isto, justapós com a sua tentativa anterior de processar vários jornais e o chicoteamento de dramaturgos por ousar representar um drama sobre a cultura da tribo dele, Kgafela e alguns dos seus sujeitos, poderiam ser vistos como ameaças a liberdade de imprensa e expressão que existe fora do estabelecimento político.
Acesso a informação

Botsuana ainda não tem uma lei que garante o acesso à informação. Houve porém novos desenvolvimentos para uma lei tal. Tendo sido dado o aval para modelar o projecto lei de sócios privados na liberdade de informação, esperava-se do Honorável Dumelang Saleshando colocar o projecto sobre a mesa durante a Sessão Parlamentar de Dezembro de 2011. Vários depositários fizeram já a sua contribuição através de seminários facilitados pela MISA Botsuana. Embora os sócios parlamentares já deram luz verde para o projecto lei fora do parlamento, é a sua decisão final na sessão interna que mais importa.

Os objectivos do Projecto lei foram assim fixos:
(a) fazendo disponível ao público, informação sobre as operações de corpos públicos e, em particular, assegurando que as regras e práticas que afectam os sócios públicos nos seus procedimentos com corpos públicos estão prontamente disponíveis a pessoas afectadas por essas regras e práticas;
(b) criando um direito geral de acesso à informação na posse de corpos públicos, limitado apenas por isenções claramente e estreitamente definidas conforme os padrões internacionais bem estabelecidos;
(c) criando um direito para realizar a emenda de registros contendo informações pessoais que estejam incompletas, incorretas, enganosos ou não pertinentes ao propósito para o qual o registro é segurado; e
(d) nutrindo uma cultura de transparência e responsabilidade nos corpos públicos para dar efeito ao direito de acesso a informação.

Embora algumas das excepções no projecto lei pudessem estar abertos ao abuso, o público pode ter conforto na cláusula de anulamento do interesse público. Esta é a mesma cláusula que a sua ausência tem, por exemplo, escarsoou o governo de África do Sul contra seus activistas de informação. Sem isto no projecto actual induziria ao mesmo tipo de reacção que o governo Sul africano atraiu sobre si mesmo.

A motivação para o acesso a lei de informação abunda. Em suas duas pesquisas sucessivas, a MISA-Botsuana descobriu que o governo de Botsuana está muito reservado ou não responsivo. O relatório de 2011 foi até mesmo mais condenatório que, nenhum único departamento que a MISA-Botsuana pediu informação respondeu. Também foi surpreendente que em vez de buscar oportunidades para compromissos com as mídias, o governo respondeu apertando ainda mais os parafusos.

A seguinte é a instrução que o Deputado Secretário Permanente e chefe dos serviços de comunicação e informação do governo de Botsuana no escritório do presidente, Dr. Jeff Ramsay deu a trabalhadores do governo relativo aos prê-mios abertos e secretos organizados pela MISA-Botsuana:
“Como o governo da Botsuana não aceita a legitimidade dos prémios mencionados, viemos por esta instruir que em circunstâncias nenhuma um oficial governamental das relações públicas atenderá a tais cerimónias, ou de outro modo aceitar qualquer prémio resultante ou participar em qualquer outra acção que associaria o governo com as referidas cerimónias. Em suma, esperase de todos os oficiais públicos o boicote destes eventos”,

Também deve notar-se que uma vez mais, outro ano passou sem uma declaração de recurso e lei de responsabilidades. A ausência desta lei compromete qualquer esperança de transparência, e o número crescente de casos de corrupção contra sócios do executivo vindica este medo. Em 2011, os tribunais do magistrado do país tiveram que lidar com casos de alto perfil que envolvem os ministros da defesa e segurança como também finanças e planos de desenvolvimento, ambos foram despedidos eventualmente. isso é discutido então por este meio, que com mais informações saindo fora do país estaria em uma optima posição de registar práticas de corrupção e autorizar as pessoas a monitorizarem directamente a situação.

Desenvolvimento da imprensa e radiodifusão

O único concorrente novo na imprensa privada de notícias populares foi o Weekend Post, que ganhou reconhecimento ao ganhar o prémio de jornal com melhor desenho na premiação nacional de 2011. Caso contrário, o status quo permaneceu com os mesmos gigantes da mídia na forma de Dikgang Group (Mmegi, Monitor, Botswana Guardian, Mid-Week Sun e algum poste no GabzFM), o Tsodilo Group (Sunday Standard and The Telegraph), o grupo da Companhia de Noticias (Botswana Gazette, Lapologa, e alguns interessados na mídia visual), e The Voice. Quem também publicou constantemente foi o jornal Echo que parece ter estabilizado bastante para competir. Ainda não há figuras nenhuma independentemente verificadas para apoiar números de circulação de jornais no país.

A imprensa privada deve continuar buscando a melhoria na qualidade e diversidade nas suas coberturas. Precisam perguntar-se a si mesmos o porque que só as mesmas pessoas contribuem nas páginas de opinião. A resposta não está com os leitores mas nos jornais que sempre deveriam estar na procura de novos modos de atrair interesses. Opiniões e análises acrescentam valor enorme a leitura de jornais e os jornais têm que se esforçar para os atrair. Alguns escritores de carta se tornaram em de-facto columnistas como resultado da falta de contribuição. Relacionado a isto, é a tendência de imprimir uma carta em todos os jornais, até mesmo quando os editores tiveram bastante tempo para saber que foi publicada em outro lugar. A menos que esteja no interesse público ou do jornal, a prática compromete a qualidade de notícias.

O Noticiário Diário do governo continua ser o que mais circula pois que abrange a maior parte do país e é dado gratuitamente. Diz imprimir 80 000 có-
piais e não se tem conhecimento de nenhum jornal privado que consistentemente imprime metade desta margem.

**Estado da Mídia de Radiodifusão**

Quanto a radiodifusão, não houve nenhum concorrente novo no período informativo. A estação mais nova no entanto permanece a Duma FM (2007). Yarona FM e Gabz FM continuam radiodifundindo constantemente depois de 12 anos de operação. As três estações privadas de rádio são vistas como provedores alternativos de notícias aos locutores de rádios estatais que parecem perder credibilidade antes do dia.

Embora às vezes pareça muito conservadora pelo modo que dirige conversações e entrevistas, a Duma FM atuou excepcionalmente bem durante a greve nacional pois deu aos ouvintes a maior oportunidade para interagir através de programas de chamadas telefônicas enquanto outros presos nos seus programas habituais. Embora a estação para adultos, Gabz FM parecia muito relutante para oferecer mais debates e até reduziu mesmo a porção de telefonemas do show da manhã para 45 minutos; aparentemente apercebeu-se que era uma “estação de rádio musical”. Isso tornou-a mais vulnerável a interferências externas como comprovado por pelo menos duas intervenções conhecidas pelos órgãos do partido no poder Botswana Democratic Party (BDP) na sua programação.

Uma estação jovem, Yarona FM também é muito cautelosa no manejo das opiniões dos chamadores. Enquanto provê amplo tempo para chamadas espontâneas nos assuntos sociais e entretenimento, preferia não fazer o mesmo com política e histórias noticiosas duros. Deve porém ser separado pela sua inovação no tocante as preocupações de uma nova mídia.

Outra característica das estações de rádio privadas é a alta empanada de seus apresentadores. Parece haver um problema geral no bem-estar do pessoal entre as estações, ou o calibre do seu pessoal, especialmente os apresentadores do desporto. O resultado é jornalistas que são muito móveis e em perseguição de compensação monetária ao invés de construir uma presença sólida na indústria. Por exemplo, em um certo ponto Duma FM e Yarona FM pareciam trocar do pessoal como apresentadores desportivos de uma e outra estação, fazendo movimentos uma estação para a outra. Gabz FM também perdeu membros sócios para a Duma FM. Esta tendência poderia ser a longo prazo prejudicial aos apresentadores em si, desde que eles não conseguem manter um partidarismo consistente.

**Botswana e a migração digital**

De tomar nota é o relatório pelo Mmegi de Fevereiro de 2011 no qual revelou que Botswana estava prestes a adoptar o sistema digital europeu (DV-B) ao invés do japonês (ISDB) como especulações tinham apontado mais cedo. Embora sem submissão, o relatório citou um sócio sênior do elenco das autoridades de Telecomunicações de Botswana (BTA), Caiphus Moletsane informando uma conferência na África do Sul sobre
tal possibilidade.

De acordo com Mmegi, Moletsane opinou que a "Televisão de Botsuana, cujos transmissores cobrem 80% do país está digitalmente pronta e pode mudar para o sistema europeu, DVB-T2 com facilidade e a menos custo'.

Aparentemente o movimento para a Europa está muito mais disponível e mais fácil de seguir do que o japonês, sendo a razão de que não requereria o descarte de muito equipamento velho. Este seria especialmente um movimento bom se não exigir custo adicional dos consumidores. A campanha de conscientização pública é porém limitada ainda à elite e aos mais informados. Quanto mais cedo rolar até a população melhor.

O país se comprometeu em fazer a migração digital até 2015 de acordo com a meta estabelecida pela "União Internacional de Telecomunicações" International Telecommunications Union (ITU).

**Conclusões e recomendações**

A avaliação da liberdade de imprensa na Botsuana pela Freedom House permaneceu parcialmente livre ao invés de livre. Isto chama por uma introspecção séria por todos os sócios e a nação no geral, se contudo, a liberdade de imprensa é considerada vital na democracia do país.

Até ao fim de 2011, o parlamento contudo, não tivera passado o projecto lei da Liberdade de Informação (FOIB), patrocinado pelo Hon Dumelang Saleshando. Se passasse viria como alívio e presente, parcialmente, evidência de um país com vontade de permanecer no curso democrático. Junto com outras leis de transparência, como a declaração de recursos e responsabilidades e a proteção dos arbitros, FOIB é uma ferramenta de autorização que os cidadãos podem utilizar para alcançar maiores liberdades.

O activismo da liberdade de imprensa e expressão devem estar atentos as novas ameaças que emergirão fora dos domínios do governo. Nesta consideração, os líderes tradicionais devem ser reconhecidos como sócios potenciais assegurando que a cultura não é abusada como uma terra fértil para abusos de direitos humanos. Muito cedo devem ser estabelecidos mecanismos de advertência como parceria sugerida acima, para remover ameaças a liberdade de expressão no país.

O uso de novas mídias não é muito comum nas mídias de Botsuana. Devem ser feitos esforços combinados para adoptar estratégias que habilitam o uso acentuado destas mídias no jornalismo informativo e também investigativo.

MISA-Botsuana tem que continuar a trazer a bordo outras organizações da sociedade civil para ajudar na implementação da sua liberdade de expressão e campanhas de acesso à informação. A Coalizão de Liberdade de Expressão (COFEX) que a MISA-Botsuana montou dois anos atrás deve ser reavivado para atrair e mobilizar outras pessoas que não estão interessadas activamente na liberdade de imprensa por várias razões. Isto, talvez, possa criar mais vozes exigindo uma mídia plural, diversa, independente e livre em Botsuana.
Alert
Date: April 15, 2011
Person/ institution: Phillip Makgalemele, Yarona FM
Violation/ issue: Legislated
Member of Parliament for the ruling party, Phillip Makgalemele is suing a privately owned radio station, Yarona FM and its former employee Mac’donald “Chilliboy” Rakgare a total sum of P2Million for defamation following a broadcast aired in 2008. The case is before Chief Justice Dibotelo Maruping. According to media reports, Yarona FM broadcasted allegations that the MP was bribed while accompanying the under 23 national football team on a friendly match in China.

Communiqué
Date: June 8, 2011
Person/ institution: ARTICLE 19
Violation/issue: Other
A human rights pioneer that defends and promotes freedom of expression and freedom of information all over the world, ARTICLE 19 conducted an analysis of the Draft Freedom of Information Bill of Botswana ahead of the presentation of the draft law to parliament at its July 2011 sitting. Although ARTICLE 19 welcomes the initiative to draft a law on access to information, it falls short of international and regional standards on freedom of expression and requires amendments. The most glaring shortfall is the complete absence of any provisions establishing institutional mechanisms which would support the implementation of the draft law.
National Overview
Lesotho 2011

By Abel Chapatarongo
Journalist, Media and Civil Society Activist
Introduction

This article explores the state of the media, examining the major threats and challenges facing journalists in Lesotho during 2011. Relations between the media and the state in Lesotho are generally cordial.

Journalists are not required to register with a government-run commission to practice. During the period under review there still has been no word from the government regarding the status of a draft media policy presented by the communications ministry two years ago.

The absence of a media policy has created a serious policy vacuum. With no policy in place, journalists are left to fumble in the dark as they seek to execute their duties. Lesotho still retains a raft of some of the most archaic laws that are hostile to the media. Some of these laws are broad and vague, meaning that they can be easily used to criminalise the practice of journalism.

The Sedition Act of 1934 and the Official Secrets Act of 1969 illustrate the above point. These laws must be amended in line with modern, democratic norms of governance. While the constitution of Lesotho guarantees freedom of expression, there is no specific clause that guarantees freedom of the media. Enacting a law that specifically guarantees freedom of the media would go a long way in consolidating Lesotho’s nascent democracy.

A United States-based press watchdog, Committee to Protect Journalists (CPJ), says while Lesotho’s constitution guarantees freedom of expression “it also provides for the protection of reputations, rights and freedoms of individuals”. Continues CPJ: “Criminal defamation statutes remain on the books, making independent journalism a difficult and expensive career.”

Yet, the problems are not limited to the legal front. Young, inexperienced journalists who are mostly self-taught staff newsrooms. To address some of these structural weaknesses it is important that media companies invest heavily in training. Salaries for journalists must also be reviewed significantly if high staff turnover in newsrooms is to be halted.

Media freedom

Lesotho stands out in the region as the only country without a daily newspaper. The southern African country has three main weekly newspapers, Public Eye, Lesotho Times and Sunday Express, all privately-owned.

The government runs its own weekly paper, Lesotho Today, which has an English section as well as a vernacular Sesotho insert. There are other smaller weekly newspapers whose print-run and circulation are quite small. Most of these are run by faith-based organisations.

The government of Lesotho remains the biggest player in the broadcasting sector. There are eight private radio stations in operation.

The government continues to maintain a tight grip on the country’s only television station, Lesotho Television, and Radio Lesotho, which has the widest network coverage. Although the airwaves
have been liberalised, the government retains a huge interest in controlling what ordinary Basotho watch and listen to. The reasoning seems to be dominated by the thinking that the media are too powerful to be left entirely in the hands of private players.

Little wonder, therefore, that when a coalition of civic groups organised a protest march on August 17, 2011, the government responded by switching off four private radio stations for "allegedly spreading lies and inciting people to join the textile industry strike". The radio stations were off-air for seven hours.

Among those that were temporarily shut down were TK FM, PC FM, Harvest FM and Mo-Afrika, all seen as rabidly anti-government. But the government denied that it had switched off the radio stations, bizarrely claiming the blackout was due to some "maintenance work".

Radio Lesotho, which is a government-run radio station, was not affected despite sharing the same transmitter with the four affected stations. Also spared were Ultimate FM, Joy FM and Catholic Radio.

The switch-off suggests that the government, progressive as it seems, can metamorphose into a "monster" when it feels its turf is under threat.

### Access to Information

Accessing official information remains a huge challenge. There is no law that compels government departments and officials to release information requested by journalists.

This has created a culture of secrecy among government officials. The secretive nature of government ministries is in direct clash with fundamental democratic values of transparency and accountability. Government ministers often elect not to speak to journalists for official comment. Most public officials, especially ministers, only prefer to speak to journalists when they think the story in question will advance their own political profile. For most of the time, however, they are determined not to release any information, no matter how mundane such information might be.

Eleven years after the Ministry of Communications drafted the Information Accessibility and Receipt Bill, the proposed law is still to be placed before parliament to be enacted into law.

Out of the 19 government ministries listed on the official government website (www.gov.ls), nine did not have functional websites. Among these are key ministries such as those of Information, Home Affairs and Agriculture.

### Legal framework

Journalists are still constrained by a number of archaic laws that are still in use. These include; the Obscene Publications Proclamation Act (1912), Sedition Proclamation Act (1938), Official Secrets Act (1967), Internal Security Act (1984) and the Emergency Powers Order (1988).

Some of these laws have broad clauses that can criminalise the practice of journalism. The government of Lesotho would do well to amend some of these laws to ensure journalists are not constrained in executing their duties.
instance, the Lesotho Times is currently facing more than a dozen defamation lawsuits based on some of the above laws.

The mounting legal costs have the potential to either sink the business or seriously upset its financial viability. The lawsuits also tie up journalists in cumbersome legal processes, effectively distracting them from fulfilling their core mandate of delivering fair and objective reporting.

Other newspapers are also facing costly lawsuits. For instance, the Catholic-run newspaper, Moeletsi oa Basotho, is facing a M2 million (USD260,000) lawsuit for defamation which was filed by Prime Minister Pakalitha Mosisili for running a column in the newspaper alleging that he embezzled state funds.

The defamation suit, if successful, could sink the newspaper, which has been in circulation since the late 1800s. It is these huge lawsuits, running into several millions of Maloti, that pose the biggest threat to press freedom in Lesotho.

**Professionalism**

There is a dire shortage of critical skills in newsrooms. This could be blamed on the quality of journalism training in Lesotho, which appears grossly inadequate in preparing media professionals in the 21st century. Reporters without formal training in journalism staff newsrooms.

Unlike other professions that regulate their industry, journalism still does not have any legal entity that regulates and upholds professional standards. The result is that we have, for example, talk-show programmes on private radio stations that are poorly moderated.

The government must also loosen its grip on Lesotho Television and Radio Lesotho and transform these entities from being state broadcasters into public broadcasters. Salaries for journalists remain generally poor with some newspapers paying their journalists as little as M900 (US$112) a month. The issues of low remuneration salaries means newspapers have a high staff turnover every year. Journalists at state-run media have also complained of interference in determining news content. Journalists must be granted the freedom to operate without allowing powerful government officials to determine news content.

**Political and social threats to general operations**

Journalists are still exposed to serious threats for writing stories exposing wrongdoing. In an environment where there have been several high profile killings, with no arrests being made, this is a frightening prospect. The threat of physical elimination hangs like an albatross on the necks of journalists.

In June 2011, one of Lesotho’s top investigative journalists, Caswell Tlali, received subtle death threats after he wrote a damning story about a local construction company that had received a M15 million loan from the government to build a road in rural Thaba-Tseka.

The company is alleged to have done a shoddy job with the road being washed away by heavy rains barely two years
after its construction. During a meeting called by a representative of the construction company, Tlali was told that he could “end up in a coffin” for simply doing his work.

On November 10, 2011, two Lesotho Television journalists, Ntsiuoa Sekete and Tsu Setho were attacked by a mob while covering a demonstration in Maseru. The demonstrators wanted to hand a petition to Prime Minister Mosisili. The protesters accused the state television journalists of bias in their coverage of the anti-government protests. These attacks impede on journalists’ right to practice their profession without harassment and are an affront to press freedom and the rule of law.

PORTUGUESE VERSION

Introdução

Este artigo explora o estado da imprensa, examinando as principais ameaças e desafios que os jornalistas em Lesoto enfrentaram em 2011. As relações entre a mídia e o estado em Lesoto são geralmente cordiais.

Os jornalistas não são exigidos a registarem-se numa comissão do governo para o seu exercício. Durante o período em análise, não houve nenhum pronunciamento do governo relativamente ao ante-projecto sobre a política de imprensa apresentado ao Ministério das Comunicações há dois anos.

A ausência de uma política de imprensa criou um vazio sério de estratégias. Sem a política, os jornalistas não se sentem claros na execução dos seus deveres. O Lesoto ainda serve-se de uma legislação arcaica hostil à imprensa. Algumas destas leis são ambíguas e vagas, significando que podem ser usadas facilmente para incriminar a prática do jornalismo.

A Acta de Sedição de 1934 e a Acta de Segredos Oficiais de 1969 comprovam o ponto anterior. Estas leis devem ser emendadas em conformidade com as normas democráticas modernas de governação. Enquanto a constituição de Lesoto garante a liberdade de expressão, não há nenhuma cláusula específica que
garante a liberdade de imprensa. Decretar uma lei que especificamente garantisse a liberdade de imprensa seria um passo gigante rumo à consolidação da democracia embrionária do Lesoto.

Uma nota de imprensa do Comitê Americano de Proteção dos Jornalistas (CPJ)”, diz enquanto a Constituição de Lesoto garante a liberdade de expressão “também prevê a protecção de reputações, direitos e liberdades dos indivíduos”. A CPJ prossegue dizendo que: os Estatutos de difamação criminal" permanecem nos livros, fazendo do jornalismo independente uma carreira difícil e cara.”

Ainda, os problemas não são limitados à frente legal. Há jovens jornalistas inexperientes a trabalharem em grandes agências noticiosas. Para tratar de algumas dessas fracaes estruturais é importante que os órgãos de informação invistam fortemente nas capacitações. Há que também rever significativamente os salários para jornalistas se se quiser parar com a alta empanada de pessoal nos órgãos de informação.

**Liberdade de imprensa**

Lesoto figura como o único país da região da África Austral que não tem um jornal diário. Este possui três jornais semanais principais, o *Public Eye, Lesotho Times* e *Sunday Express*, todos privados.

O governo tem estado a arruinar o seu próprio jornal semanal, o “Lesotho Today” que tem uma secção inglesa e um suplemento em Sesotho. Há outros jornais semanários menores cuja impressão e circulação é bastante pequena. A maioria destes são dirigidos por organizações de boa fé.

O governo do Lesoto continua jogando o maior papel no sector de radiodifusão. Há oito rádios privadas operando no Lesoto.

O governo continua mantendo um cerco apertado à única estação de televisão do país, Televisão de Lesoto, e à Rádio Lesoto que tem a maior cobertura de rede. Embora as ondas de emissão tenham sido liberalizadas, o governo retém um interesse enorme no controlo do que os Basotho assistem e escutam. O raciocínio parece ser dominado pelo pensamento de que os mídia são muito poderosos para serem deixados completamente nas mãos de agentes privados.

Então, poucos se espantaram quando uma coligação de grupos cívicos organizou uma marcha de protesto no dia 17 de Agosto de 2011, e o governo respondeu desligando quatro estações privadas de rádio por “alegadamente espalharem mentiras e incitar o povo a juntar-se à greve da indústria têxtil”. As estações de rádio foram desligadas por sete horas.

Entre as rádios que foram temporariamente desligadas figuravam a TK FM, PC FM, Harvest FM e Mo-Afrika, todas vistas como antigovernamentais. Mas o governo negou que tivesse desligado as estações de rádio, alegando que havia alguns “trabalhos de manutenção.”

A Rádio Lesoto que é uma estação de rádio do governo não foi afectada apesar de compartilhar o mesmo transmissor com as quatro estações afectadas. Também poupada foi a Ultimate FM, Joy FM e Catholic Radio.

O acto da interrupção sugere que
O governo pode metamorfosear para "monstro" quando sentir-se numa situação de ameaça.

Acesso a Informação

Aceder às informações oficiais continua sendo um desafio enorme. Não há nenhuma lei que obrigue os departamentos do governo e funcionários a fornecer informações solicitadas pelos jornalistas.

Esta situação criou uma cultura de segredo entre os funcionários do governo. A natureza reservada dos ministérios do governo está em choque directo com os valores democráticos fundamentais de transparência e responsabilização. Os Ministros do governo preferem não conceder entrevistas a jornalistas para comentários oficiais. A maioria dos funcionários públicos, especialmente os ministros, só preferem falar com jornalistas quando eles sabem que a história em questão melhorará o seu próprio perfil político. Na maioria das vezes, porém, eles estão determinados em não fornecer qualquer informação.

Onze anos após o Ministério das Comunicações ter traçado o ante-projecto lei sobre o acesso à informação, esta ainda não deu entrada parlamento para debate e aprovação.

Dos 19 ministérios do governo listados no Website oficial que é o (www.gov.ls), nove não têm websites operacionais. Entre estes estão os ministérios fundamentais como os de Informação, Assuntos Internos e Agricultura.

Estrutura Legal


Algumas destas leis têm cláusulas largas que podem incriminar a prática do jornalismo. É de desejar que o governo do Lesoto emende algumas destas leis para que facilite o trabalho dos jornalistas. Por exemplo, neste preciso momento o Lesotho Times está enfrentando mais de uma dúzia de processos de difamação baseados em algumas das leis anteriores.

A ascensão nos custos legais oferece um potencial para afundar o negócio ou transtornar seriamente a sua viabilidade financeira. Os processos judiciais desviam os jornalistas de prosseguir com as suas actividades de divulgar informações.

Para além do Lesotho Times, há outros jornais a enfrentarem processos judiciais caros. Trata-se do Moelotsi oa Basotho, que está enfrentando um processo de duzentos e sessenta mil dólares (USD260,000) por alegada difamação contra o Primeiro ministro Pakalitha Mosisili, num texto que o acusava de desvio de fundos estatais.

A ser sucedido, tal processo de difamação pode afundar o jornal que está em circulação desde os há séculos. Estes e outros processos, avaliados em vários milhões de Maloti ou milhares de dólares, minam a liberdade de imprensa no Lesoto.
Profissionalismo

As habilidades de parte considerável da classe jornalística deixam a desejar. Isso deve-se em parte, à escassez de programas de capacitação desta classe. Ou ainda, os poucos programas de capacitação existentes, são inadequados aos desafios dos profissionais de imprensa no século XXI.

Ao contrário das outras profissões que têm o seu sector regulado, o jornalismo ainda não tem qualquer entidade legal que o regule ou apoie seus padrões profissionais. Como resultado disso, por exemplo, há programas de debate em estações de rádios privadas cujas moderadores são eminentemente fracos.

Há uma necessidade de o governo libertar a rádio e televisão públicas. Os salários dos jornalistas permanecem geralmente pobres com alguns jornais chegando a pagar valores irrisórios como M900 (US$112) por mês. Alguns jornalistas da imprensa estatal têm reclamado da interferência na determinação do conteúdo das notícias. Há que conceder aos jornalistas a liberdade de operar sem a interferência de funcionários poderosos do governo na determinação do conteúdo das notícias.

Ameaças políticas e sociais aos jornalistas

Os jornalistas expõem-se às ameaças sérias por reportarem ou escreverem algo que não satisfaça certos grupos de interesse poderosos. Isto revela a insegurança com que esta classe deve se sujeitar, num contexto em que já houve episódios de matanças impunes. A ameaça de eliminação física é algo que os jornalistas lidam no seu dia-a-dia.

Em Junho de 2011 um dos jornalistas investigativos de topo no Lesoto, Caswell Tlali, recebeu ameaças de morte depois de reportar sobre uma empresa local de construção que tinha recebido M15 milhões de empréstimo do governo para construir uma estrada na zona rural de Thaba-Tsek. Parte-se do princípio que a alegada empresa fez um trabalho precário, dado a estrada ter sido fustigada pelas chuvas, dois anos após a sua construção. Durante uma reunião convocada por um representante da empresa de construção, foi dito a Tlali que “pode terminar num caixão” por fazer simplesmente o seu trabalho.

No dia 10 de Novembro de 2011, dois jornalistas da Televisão de Lesoto, Ntsiuoa Sekete e Tsiu Setho foram atacados enquanto cobriam uma manifestação em Maseru. Os manifestantes pretendiam apresentar uma petição ao Primeiro ministro Mosisili. Estes atacaram os jornalistas acusando-os de, por aqueles trabalharem para uma televisão estatal, estarem a ser parciais na cobertura dos eventos.

Em geral, estes ataques impedem os jornalistas de cumprirem com o seu dever exercer o seu trabalho livre e despidos de qualquer afronta para a liberdade de imprensa.
Alert  
**Date:** January 19, 2011  
**Person/ institution:** Moeletsi oa Basotho  
**Violation/ issue:** Legislated  
Lesotho Prime Minister Pakalitha Mosisili is suing a local newspaper owned by the Catholic Church, Moeletsi oa Basotho for defamation and is demanding M2 million (US$288 600.00) in damages, for a story alleging that his office embezzled M8 they received for a period of 2005/06.

Alert  
**Date:** February 3, 2011  
**Person/ institution:** Pakalitha Mosisili  
**Violation/ issue:** Other  
On 2 February 2011, Lesotho Prime Minister Pakalitha Mosisili told reporters in Maseru that the minister responsible would present the Media Policy in parliament soon.

Alert  
**Date:** March 25, 2011  
**Person/ institution:** Relebohile Moyeye, Harvest FM  
**Violation/ issue:** Legislated  
On March 23, 2011, popular private station Harvest FM received civil summons in which the Assistant Commissioner of Police Thakane Theko is claiming M1 000 000 (US$144 300) for defamation with interest at a rate of 18.5% per annum a tempore morae (from the date of judgment). Theko claims on or about the October 20, 2010, Harvest FM presenter Relebohile Moyeye wrongfully, unlawfully, and with intent to defame her, published in a radio broadcast over Harvest FM Radio allegations that she was took part in corruption and fraudulent activities in the installation of a gate at a police headquarters.

Alert  
**Date:** June 17, 2011  
**Person/ institution:** Lesotho Times newspaper editors  
**Violation/ issue:** Threatened  
On 16 June 2006 the Lesotho Times newspaper reported that its editors were called to a secret meeting where representatives of Nthane Brothers, a construction company, asked them to reveal their sources of the controversial tender story the newspaper published on 9 June 2011.

Alert  
**Date:** August 19, 2011  
**Person/ institution:** Christian Broadcaster, Harvest FM, People’s Choice FM (PC FM), MoAfrika FM and Thaha-Khube FM (TK FM)  
**Violation/ issue:** Censored and threatened  
On 17 August 2011, four private radio stations in Lesotho were off-air for most of the day, on the third climactic day of protests against the government. This happened a day after the government held an unusual meeting with at least two of the affected stations. The radio stations had been providing live coverage of protests by factory workers which started on Monday, 15 August 2011.
Alert
Date: September 12, 2011
Person/ institution: Harvest FM
Violation/ issue: Legislation
Harvest FM told MISA Lesotho that the Lesotho High Court Judge Maseforo Mahase was suing the station for M8 million (US$1.1 million) for defamation. Station Manager ‘Malichaba Lekhoaba said according to the letter of demand from Justice Mahase's lawyer Mokorosi Chobokoane, Justice Mahase claims the programme aired by the station on 14 July 2011 had defamatory remarks against her.

Alert
Date: September 13, 2011
Person/ institution: Radio stations
Violation/ issue: Censored
On 9 September 2011, all the radio stations in Lesotho went off air except for Catholic Radio in Lesotho. Upon further investigation MISA Lesotho was informed that all radio stations were given notice on Wednesday, 7 September 2011, of scheduled maintenance to the national broadcasting service transmitters. MISA Lesotho however questioned the timing of the maintenance since it was taking place at the same time as a controversial court case involving two factions of the ruling party.
National Overview Malawi 2011

By Francis Chikunkhuzeni
Lecturer in Journalism and Media Studies, University of Malawi
Introduction

In the year 2011 the media in Malawi have, against the backdrop of a hostile political environment and dire economic conditions, played significant roles towards entrenching political democracy and stimulating social-economic development in the country. Overall, the media have provided participatory forums for citizens to freely voice out policy preferences and debate a diversity of issues.

In addition, the media have endeavoured to inform the citizenry through analytical reporting on national and international current affairs, agro-based entrepreneurship and how the exercise of power affects their livelihoods. The media have also exposed social injustices and abuse of power and public resources. They have defended media freedom by strategic networking with domestic and international advocates.

However, the operating environment in 2011 was, for the media, dangerous, oppressive and retrogressive. Members of the media have been physically assaulted when covering public functions such as mass demonstrations and sports. They have received anonymous death threats for carrying stories critical to the government. Media workers have been fired and retrenched on political grounds under the guise of organisational restructuring. Media houses have been banned from carrying live coverage of mass protests. All these events have occurred while the Constitution of the Republic of Malawi guarantees media freedom, freedom of expression and right to individual security.

Media and Politics

All major political parties had internal tensions and conflicts that led to expulsion of executive members, often followed by court cases. Civil society organisations staged, amid resistance from government, mass demonstrations to draw government attention to poor performance of the ruling Democratic Progressive Party (DPP) in delivering on its promises to develop Malawi. While political conflicts and tensions were fertile ground for political news coverage, the media were inadvertently affected by the nature of politics.

The media in Malawi operate in a political environment in which power is structured around political factions, where political competition is not based on ideological differences among political parties, but rather perceived membership entitlements in belonging to a particular political faction. State-owned and funded media, namely the Malawi Broadcasting Corporation (MBC) and Malawi News Agency (MANA), are controlled by political factions under the central command of the DPP, while commercial or community media are prone to align or, from time to time, shift editorial policies to any political faction, especially those from the opposition pool.

Thus, private commercial and community media are either included or excluded from entitlements accruing from membership of the dominant DPP factions, leading to a structural dichotomy between pro- and anti-establishment media, which in turn results in editorial policy shifts in support of or in opposi-
tion to the ruling political party factions. This political polarisation in the media is further exacerbated by opposing political factions, which are ever-present within either pro- or anti-establishment media organisations. Thus, media organisations comprise members of different political factions. This creates various forms of opposing factional struggle, rivalry, antagonism and tension within a media organisation.

While at times factionalism has undermined the role of media freedom in cultivating a democratic culture as evidenced by sporadic cases of sensationalism, misinformation and character assassination, they have generally remained resolute in their watchdog role. Competition among rival political factions or members of a faction creates fertile ground for news scoops. As such cases of corruption, violation of human rights, disregard of provisions of the Constitution and all forms of social injustice have often been leaked to and published in the media. Since membership to any faction is fluid, a shrewd media practitioner may navigate and enjoy entitlements of different dominant factions by switching allegiances. However, this may not be desirable as journalists will become too close to their sources to remain comfortably objective, impartial, fair and not compromising the trust and credibility of the media houses they work for.

**Legislative environment**

The legislative environment in 2011 was restrictive rather than enabling. Existing laws have been tactfully and systematically instituted to stifle media freedom, mainly through selective enforcement and application of the law for political expediency. Law enforcement agents have been utilised as legitimate means to control the media.

In Malawi an accused person is presumed innocent until proven guilty in a competent court of law and the Constitution requires that such person should be charged within 48 hours of arrest. Media workers have been arrested and charged but cases do not proceed to a just conclusion in a court of law. Thus, the State systematically uses the 'arrest-and-drop-charges' tactic to harass and punish media workers and control the media.

New laws have been enacted to further limit the scope of media freedom. The media have been fighting against the effecting of these media laws because they negate the Constitutional guarantees to media freedom and freedom of expression.

Malawi has introduced a law that governs civil procedures in suits against the Government or public officers. It provides for an inter-parte hearing whenever an injunction is being sought against any arm of government, effectively stopping courts from granting injunctions against government or its officers before they are heard. The law further requires that government be given notice of three days before the inter-parte hearing is conducted.

The media have often sought court relief against government infringements on media freedom. For example, when government banned *The Weekend*
Times, the publishers Blantyre Newspapers Limited (BNL) had sought relief from the High Court to continue publishing. When Government introduced these new laws, legal relief was successfully obtained pending judicial reviews.

The second piece of legislation is the amendment to Section 46 of the Penal Code. The amendment empowers a political appointee of the President of the Republic to censor media content in the name of ‘public interest’. The amended section reads:

“If the Minister has reasonable grounds to believe that the publication or importation of any publication would be contrary to the public interest, he may, by order published in the Gazette, prohibit the publication or importation of such publication.”

As submitted by many media freedom advocates this amended section is contrary to Section 36 of the Constitution, which stipulates 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 public information.”

Forced by pressure from the international community, which has withheld financial support to Malawi, and domestic civil society organisations, which have threatened further mass demonstrations against it, the Malawi government has referred these two pieces of legislation to the Law Commission. While the development is welcome as it provides an opportunity to media freedom advocates to input into the law reform process, it does not guarantee a favourable output. Institutional biases are likely to turn up substantively similar versions of legislation or as is often the case, government will hold the proposals in a perpetual consultation processes until memories fade. Hence, it is important to note that all the laws that have been referred to the Law Commission are still active and can be used by the state pending the review and amendment processes.

The common institutional biases are three:

1) The mandate of the Law Commission ends with a report containing recommendations; stakeholders have to lobby Members of Parliament for their preferences to prevail.

2) Cabinet, comprising DPP loyalists, performs the functions of processing and approving all government Bills to be tabled in Parliament. As was the case with the Communications Act (1998), Cabinet has the propensity to ignore stakeholder recommendations and insert its own views that are consistent with partisan interests. Cabinet has previously ignored recommendations made in the 1990s by the Civil Liberties Committee and Article 19, through a submission to the Law Commission on how Section 46 of the Penal Code should be reviewed.

3) Parliament, currently dominated by a DPP majority, has to ‘debate’ and pass Bills. What guarantee is there that pro-democracy recommenda-
tions will be accepted by the same Parliament that approved the retrogressive pieces of legislation?

**Access to Information (ATI)**

The proposal to enact Access to Information laws has been on the drawing board for over a decade. However, MISA-Malawi, through donor support, will lead the development of ATI policy and awareness campaigns and also conduct a study on obstacles that hinder access to information. Through all these initiatives, Malawi is likely to take the ATI agenda forward.

**Defamation**

In 2011 defamation cases against the media were numerous. Unlike in the past, such cases have mostly been resolved through an Alternative Dispute Resolution Process, in which any civil case registered with the Courts is examined for determination on whether or not it can be resolved through dialogue and negotiation. Media managers in Malawi have found this legal provision of out-of-court arbitration less costly, fast, informal, friendly and flexible. While they bemoan that in most cases media organisations incur costs for lawyers, mediation fees and compensation, they find the negotiations over terms of payment and bargaining over levels of compensation accommodating and conducive to media practice.

**State of broadcast media**

The Malawi Communications Regulatory Authority (MACRA) has issued a fourth mobile phone operator, Celcom Limited, with 100 shares wholly owned by Mulli Brothers, a local business empire affiliated to ruling DPP factions. In the broadcasting sector, MACRA has issued licenses to new television stations, namely: Galaxy TV, African Bible College (ABC) TV, Channel for All Nations (CAN) TV and Gateway TV.

While it was not clear who owns Gateway TV or Galaxy TV, media reports claimed Galaxy belongs to President Bingu Wa Mutharika’s family. Out of 30 applicants for new radio broadcasting licenses only 8 were awarded, including: Maziko Radio, Mulhako Radio, Galaxy Radio and Usisya Community Radio.

Mulhako wa aLhomwe is an ethnic grouping for the Lhomwe tribe whose patron is President Mutharika and therefore, the awarding of a licence to the group has raised many eyebrows. Applicants perceived to incline towards rival political factions have not been successful. These include TV licence applicants, Zodiak Broadcasting Station, Blantyre Printing and Publishing Company, and Joy Radio, owned by former president Bakili Muluzi. MISA-Malawi, which applied for a broadcasting license on behalf of Mulanje Community Radio, was also unsuccessful.

In this sector, the proposal to review the Communications Act (1998) still remains in the Government bureaucratic mill, five years after the draft was writ-
The aim of the review was to make the law efficient in wading off undue political influence and in regulating environment created by advanced information and communication technologies. Instead of lobbying for expedient enactment of the proposed law, MACRA has acquired equipment for monitoring national telecommunications systems, including content of individual private communication.

**State of print media**

The print media have remained an exclusive privilege of few Malawians who can afford to buy at least two newspapers per day. Since the majority of Malawians are constantly under a food security threat, as they live on less than one US Dollar a day, the domestic print media market is highly confined to the richest 10 percent, whose income median is three times that of the poorest 10 percent.

The two biggest publishers circulate 10 to 18 thousand newspaper copies in a country of 14 million inhabitants. The sector remains an oligopoly dominated by titles from Nation Publications Limited (NPL) and Blantyre Newspapers Limited (BNL) stables. One notable new comer in this sector is Sky News, which specialises in political character assassination and is linked to the ruling DPP.

Print media in Malawi are operating in dire economic conditions as government has introduced a 16.5% value-added-tax on the cover price of print products in addition to 15% import duty on newsprint and other imported inputs. The cover price of daily papers has risen from K120 (about US$0.73) in November 2010 to K200 (about US$1.22) in November 2011. The weekly newspapers have risen from K200 (about US$1.22) to K240 (about US$1.46).

The situation is aggravated by shortage of foreign exchange and fuel. To operate, print media have resorted to alternative sources of foreign exchange and fuel, which are too exorbitant. Power outages and inconsistent water supply are part of the operational challenges faced by media houses as well.

While the print media market is small due to low disposable incomes among the majority of Malawians, the market is further shrinking as existing customers are switching to online media as a source of ‘free’ news and information. Many mainstream print media organisations run an online version of the print publication, but such outlays do not offer much return on investment, if any at all.

**State of ICT and Telecommunications**

Led by MACRA, Malawi has officially expressed willingness and commitment to migrate to digital broadcasting by 2015, the deadline set by the International Telecommunications Union (ITU). SADC set the deadline for 2013. But the practicalities of digital migration and its potential benefits on broadcast audiences have not been extensively publicized, leaving many people in the dark and a lot voices marginalised.

The rate of ICT penetration in Malawi remains the lowest in the region. Only
4.5 percent of the population uses the Internet. Low levels of computer literacy, high cost of Internet services, poor infrastructure and scarcity of electricity are some of the major setbacks to advances in ICT and telecommunications. Furthermore, the Communications Act (1998) is outdated and permits incessant political interference in telecommunications business.

Gender relations

In order to create a gender-conscious media practice, news media organisations have drafted and implemented gender policies. In February 2011, over ten media houses launched organisational gender policies with support from Gender Links. While institutionalisation of gender in media workplaces is a very significant step in efforts towards developing a gender-equal media practice, further monitoring and support for this initiative is required. Currently gender-blind, blatant gender stereotyping and subtle gender stereotyping remain an issue in media content. But overall, every media outlet has deliberately given prominence to gender-based violence and promoted content on gender and HIV/AIDS.

New Media and Social Media

Malawian journalists have embraced the online news medium as a democratisation tool. Most media houses have online publications and the number of stand-alone online news sites has increased. These sites have many interactive features for user participation including facilities for user-generated content.

Many journalists practice blogging as a form of journalism to circumvent editorial or self-censorship in mainstream media houses. The media also participate in reflective professional forums, such as the Google group, MISA-Malawi e-forum, where critique of media performance is the main focus.

During the mass demonstration on 20 July, the online medium was the most reliable and accessed source of information, especially when MACRA banned live broadcast of events related to the protests. Sharing of information through social networks has become a vital tool for democratisation in Malawi especially when mainstream media are gagged by government or editorial policies.

Conclusion

The resilience in troubled times and noble task that the media in Malawi performed in 2011 are milestones in the development of a mature media democracy. The media continue to actively participate in nation building even under political hostility and economic crisis. The advocacy networks and resolve to defend media freedom are influencing government decisions as is evident in the way retrogressive laws were sent for legal review.

The economic crisis, impunity of the ruling elite, legacy of old draconian laws and low media penetration in Malawi are major challenges, which require intervention and monitoring in 2012. The
aim should be to build on existing gains such as power of social media and zeal of the media lobby to expand the space of media freedom through the Access to Information Bill, review of the Communications Act (1998), review of the civil procedures laws, and also the review of Section 46 of the Penal Code.

If the current financial crisis is not properly negotiated and government impunity towards civil society recommendations on good governance continues, the media in Malawi will be faced with a double tragedy, where political anarchy may frequently disrupt business and the media market may shrink.

PORTUGUESE VERSION

Introdução

No ano de 2011 a imprensa em Malawi esteve contra o ambiente político hostil e condições econômicas medonhas, jogou um papel significante no fortalecimento da democracia política estimulando o desenvolvimento socio-econômico no país. No geral, as mídias providenciaram foruns participatórios para os cidadãos expressarem livremente as suas preferências políticas e debater uma variedade de assuntos.

Além disso, a mídia empenhou-se em informar os cidadãos coletivamente através de reportagens analíticas e assuntos internacionais atuais, empresariado Agrícola e como o exercício do poder afecta o seu sustento. As mídias também expuseram injustiças sociais e abuso de poder e dos recursos públicos. Eles defenderam a liberdade de imprensa através de uma ligação estratégica com defensores domésticos e internacionais.

Porém, o ambiente operacional em 2011 foi, para a mídia, perigoso, opressivo e regressivo. Os sócios da mídia foram fisicamente agredidos quando cobrindo funções públicas como demonstrações em massa e desportos. Eles receberam ameaças anônimas de morte por divulgarem histórias críticas para o governo. Os trabalhadores da mídia foram despedidos e reduzidos sobre pretextos políticos no disfarce de re-estruturação organizacional. Os órgãos da imprensa foram proibidos de fazer coberturas ao
vivo de protestos em massa. Todos estes eventos aconteceram enquanto a Constituição da República de Malawi garantia a liberdade de imprensa, liberdade de expressão e direito a segurança do indivíduo.

**Mídia e Política**

Todos os principais partidos políticos tiveram tensões internas e conflitos que conduziram a expulsão de sócios executivos, frequentemente seguidos por casos de tribunal. As organizações da sociedade civil estavam em cena, entre a resistência do governo, demonstrações em massa para chamar a atenção do governo ao pobre desempenho do partido no poder, Democratic Progressive Party (DPP) no cumprimento das suas promessas de desenvolver Malawi. Enquanto os conflitos políticos e tensões eram condições favoráveis para cobertura de notícias políticas, a mídia esteve inadvertidamente afectada pela natureza das políticas.

A mídia em Malawi opera num ambiente político no qual o poder é estruturado ao redor de facções políticas onde a compedição política não está baseada nas diferenças ideológicas entre os partidos políticos, mas sim, no entitulamento percebido de pertencer a uma particular facção política. A mídia estatal é financiada, nomeadamente a Malawi Broadcasting Corporation (MBC) e a Malawi News Agency (MANA) são controladas por facções políticas sobre o comando central do DPP, enquanto a mídia comercial ou mídia comunitária são propensas a alinhar ou, de vez em quando, troquem políticas editoriais por qualquer facção política, especialmente as da arena da oposição.

Assim, a imprensa comercial privada e comunitária ou estão incluídas ou excluídas dos direitos que provêm da sociedade das facções dominantes do DPP, conduzindo a uma dicotomia estrutural do pro e anti-estabelecimento da mídia que resultam em mudanças na política editorial em suporte ou em oposição às facções políticas do partido no poder.

Esta polarização política na mídia é exacerbada mais adiante opondo facções políticas que sempre estão presentes dentro das organizações do pro ou anti-estabelecimento da mídia. Assim, as organizações da mídia incluem membros de diferentes facções políticas. Isto cria várias formas de opor lutas partidárias, rivalidades, antagonismo e tensão dentro de uma organização da mídia.

Enquanto que às vezes o partidarismo tem arruinado o papel da liberdade de imprensa em cultivar uma cultura democrática como evidenciado por casos esporádicos de sensacionalismo, desinformação e assassinato do caráter, eles geralmente permaneceram resolutos no seu papel de cão-de-guarda. As competições entre partidos rivais ou membros de partidos políticos criam condições favoráveis para o furo de notícias. Casos como corrupção, violação dos direitos humanos, desconsideração das providências da Constituição e todas as formas de injustiça social foram frequentemente divulgadas e publicadas na imprensa. Como a membrasia para qualquer facção é líquida, um agente da mídia astuto pode navegar e desfrutar de
direitos de diferentes facções dominantes trocando submissões. Porém, isto pode não ser desejável como os jornalistas estarão mais próximos das suas fontes a fim de permanecerem confortavelmente focalizados, imparciais, justos e não comprometendo a confiança e credibilidade dos órgãos de imprensa pelos quais trabalham.

Ambiente legislativo

O ambiente legislativo em 2011 foi restritivo em vez de habilitar. Leis existentes foram diplomática e sistematicamente instituídas para abafar a liberdade de imprensa, principalmente por execução selectiva e aplicação da lei para conveniência política. Agentes de execução da lei foram utilizados como meios legítimos para controlar a imprensa.

Em Malawi, uma pessoa acusada é presumida inocente até provado culpado num tribunal de lei competente e a constituição requer que tal pessoa esteja sob custodia dentro de 48 horas. Trabalhadores da mídia foram presos e penalizados mas os casos não procedem a uma conclusão justa no tribunal da lei. Assim, o Estado usa sistematicamente a tática de prender-e-largar para molestar e castigar os trabalhadores da mídia e controla-los.

Foram ordenadas novas leis que visam limitar a extensão da liberdade de imprensa. A mídia tem vindo a lutar contra os efeitos destas leis porque eles negam as garantias Constitucionais a liberdade de imprensa e de expressão.

Malawi introduziu uma lei que governa os procedimentos civis em acções contra o Governo ou oficiais públicos. Provê uma auscultação inertra sempre que uma proibição está sendo feita contra qualquer braço do governo, impedindo efectivamente os tribunais de conceder proibições contra o governo ou seus oficiais antes de serem ouvidos. A lei requer mais adiante que seja dado aviso prévio ao governo, três dias antes de ser conduzida a auscultação.

A mídia buscou frequentemente alívio do tribunal contra as infrações do governo na liberdade de imprensa. Por exemplo, quando o governo proibiu o Weekend Times, os publicadores Blantyre Newspapers Limited (BNL), buscaram recurso ao Tribunal Supremo para continuar a publicar. Quando o Governo introduziu estas novas leis, um alívio legal foi prosperamente obtido ficando pendentes as revisões judiciais.

O segundo pedaço da legislação é a emenda da Seção 46 do Código penal. A emenda autoriza uma pessoa politicamente nomeada pelo Presidente da República para censurar o conteúdo da mídia em nome do ‘interesse público’. A seção da emenda diz:

“Se o Ministro tem razões aceitáveis para acreditar que a publicação ou importação de qualquer publicação estariam ao contrário do interesse público, ele pode, por ordem publicada na Gazeta, proibir a publicação ou importação de tal publicação.”

Como submetido por muitos que defendem a liberdade de imprensa, essa secção da emenda é contrária a secção 36 da Constituição que estipula que "a
impressa terá o direito para informar e publicar livremente, dentro e fora de Malauí, e ser outorgada as possíveis facilidades de acesso a informação pública.”

Forçado pela pressão da comunidade internacional, que reteve o apoio financeiro para Malauí e organizações domésticas da sociedade civil, que ameaçou demonstrações em massa adicionais contra este, o governo de Malauí encaminhou estes dois pedaços de legislação à Comissão Legislativa. Enquanto o desenvolvimento é bem-vindo, como provê uma oportunidade aos defensores da liberdade de imprensa de contribuir no processo de reforma legislativa, não garante um resultado favorável. É provável que preconceitos institucionais venham substancialmente por a tona versões semelhantes da legislação ou como é frequentemente o caso, o governo seguardará as propostas em processos perpétuos de consulta até que recordações enfraqueçam. Consequentemente, é importante anotar que todas as leis encaminhadas à Comissão Legislativa ainda estão activas e podem ser usadas pelo estado ficando pendente a revisão e o processo de emenda.

Os preconceitos institucionais comuns são três:

1) o mandato da Comissão Legislativa termina com um relatório que contém recomendações; os sócios têm que intrigar com os Membros do Parlamento para que as suas preferências prevaleçam.

2) o gabinete, incluindo os legalistas do DPP, executa as funções de processo- samento e aprovação de todo projecto de lei do governo a ser posto a mesa no parlamento. Como foi o caso com a Acta das Comunicações (1998), o Gabinete tem a tendência de ignorar as recomendações dos sócios e inserir suas próprias visões que são consistentes com os interesses do partido. O Gabinete ignorou previamente as recomendações feitas nos anos 90 pelo Comitê de Liberdades civis e Artigo IX, por uma submissão para a Comissão Legislativa em como a Seção 46 do Código penal deveria ser revisada.

3) o parlamento, actualmente dominado por uma maioria do DPP, tem de ‘debatar’ e aprovar Projetos de lei. Que garantia há que as recomendações pro-democráticas serão aceites pelo mesmo Parlamento que aprovou os pedaços regressivos da legislação?

Acesso a Informação (ATI)

A proposta para ordenar a lei de Acesso a Informação esteve no estroedor durante uma década. Porém, MISA-Malauí, através do apoio de doadores, conduzirá o desenvolvimento de políticas do ATI e campanhas de consciencialização e também administra um estudo sobre os obstáculos que impedem o acesso à informação. Através de todas estas iniciativas, é provável que Malauí leve adiante a agenda do ATI
Difamação

Os casos de difamação contra a mídia em 2011 foram numerosos. Ao contrário no passado, tais casos foram resolvidos principalmente através de um Processo Alternativo de Resolução de Disputa, no qual qualquer caso civil registrado com os Tribunais é examinado para determinações se pode ou não ser solucionado por diálogo e negociação. Os gerentes da mídia em Malawi acharam esta provisão legal de arbitragem fora dos tribunais menos custioso, rápido, informal, amigável e flexível. Enquanto lamentam que na maioria dos casos as organizações da mídia incorrem custos para os advogados, taxas de mediação e compensação, eles acham que as negociações sobre os termos de pagamento e contratos acima os níveis de compensação comodos e conducentes a prática da mídia.

Estado da mídia de radiodifusão

As Autoridades Reguladoras das Comunicações de Malawi (MACRA) emitioram uma quarta operadora de telefonia móvel, Celcom Limited, com 100 partes completamente pertencentes aos Mulli Brothers, um império empresarial local, afiliado ao partido no poder DPP. No sector de radiodifusão, MACRA emitiu licenças a novas estações de televisão, nomeadamente: Galaxy TV, African Bible College (ABC) TV, Channel for All Nations (CAN) TV e Gateway TV.

Enquanto não estava claro de quem era o dono da Gateway TV ou Galaxy TV, os relatórios da mídia reivindicaram que a Galáxia pertencia a família do Presidente Bingu Wa Mutharika. Num total de 30 candidatos para licenças de novas rádios, apenas 8 foram autorgados incluindo: Maziko Radio, Mulhako Radio, Galaxy Radio e Usisya Community Radio.

Mulhako wa aLhomwe é um grupo étnico para a tribo de Lhomwe cujo patrão é o Presidente Mutharika daí que, a autorga de uma licença para o grupo levantou muitas sobrancelhas. Os candidatos perceberam-se de que as inclinações para as rivalidades de facções políticas não tiveram êxito. Estes incluem candidatos a licenças de Televisão, Zodiak Broadcasting Station, Blantyre Printing and Publishing Company e Joy Radio, pertencentes ao ex-presidente Bakili Muluzi. MISA-Malawi que solicitou uma licença de radiodifusão em nome de Mulanje Community Radio também foi malsucedida.

Neste sector, a proposta para revisar a Acta das Comunicações (1998) ainda permanece no moinho burocrático do Governo, cinco anos depois da elaboração do rascunho. O objectivo da revisão foi de tornar a lei eficiente, vadeando a influência política imprópria e regulando o ambiente criado por informações avançadas e comunicações tecnologicas. Em vez de intrigar por expediente da ractificação da proposta de lei, MACRA adquiriu equipamento para monitorar os sistemas nacionais de telecomunicações, inclusive o conteúdo da comunicação privada do indivíduo.

Estado da mídia de impressão

A mídia de impressa permaneceu como um privilégio exclusivo de poucos
Malauianos que podem dispor comprar pelo menos dois jornais por dia. Como a maioria dos Malauianos está constantemente debaixo de uma ameaça de segurança alimentar, como vivem por menos de 1 USD por dia, o mercado doméstico da mídia de impressão é altamente limitado ao mais rico por 10 por cento, o qual cuja renda mediana é três vezes daquela do mais pobre por 10 por cento.

Os dois maiores publicadores circulam 10 a 18 mil cópias de jornais num país de 14 milhões de habitantes. O sector permanece um oligopólio dominado por títulos da Nation Publications Limited (NPL) e estábulos da Blantyre Newspapers Limited (BNL). Um dos novos órgãos mais recentes e notáveis neste sector é o Sky News, que especializa-se no assassinato do carácter político e está ligado ao partido no poder DPP.

A mídia de impressão em Malauí está operando em condições econômicas medonhas como o governo introduziu um imposto de 16.5% no preço da capa dos produtos de impressão em adição aos 15% do direito de importação em jornais e outras contribuições importadas. O preço da capa de diários subiu de K120 (cerca de US$0.73) em Novembro de 2010 para K200 (cerca de US$1.22) em novembro de 2011. Os jornais semanais subiram de K200 (cerca de US$1.22) para K240 (cerca de US$1.46).

A situação é agravada por escassez de câmbio exterior e combustíveis. Para operar, a mídia de impressão recorreram a fontes alternativas de câmbio exterior e combustíveis, que são muito exorbitantes. Interrupções eléctricas e abastecimento inconsistente da água fazem parte dos desafios operacionais também enfrentados pelas casas da mídia.

Enquanto o mercado da mídia de impressão é pequeno devido a baixas rendas disponíveis entre a maioria dos Malauianos, o mercado está cada vez mais encolhendo enquanto os clientes existentes estão mudando para a mídia on-line como fonte ‘livre’ de notícias e informações. Muitos influenciam as organizações da mídia de impressão a elaborarem uma versão on-line das suas publicações, mas tais gastos não oferecem muito retorno no investimento, se não mesmo nenhum.

**Estado do ICT e Telecomunicações**

Conduzido por MACRA, Malauí expressou oficialmente a vontade e compromisso de migrar para a radiodifusão digital até 2015, prazo fixado pela União Internacional de Telecomunicações (ITU). A SADC fixou o prazo final para 2013. Mas a natureza prática da migração digital e seus potenciais benefícios nas audiências de radiodifusão não foram extensivamente publicitados, deixando muita gente na escuridão e muitas vozes marginalizadas.

A taxa de penetração do ICT em Malauí permanece o mais baixo na região. Apenas 4.5 por cento da população usam a Internet. Baixos níveis de familiarização com computador, custo elevado dos serviços de Internet, infraestruturas pobres e escassez de electricidade são alguns dos retrocessos principais aos avanços da ICT e telecomunicações. Além disso, a Acta das Co-
municações (1998) é antiquada e permite interferências políticas incessantes nos negócios de telecomunicações.

**Relações de gênero**

Afim de criar uma prática consciente do gênero na mídia, organizações noticiosas da mídia traçaram e implementaram políticas de gênero. Em Fevereiro de 2011, mais de dez casas de mídia lançaram políticas organizacionais no gênero com apoio da Gender Links. Enquanto a institucionalização do gênero nos locais de trabalho da mídia é um passo muito significante nos esforços da criação de uma prática de igualdade do gênero na mídia, a monitorização e suporte desta iniciativa é necessária. Actualmente a cegueira do gênero, estereotipo ostensivo e sutil permanece como um problema no conteúdo da mídia. Em geral, todas publicações da mídia têm dado deliberadamente proeminência a violência no gênero e promoveram o conteúdo do gênero e HIV/SIDA.

**Novos Meios de Comunicação e Redes Sociais**

Os jornalistas de Malawi abraçaram o sistema de notícias on-line como uma ferramenta de democratização. A maioria das casas de mídia têm publicações on-line e o número de sites noticiosos online tem crescido. Estes sites têm muitas características interativas para a participação dos usuários, inclusive facilidades de conteúdos produzidos pelo usuário.


Durante a demonstração em massa no dia 20 de Julho, o sistema on-line foi a fonte de informação mais segura e mais acessada, especialmente quando a MACRA proibiu a transmissão ao vivo de eventos relacionados aos protestos. Compartilhamento de informações através de redes sociais tornou-se numa ferramenta vital para a democratização em Malauí especialmente quando as tendências actuais da mídia são amor-dadaças pelo governo ou políticas editoriais.

**Conclusão**

A resiliência em tempos de tribulação e as tarefas nobres que a mídia em Malauí executaram em 2011 são marcos miliares no desenvolvimento de uma democracia de imprensa madura. A mídia continua participando activamente na construção da nação mesmo sobre hostilidade política e crise econômica. As redes de advocacia e resoluções para defender a liberdade de imprensa estão influenciando as decisões do governo pois que é evidente o modo como leis regressivas foram encaminhadas para uma revisão legal.

A crise econômica, impunidade da elite governante, o legado de leis antigas

Se a actual crise financeira não é negociada correctamente e a impunidade do governo para com as recomendações da sociedade civil sobre boa governação continuar, a mídia em Malauí poderá experimentar uma tragédia dupla, onde a anarquia política poderá frequentemente romper o comércio e o mercado da mídia poderá encolher.

Alert
Date: January 13, 2011
Person/ institution: Kandani Ngwira, Blantyre Newspapers Limited
Violation/ issue: Victory
The Lilongwe Magistrate Court on Wednesday, 12 January 2011 granted bail to Kandani Ngwira, a reporter working for Blantyre Newspapers Limited (BNL), publishers of The Daily Times, Weekend Times, Malawi News and the Sunday Times. The Police alleged that Ngwira was sending phone messages (SMS) to Member of Parliament for Lilongwe City South Honourable Agnes Pene-Mulungu that her husband was having extramarital affairs with young girls in the city and that the journalist was going to publish the story in the Weekend Times.

Communiqué
Date: January 13, 2011
Person/ institution: MISA-Malawi
Violation/ issue: Legislation
Efforts by the Media Institute of Southern Africa Malawi Chapter (MISA-Malawi) to have the Access to Information (ATI) Bill enacted are slowly but surely bearing fruits. This follows release of a draft Policy on Access to Information by the Ministry of Information and Civic Education.

Alert
Date: April 15, 2011
Person/ institution: Malawi Human Rights Commission
Violation/ issue: Legislation
Malawi’s Chief Justice Lovemore Munlo has adjourned to April 11, 2011, hearing of a case in which the Malawi Human Rights Commission (MHRC) is challeng-
ing the constitutionality of Section 46 of the Penal Code.
The section, which was amended by parliament in November 2010, empowers the Minister of Information to ban either importation or publication of materials which, according to the minister, are not in the public interest.

Communiqué
Date: April 20, 2011
Person/ institution: Fergus Cochrane-Dyet
Violation/ issue: Legislation
Government authorities in Malawi are tight lipped over reports of expulsion of British High Commissioner to Malawi, Fergus Cochrane-Dyet. According to published reports, Dyet has been given 72 hours from Monday, 19 April 2011, to leave the country. The reasons for the British envoy’s expulsion were not clear as government had not yet issued a statement on the matter.

Communiqué
Date: April 27, 2011
Person/ institution: Media
Violation/ issue: Other
Journalists in Malawi on Saturday, 23 April 2011, went to the street to march in commemoration of World Press Freedom Day (WPFD). The aim of the regional celebrations is to broaden participation. All journalists, media freedom and freedom of expression advocates across the country would be able to take part in the celebrations.

May 12, 2011: The 2011 World Press Freedom Day (WPFD) main celebrations were held in style in Malawi as the event was for the first time since 2002 held in Mzuzu City, Northern Malawi. Since 2010, MISA Malawi has been rotating main celebrations for WPFD in all the regions of the country to broaden participation and hype and excitement as both the media and members of the public have an opportunity to take part in the celebrations.

Alert
Date: June 22, 2011
Person/ institution: Democratic Progressive Party
Violation/ issue: Legislation
The ruling Democratic Progressive Party (DPP) has taken advantage of its numerical advantage in parliament to pass a controversial injunctions bill into law. The bill calls for an inter-partes hearing whenever an injunction is being sought against any arm of government. The bill further requires that government be given notice of three days before the inter-partes hearing is conducted.

Communiqué
Date: June 16, 2011
Person/ institution: Weekend Times
Violation/ issue: Victory
The government of Malawi has finally lifted a ban imposed on the Weekend Times, a sensational weekly tabloid which had sought relief from the High Court to continue publishing after the ban in October 2010. The newspaper was banned one year after its first edition because the paper was not registered with the National Archives of Malawi.
**Alert**  
**Date:** July 11, 2011  
**Person/institution:** Malawi Human Rights Commission (MHRC)  
**Violation/issue:** Legislation

Chief Justice Lovemore Munlo has allowed the Malawi Human Rights Commission (MHRC) to file for certification of the amended Section 46 of the Penal Code. The Chief Justice has further dismissed arguments from the attorney general who wanted the court to throw out the matter.

**August 19, 2011:** Chief Justice Lovemore Munlo on Thursday, 11 August 2011 postponed to a later date hearing of Section 46 of the Penal Code after lawyers representing Malawi Human Rights Commission (MHRC) were not available for the proceedings to start. Reports indicate that lawyer for MHRC, Chrispin Sibande, who is also Deputy Director of Legal Services at the Commission, communicated to the court that he would not be available for the case as he had travelled.

**December 9, 2011:** The Malawi government has referred to the Law Commission for review some draconian laws recently passed in Parliament. The decision to have the laws reviewed was announced by Minister of Justice and Constitutional Affairs Ephraim Chiume and Leader of the House George Chaponda at a press conference held in the Capital Lilongwe, on Wednesday 7 December 2011.

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**Communiqué**  
**Date:** July 15, 2011  
**Person/institution:** Blantyre Newspapers Limited (BNL) and Nation Publications Limited (NPL)  
**Violation/issue:** Legislation

Malawi’s two major print media houses, Blantyre Newspapers Limited (BNL) and Nation Publications Limited (NPL) have announced new cover prices. This follows government’s introduction of a 16.5 percent Value Added Tax (VAT) to newspapers. Through separate notices published in the two dailies, NPL and BNL announced that The Nation and The Daily Times respectively, as well as Nation On Sunday and The Sunday Times will be selling at MK200 (about US$1.33) per copy from MK170 (about US$1.13).

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**Alert**  
**Date:** July 19, 2011  
**Person/institution:** Zodiak Broadcasting Station (ZBS)  
**Violation/issue:** Assaulted

The situation is tense at Zodiak Broadcasting Station (ZBS), a privately owned radio station located in the Capital Lilongwe, where two of its vehicles have been attacked by thugs on two separate occasions. The first incident took place on Sunday, 17 July 2011 while the second incident occurred 18 July 2011 night. According to sources, masked men were seen throwing stones and petrol bombs at the ZBS branded vehicles.
Communique
Date: July 28, 2011
Person/ institution: Millennium
Challenge Corporation (MCC)
Violation/ issue: Other

The international community continues to withhold aid to Malawi following what they have described as the country’s poor economic policies, deteriorating human rights standards and bad governance. In the latest development, the Millennium Challenge Corporation (MCC), a U.S. Government agency, has announced that it is deeply concerned by recent events in Malawi and is placing an immediate hold on all program operations in order to review its partnership with Malawi, including whether to recommend to its Board of Directors to suspend or terminate its assistance.

Communique
Date: September 9, 2011
Person/ institution: Parliament
Violation/ issue: Legislation

Malawi’s President Bingu wa Mutharika on 7 September 2011 announced a new cabinet which has seen the bouncing back of former Minister of Information and Civic Education Patricia Kaliati to head Ministry of Information and Civic Education, a ministry she has headed before. Kaliati has replaced Simon Vuwa Kaunda who has been deployed to head Ministry of Youth, Sports and Culture. Kaliati is known for her openness with the media. She was dropped by Mutharika from cabinet two years ago. The 30 member cabinet was announced on state-controlled Malawi Broadcasting Corporation (MBC) and the appointment is with immediate effect from 6 September 2011.

Alert
Date: September 9, 2011
Person/ institution: Blantyre Newspapers Limited (BNL)
Violation/ issue: Other

Tension has engulfed staff of Blantyre Newspapers Limited (BNL) following retrenchment of eight journalists and other members of staff at the company. BNL is a subsidiary of Blantyre Print and Publishing (BP & P), publishers of The Daily Times (the country’s oldest daily), Malawi News (the country’s oldest weekly), The Sunday Times, The Weekend Times and Times Lifestyle Magazine (a quarterly magazine). According to newspaper reports, the eight media practitioners are part of 44 members of staff BP & P has dismissed to allegedly salvage the company.

Alert
Date: September 13, 2011
Person/ institution: Ernest Mahwayo
Violation/ issue: Detained

Police on 12 September 2011 arrested journalist Ernest Mhwayo for allegedly taking pictures of President Bingu wa Mutharika’s Ndata Farm without permission. Ndata Farm is President Mutharika’s retirement residence in his home district of Thyolo, Southern Malawi. The Farm recently came under the spotlight when civil society leaders requested the president to explain his wealth.

September 16, 2011: Journalist Ernest
Mahwayo, who was arrested on Monday, 12 September 2011 for allegedly taking pictures of President Bingu wa Mutharika’s Ndata Farm without permission, has pleaded not guilty to the charge of conduct likely to cause breach of peace and has since been granted bail. The case appeared before magistrate Anne Chikhadzula on Wednesday, 14 September 11, two days after the arrest.

Communiqué
Date: September 12, 2011
Person/ institution: MISA Malawi
Violation/ issue: Legislation
The Malawi Chapter of the Media Institute of Southern Africa (MISA) has new National Governing Council (NGC) members based on latest constitutional provisions that reduced the number of elected NGC members from 7 to 3. The new NGC comprises Chairperson Anthony Kasundza, a news analyst from one of the publishing giants Nation Publications Limited; Deputy Thom Khanje, Business Editor from another giant Blantyre Newspapers Limited, Publishers of the Daily Times, Weekend Times, Sunday Times, Malawi News and Life Style Magazine. Former Treasurer, Suzgo Khunga also from Blantyre Newspapers Limited, has maintained her position as Treasurer.

Communiqué
Date: September 16, 2011
Person/ institution: Malawi Broadcasting Corporation (MBC)
Violation/ issue: Legislation
A court battle has erupted between employees and management of State-controlled Malawi Broadcasting Corporation (MBC) following disagreements between the two parties over issues surrounding the merger of Malawi Television (TVM) and Malawi Broadcasting Corporation (MBC) Radio services.

October 12, 2011: Some members of staff have spent their third day at state-controlled Malawi Broadcasting Corporation (MBC) following a court order issued by the High court on 28 September 2011, which directed that the employees had to go back to their previous workplaces. The reinstated workers were previously redeployed to various government departments and institutions following the merging of MBC Television and radio.

Alert
Date: September 16, 2011
Person/ institution: McDonald Sembereka,
Violation/ issue: Bombed
Civil Society groupings in Malawi have accused President Bingu wa Mutharika’s administration of muzzling freedom of expression following alleged arson attack on a house belonging to McDonald Sembereka, coordinator of a grouping of human rights organizations. Sembereka, Acting National Coordinator of Human Rights Consultative Committee (HRCC), had his house allegedly petrol bombed on Saturday, September 10, by unknown arsonists. The house is located in Balaka district, Eastern Malawi.
Alert
Date: September 23, 2011
Person/ institution: Civil Society
Violation/ issue: Other
Talks between government and the country’s civil society have hit a snag following a decision by the rights groups to temporarily pull out of the talks claiming that lives of some Civil Society (CS) leaders are in danger. Talks between government and CSO leaders began on 16 August 2011 with the United Nations team in Malawi led by the UN resident coordinator Richard Dictus, as mediator.

Alert
Date: September 23, 2011
Person/ institution: Civil Society Organizations
Violation/ issue: Other
Some Civil Society Organizations (CSOs) in the country are urging members of the public to stay away from work for three days from 21 September, to force President Bingu Wa Mutharika to address what they describe as poor economic and governance issues. Coincidentally, Malawi and the rest of the world commemorated world peace day on the same day.

Alert
Date: October 12, 2011
Person/ institution: Malawi Communications Regulatory Authority
Violation/ issue: Legislation
The country’s communications regulatory body, the Malawi Communications Regulatory Authority (MACRA), has issued warnings to two private broadcasters, Capital FM and Radio Islam for various offences. According to a public notice published by MACRA on October 7, Capital FM has been warned for broadcasting a programme in which a caller insulted the country’s state president Bingu Wa Mutharika during the station’s ‘Day Break Malawi Programme’ of 28th April, 2011.

Communiqué
Date: October 12, 2011
Person/ institution: MISA-Malawi
Violation/ issue: Other
The golden padlock award for the most secretive government institution has for the first time since 2009 been accepted by the Ministry of Energy, Natural Resources and Environment. The award was given out on October 5, 2011 at an event in the capital Lilongwe, where the Malawi Chapter of the Media Institute of Southern Africa (MISA) unveiled results for the 2011 Right to Know Research study. During the same event, the golden key award, which is given to the most open and transparent government institution, was awarded to Malawi Bureau of Standards (MBS).

Alert
Date: October 12, 2011
Person/ institution: Robert Chasowa
Violation/ issue: Other
One of Malawi’s leading pathologists Dr. Charles Dzamalala from College of Medicine, a constituent College of the University of Malawi, has said a 25-year-old Polytechnic student who died under controversial circumstances, did not
commit suicide. The student, Robert Chasowa was found dead at the College campus in the early hours of September 24, 2011.

Alert
Date: October 12, 2011
Person/ institution: Youth for Freedom and Democracy
Violation/ issue: Detained
The police in Blantyre are keeping in custody a youth activist Alex Moses, who is the president of an organisation known as Youth for Freedom and Democracy (YFD). Moses was denied bail by the Blantyre Magistrate court on September 29, following his arrest by the police on grounds that he was publishing and distributing a publication which the police said was seditious. According to the police, the publication, known as 'Political Update' was insulting State President Bingu Wa Mutharika.

Communiqué
Date: 26 October 2011
Person/ institution: United Nations Human Rights Committee
Violation/ issue: Other
The Media Institute of Southern Africa (MISA) Malawi Chapter Chairperson Anthony Kasunda is among the Malawi delegation of Civil Society leaders who on Monday, October 24, addressed the United Nations Human Rights Committee in Geneva, Switzerland. Kasunda seized the opportunity to inform the UN on the serious threats that Section 46 of the Penal Code as amended poses to Freedom of Expression and the press as guaranteed in sections 35 and 36 of the Republic of Malawi Constitution, respectively.
National Overview Mozambique 2011

By José Paulo Machicane, a journalist based in Maputo. He is also a social and political commentator.
Introduction

Access to Information

Repeated public statements by some members of the House of Assembly on the need for Mozambique to adopt a law promoting access to information have consistently brought optimism but 2011 passed without nothing concrete being achieved on this front.

A draft Law on Access to Information was submitted several years ago by MISA-Mozambique to the legislature and attention was brought on the same in 2011 but the proposals were relegated, almost to the dustbin, as the year passed without their debate in the House.

The inaction of Parliament in relation to discussion and approval of legal instrument in question stands against the default constitutional right of access to information. As a result, despite such constitutional guarantees for access to information, public offices in Mozambique inhibit the same. This situation, unfortunately, leads to other rights of citizens being violated or, in worst-case scenarios, being restricted.

More significantly, the work of journalists is hampered in such environments because without access to information, the press cannot fully execute their watchdog mandate and also that the very fact of their being hindered from accessing vital public information, restrictions are placed on their freedom.

State of Print media

While there has been considerable penetration of new media technologies within the media market, the printed word remains a key source of information for many Mozambicans, especially those who live in the urban areas.

There were attempts to curtail press freedom in 2011 as the Press of Law of 1991 remained intact. But also, the economic and financial strength of most newspapers came under close scrutiny as possible developments that, if in the negative, could hamper press freedom.

In a country where the largest share of income comes from advertising and announcements - and these are controlled by a few large companies and/or institutions - print media became easy targets from political interests that are invested in various businesses. Hence, newspapers and magazines that are deemed to be unfavourable to these businesses and by extension the political interests embedded within them were denied the much-needed advertising as a way of limiting their level of operation.

Indeed, reports emerged where this practice was confirmed by those in business who said they were acting on “superior orders” in their denial of advertising revenue to selected publications. The result was devastating for targeted newspapers as they saw their revenue dwindle while staff turnover shot up and the quality of their products got compromised.
State broadcast media

The absence of a law on broadcasting and television prevailed in Mozambique in 2011, keeping fertile the ground for chaos in the licensing of FM radios for instance. This free-for-all approach became a threat itself to media freedom as no rules for operation were set, let alone adopted as a plausible code of conduct.

The lack of regulation of radio and television industry, therefore, is responsible for the disordering of the geographical distribution of radio and television services, resulting in the concentration of resources in certain areas and lack of the same in others.

The population’s access to information and the right to freedom of expression and press freedom through radio and television are only better protected by a law that meets the specifics of these vehicles. And just as was the case with print media, big business had a major say in how the advertising cake was sliced and distributed across the industry. Appointments to public broadcasters were made and these reflected strong biases towards the government.

Information and Communication Technologies

As new media technologies gain currency within Mozambique, proving themselves to be effective tools for citizen empowerment and the democratization of information, it is likely that the government will awaken to their power and therefore actively pursue legislation that seeks to prevent their proliferation. Signs of this happening have been shown already in sporadic cases during the year under review.

After the demonstrations against the cost of living in 2010, the scrutiny of the state over mobile telephone operators became more aggressive. Ever since that time, the government has called for all mobile users to be registered with their network, failure of which will result in the loss of a phone number.

However, statistics show that six million people were using mobile phones in Mozambique but Internet access and use remained the lowest in sub-Saharan Africa.

New Media and Social Networking

Social networking websites like Facebook are becoming very popular, especially amongst the youth. Various media houses and journalists are beginning to use this tool to stir debate and also gather useful information. This is a welcome development when considered against the background of promoting freedom of expression.

The strength of social networks in Mozambique has already been witnessed in 2010 when the violence of popular revolt against the cost of living in Mozambique was reflected in various media platforms, including Facebook and Twitter, which gave tremendous insights to all those beyond Mozambique’s borders in the aftermath of a government blackout on information.
Conclusion and Projections for 2012

The state of the media in Mozambique in 2011 gave consistency to the idea that violent repression and freedom of the press and other related freedoms may become a thing of the past if urgent attention is not paid to the deteriorating situation.

While there were no incidences of death, injury or imprisonment of journalists, this does not mean that the environment was at all times free. There is still greater need for public officials, for example, to respect the media and afford them all the assistance they need in accessing information. Also, the apparent decrease in the use of criminal defamation laws as a way of targeting press freedom further proves that some progress is being made.

Yet, the disproportionate influence of big business in the budgets of media companies, as well as resistance to remove the remnants of colonial practices by modernising the legal framework governing the media are some of the hurdles to overcome going into the future.

PORTUGUESE VERSION

Introdução

Acesso à Informação

As reiteradas declarações públicas da direção máxima da Assembleia da República de Moçambique e de deputados membros da comissão parlamentar responsável pelos assuntos da comunicação social em 2011 sobre a pertinência de Moçambique ter uma lei sobre o acesso à informação geraram um grande optimismo no seio da sociedade, mas o ano passou e essa expectativa geral, já antiga, voltou a ser defraudada.

Depois de o Projecto de Lei de Acesso à Informação submetida há já vários anos pelo MISA-Moçambique ter sido dado como prioritário pelo órgão legislativo moçambicano para o ano parlamentar 2011, o documento foi progressivamente passado ao esquecimento até o ano findar sem que o seu debate e aprovação em plenária fossem efectivados.

De resto, o aparente entusiasmo da Assembleia da República no início de 2011 com a perspectiva de Moçambique passar a contar com uma Lei de Acesso à Informação esmoreceu por completo e não mais se falou do documento nos últimos dias do ano na chamada "casa do povo".

Pormenor da conferência sobre os Novos Media e a Liberdade de Expressão em Moçambique, organizada em 2011 pela UNESCO e parceiros por ocasião do
Dia da Liberdade de Imprensa.

A inação da Assembleia da República em relação à discussão e aprovação do instrumento jurídico em causa coloca este órgão na despudorada situação de violador por omissão do direito constitucional de acesso à informação.

Apesar de previsto na lei-mãe da República, o direito à informação em Moçambique continua coarctado, uma vez que os deputados teimam em não avançar com um diploma que regularmente esse bem público fundamental.

Na linguagem dos jurisconsultos, o direito constitucional à informação em Moçambique mantém-se imperfeito, pois está previsto no mais importante estatuto jurídico da Nação, mas não acarreta por enquanto nenhuma consequência para quem não o respeitar ou violar.

É escusado expender sobre os efeitos perniciosos da ausência de uma lei que concretize o direito dos cidadão à informação, desde logo porque esta omissão redunda no cerceamento de outros direitos e liberdades fundamentais.

Com a falta dessa norma estão armadilhados bens importantes como a liberdade de imprensa, porque não existe imprensa livre sem acesso à informação, ou a liberdade de expressão, porque lhe faltará o condimento essencial do acesso à informação.

**Estado dos Meios de Comunicação Social Impressos**

Apesar de Moçambique estar também a sofrer as profundas transformações que atingem a área dos meios de comunicação social, devido ao advento de novas plataformas neste domínio, a imprensa, tomada aqui no sentido estreito, continua a ser um importante veículo, nomeadamente nas zonas urbanas.

O papel central da imprensa escrita, passe a redundância, no espectro da comunicação social em Moçambique, divisa-se sem dificuldades no facto de ter sido a mais atingida por tentativas de cerceamento da liberdade de imprensa em 2011.

Abandonada a cultura da censura e repressão direta, com a aprovação da Lei de Imprensa de 1991, o condicionamento económico e financeiro passou a ser o instrumento mais recorrente nas tentativas de impedir ou limitar a liberdade de expressão dos jornais.

E 2011 não foi regra no recurso a esse novo "lápis azul", a cor que simboliza a repressão à liberdade de imprensa no tempo do colonialismo português em Moçambique.

Num país em que a maior fatia dos rendimentos provenientes da publicidade e anúncios é garantida por algumas grandes empresas e/ou instituições, a imprensa mais inconveniente foi facilmente visada por medidas de verdadeira asfixia financeira, como forma de a obrigar “a entrar na linha”.

Gestores de jornais continuaram a queixar-se de terem sido excluídos de contratos de publicidade vantajosos pelo facto de seguirem uma linha editorial supostamente hostil a este ou aquele poder.

Foram até citados casos de responsáveis de setores comerciais de grandes empresas terem descartado este ou aquele jornal supostamente a mando de...
Os cartéis em que as grandes empresas e/ou instituições se transformaram no modo como distribuem os anúncios comerciais na imprensa outorgou-lhes um poder desenfreado sobre a imprensa, dando-lhe a prerrogativa de decidir que jornal continuar a subsistir e qual a abater.

O resultado disso foi que vários jornais entraram em crise, sofreram uma colossal sangria de jornalistas e viram a sua qualidade e liberdade de actuação degradados.

**Estado da Radiodifusão e Televisão**

A ausência de uma lei da radiodifusão e televisão em Moçambique prevaleceu em 2011, mantendo fértil o caos no licenciamento das rádios em FM, que continuaram a proliferar nesse ano.

Com mais essa omissão legislativa, protagonizada pelos que têm o poder/dever de aprovar normas, a rádio e televisão funcionaram em Moçambique num ambiente de selva, constituindo-se, paradoxalmente, eles próprios, em ameaças ou atentados a direitos e liberdades consagradas na Constituição.

A falta de regulamentação do setor de rádio e televisão é responsável pelo desordenamento geográfico da distribuição dos serviços de rádio e televisão, resultando na concentração destes meios em determinados locais e ausência ou défice noutros.

O acesso da população à informação bem como o exercício do direito de expressão e liberdade de imprensa através da rádio e televisão só estão melhor salvaguardados com uma lei que atenda às especificidades destes veículos, o que não aconteceu em 2011, como não aconteceu nos anos anteriores a esse.

Os canais de rádio e televisão hostis a certos poderes também se ressentiram dos monopólios do mercado de publicidade, perdendo contratos importantes por terem mantido esta ou aquela postura em relação a assunto candentes da realidade social, política e económica do país.

O debate sobre o modo de designação dos gestores da rádio e televisão públicos, considerados muito concentrados no Governo, pontuaram igualmente 2011, mas sem que se verificassem avanços no sentido da clarificação do tema.

**Tecnologias de Comunicação e Informação**

À medida que se populariza a utilização das novas tecnologias de comunicação e informação e tornam-se num instrumento de exercício de poder e cidadania, as instituições estatais vão se dando conta de que devem reforçar o controlo sobre estes meios. Moçambique não é exceção a estas tendências e 2011 consolidou-as.

Após as manifestações contra o custo de vida em 2010, o escrutínio do Estado sobre os operadores de telefonia móvel tornou-se mais agressivo, tendo se aumentado em 2011 a pressão para que todos os utentes de telemóvel fossem registados, sob pena de perda do número de telefone.
No segundo dia das escaramuças, em 2010, provocadas por uma revolta convocada pelo "passa a palavra" do telemóvel, as autoridades já tinham dados mostras de que não hesitariam em condicionar a utilização deste meio de comunicação, bloqueando por completo o fluxo do serviço de mensagens.

O sector das tecnologias de comunicação e informação em Moçambique consolidaram em 2011 as ambiguidades na forma como se expandem. Enquanto o telemóvel já era detido por cerca de seis milhões de utentes nesse ano, o acesso à Internet continuou dos mais baixos da África sub-sahariana.

**Novos Meios de Comunicação e Redes Sociais**

O fenómeno das redes sociais, principalmente o facebook, conservou em 2011 a euforia com que a população urbana moçambicana despertou para esta ferramenta.

Na inacessibilidade aos tradicionais meios de comunicação social, devido às restrições que lhes são inerentes, a juventude, sobretudo esta, tem recorrido ao facebook para exercer o direito elementar à expressão.

Informações de relevância nacional na posse de jornalistas e não só foram divulgadas pelo facebook, alargando-se com esse recurso o espaço de debate e mobilização cívica.

Matérias residuais dos jornalistas, que não cabem nos limites das laudas dos jornais ou nos tempos de antena das rádios e jornais foram enriquecendo o manancial de informação dos parceiros das redes formadas à volta do facebook.

O olhar mais pessoal do jornalista, incompatível com o estatuto editorial do jornalista, também foi vertido no facebook, como aconteceu nas eleições municipais intercalares de 07 de dezembro, assim como as impressões de cidadãos anónimos sobre assuntos candentes da vida política, económica e social.

A força das redes sociais em Moçambique já tinha emergido em 2010, quando a violência da revolta popular contra o custo de vida em Moçambique foi repercutida em várias plataformas de media, incluindo facebook e twitter, que chegou a servir de fonte para a imprensa internacional.

Mas há sinais de que a censura alargou também os seus tentáculos às redes sociais. Há relatos de perseguição movida contra usuários de redes sociais por opiniões difundidas neste meio.

**Conclusão e Projecções para 2012**

O estado dos meios de comunicação social em 2011 em Moçambique deu consistência à ideia de que a repressão violenta e física à liberdade de imprensa e outras que lhe são conexas é coisa do passado e só esporadicamente pode ocorrer.

A ausência de episódios de morte, agressão, prisão de jornalistas ou encerramento administrativo de órgãos de comunicação social em 2011 em Moçambique testemunha um gradual amadurecimento do país em relação à
necessidade do respeito das liberdades essenciais ao funcionamento da comunicação social.

A prevalência de um ambiente relativamente favorável à abertura de empresas de comunicação social, sobretudo jornais, atesta igualmente o carácter progressista da Lei de Imprensa de 1991.

A aparente diminuição em 1991 da chamada “jurisdicionalização” dos processos-crime por acusação de abuso da liberdade de imprensa prova igualmente que começa a ficar assente nos círculos de poder em Moçambique que os abusos da liberdade de imprensa combatem com liberdade de imprensa e não com a mordça.

Apesar dessas perspetivas animadoras, a comunicação social moçambicana move-se ainda em territórios muitos tortuosos enfrentando desafios gigantescos.

A desmedida influência dos grandes grupos económicos no orçamento das empresas de comunicação social, bem como a resistência em remover os resquícios dos tempos colonial e de partido único e em modernizar o quadro jurídico regulador da comunicação social são alguns dos obstáculos a transpor por parte da comunicação social no país.

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**Alert**

**Date:** March 1, 2011  
**Person/ Institution:** Victor Muvale, Diario de Mocambique  
**Violation/ Issue:** Threatened

Three members of the police have threatened to kill journalist Victor Muvale, who is the correspondent in the southern city of Xai-Xai of the Beira daily paper “Diario de Mocambique”. The three were infuriated with Muvale because he wrote an article, published on 3 January 2011, about the policemen beating up a young man, Narciso Nuvunga, whom they caught for not carrying his identity card.
National Overview Namibia 2011

By Johnathan Beukes
Supplements Editor of The Namibian, the biggest daily newspaper in Namibia
Introduction

In this, the 20th anniversary year of the Windhoek Declaration, the media in Namibia experienced a year of growth, introspection and change. The industry saw retrenchments and significant management changes at certain media houses. There have been calls for the media to become more professional and improve the quality of journalism.

There were also some positive developments. The decade-long advertising and purchasing ban on Namibia’s biggest selling daily newspaper, The Namibian, was lifted towards the end of the year following a Cabinet directive. A number of new publications made it onto the streets, backed by big business interests, which is a concern for the development of a diverse and pluralistic media environment, especially since most of these businesses are connected to the ruling party, the South West Africa People’s Organization (SWAPO).

Also, being as it was the 20th anniversary of the Windhoek Declaration, media practitioners from across Africa again met in Windhoek for a two-day conference to discuss current developments on the African media landscape and how to overcome various challenges. Participants met at the Windhoek+20 conference under the theme ‘Media in Africa 20 years on: Our past, present and future’ and amongst others looked at media freedom 20 years on - freedom of information: opportunities and obstacles; the Internet and the emergence of new media; and the increase in popularity of social networking sites.

Media-government relationship

It would seem that the blanket tar-ring of the media by members of Parliament subsided recently but comments from two senior government ministers about the media is cause for concern.

Namibia’s Anti-Corruption Commission (ACC) head of investigations Nelius Becker criticised the media, saying that news reports on corruption jeopardise their investigations. Becker was making off-the-cuff comments at a forensic investigation, fraud and cyber crime prevention conference in Windhoek in November 2011 when he said that media reports on alleged corruption do more harm than good as those who commit such crimes immediately destroy any evidence of the crimes. Becker took a further swipe at the media when he questioned the authenticity of facts presented in media articles regarding alleged corruption.

In November 2011 again, Youth Minister, Kazenambo Kazenambo verbally attacked the editor of the Namibian Sun, Jan Poolman at a press conference. Criticising Poolman’s ‘unauthorised’ use of a Cabinet submission which considered a N$700,000 overspending of the budget for a trip to Germany by a 65-strong delegation to receive the skulls of genocide victims, Kazenambo branded Poolman as “insensitive”, a “bloody Boer” with a “Koevoet mentality”, a “perverted mind” and “sick”. He also accused Poolman of “apartheid arrogance” and being “colonial minded”.

“We will vote with our feet; we will grab the farms; we’ll put the Constitution
which provides for specific permissible restrictions on these freedoms. In addition, the guarantee is also subject to Article 22, the general limitation clause for all rights and freedoms entrenched in the Bill of Rights.

Furthermore, the various Acts that establish the government-funded media and the Communications Regulatory Authority of Namibia (CRAN) and its predecessor the Namibia Communications Commission (NCC) make provision for the Minister to appoint the governing board. This clearly influences the independence of the boards.

In 2009, after requesting input from the media and the public, the governing party bulldozed the controversial Communications Act (Act No. 8 of 2009) through Parliament. The law is particularly worrisome because of the provision allowing state security to electronically intercept private individuals' communication without proper oversight of the practice being provided for.

Namibia does not have access to information laws that enable journalists to get the most trivial of information from a government department. The process can sometimes become quite cumbersome as the Permanent Secretary of a particular Ministry must authorise the release of information.

Given this state of affairs, the Media Institute of Southern Africa (MISA) Regional Secretariat again handed out awards for the most and least open institutions in the country. The Ministry of Trade and Industry walked away with the unflattering honour of being the Namibian institution that is the least transpar-
ent in its dealings with the public.

The absence of access to information laws means that the work of the media is severely limited, and the general public is largely left guessing about the actual state of important governance issues. This situation is further exacerbated by the fact that reliable information and statistics are not available for most socio-economic aspects of Namibian society. This makes it hard for the media to report and investigate corruption.

Online media

On the ICT front, technology is still too expensive and computers are too scarce, especially in rural areas, to help make information truly accessible. It is estimated that only about 15 percent of Namibians have access to computers and that Internet use is largely an urban phenomenon. However, the use of technology, especially mobile telecommunication devices, has contributed to civic participation and discussion of societal issues, as can be witnessed on the SMS pages of local newspapers. Social networking sites such as Facebook and Twitter have taken off tremendously. Mobile telephones have become cheaper over the years and most of the latest handsets are Internet compatible. However, the high cost and the absence of real broadband are prohibitive.

Threats

Government’s insistence, by legally empowering line ministers to appoint the boards and the senior managers of parastatals, such as the NBC and CRAN, has become problematic as quite often boards and managers are not appointed on the basis of their competencies but rather political allegiance.

The recently established CRAN’s board of directors is headed by Lazarus Jacobs who owns a weekly newspaper, *The Windhoek Observer*, as well as an advertising agency. Government clearly does not see the possible conflict of interest arising from Jacobs’ political and business links.

Also, the unethical behaviour of some journalists is becoming a considerable threat to the journalistic fraternity’s image and integrity. On the whole professional standards are a great concern on the media landscape. For instance, a journalist previously exposed for plagiarism was once again involved in unprofessional conduct when it came to light that he had lied about having spoken to sources when no such interviews had taken place. Another journalist working for a weekly tabloid lifted comments from a TV presenter’s Facebook page and published them as quotes in an article about the presenter’s personal relationships.

In another instance of unprofessional conduct, no less than the editor of a daily newspaper lifted comments from a government document and attributed them as quotes being made by a minister in an article. The minister in question lost his temper in public and verbally assaulted the editor in question, an incident that has once again spotlighted the tense relationship between government and the media in general.
With more media houses opening their doors the dearth of well-trained journalists has become even more acute. There are simply not enough journalists appropriately trained by, for example, the University of Namibia and the Polytechnic of Namibia. Many media graduates opt for lucrative public relations jobs. As a result junior or untrained journalists form the majority of intake by newsrooms and no media institution has an adequate in-house training programme.

This state of affairs has given rise to a situation where many better trained and more English proficient expatriates have found work, some probably illegally, in Namibian newsrooms, often for a pittance.

As for investigative journalism, very few investigations have been undertaken over the course of the year in question and this remains a considerable concern.

**National broadcaster**

The deteriorating situation at the Namibian Broadcasting Corporation (NBC) was temporarily arrested when a new board of directors and new Director General (DG) were appointed towards the end of 2010. Controversy is never far from the state broadcaster though.

NBC employees were up in arms after Director-General Albertus Aochamub, received N$90 000 after tax as a “performance payment” for allegedly “reaching certain milestones” after he joined the beleaguered corporation just eight months before.

Employees were furious about the bonus, as their annual salary increments were three months late at the time and the NBC remained in financial distress. The corporation has not paid over tax deducted from employees for a number of years. Senior managers at the broadcaster also took their employer to court as it became clear that they were not considered for new strategic positions. Some of these managers earlier used their political connections to keep them in lucrative positions and ultimately caused the previous acting DG to call it a day.

The new board and management’s openness about the corporation’s challenges and recruitment policies and practices is refreshing. The broadcaster now has a strategic plan and although it might appear a little too ambitious there are visible improvements in programme quality and presenters.

The popular radio phone-in programmes controversially taken off air ahead of the 2009 Presidential and National Assembly elections also made a come-back in 2011.

However, old habits die hard and censorship once again became an issue in the wake of the 2011 Namibia Annual Music Awards when, following the uttering of an expletive on-air by a popular musician, the NBC Director-General vowed to ban the musician’s music from the airwaves for as long as he was heading the broadcaster. When journalists criticised this move during a pre-recorded programme, their comments were subsequently edited out.
So This is Democracy • 2011

DMH earlier canceled plans to sell the station, vowing to "sort out the management at their own pace, making it work by hook or crook".

An example of how big business interfere in editorial independence occurred in June when weekly tabloid Informante, owned by Trustco Group International, suspended senior journalist Brigitte Weidlich and sub-editor Elizabeth Mule without pay, for a story concerning the termination of an agreement between Trustco mobile and Econet Wireless Zimbabwe. MISA has noted that there is nothing unethical about the story that Weidlich wrote. Mule was then fired and Weidlich resigned. Trustco’s reaction is thus outright censorship and flies in the face of media freedom.

Developments

One of the more significant developments in the media sector in 2011 was government finally coming to its senses. After a decade of persistent calls from media freedom advocates and politicians, the ruling party government this year finally lifted the advertising and purchase ban instituted against The Namibian in 2001 by then President Sam Nujoma.

Having spent 26 years at the helm of Namibia’s biggest daily newspaper Gwen Lister stepped aside in 2011. The Namibian in 2001 by then President Sam Nujoma.

The Media Ombudsman and MISA-Namibia toured the country to sensitise people about the work of the Media Ombudsman. However, media houses
are not paying their dues to the Editors’ Forum of Namibia on time, which in turn makes it difficult to maintain the Media Ombudsman and the website and part-time staff. The Editors’ Forum of Namibia has also been quiet on media issues that required intervention during the course of 2011.

With regard to activism, MISA-Namibia continued to lead the line. However, the monthly social gatherings fell away in 2011. As it stands, journalists do not have a platform to discuss issues pertinent to their profession. Cohesion and cooperation, as much as these are required, remain absent within and amongst media houses. As a result, debate about media issues was, unfortunately, largely instigated by non-media actors.

Challenges

The Namibian media sector and media practitioners continue to grapple with longstanding and numerous challenges. Some media houses are severely understaffed, which negatively impacts on the quality of reportage and editorial services, and none of the media houses has a functioning training programme in place. The staff and skills shortages mean that very little investigative journalism is undertaken.

Furthermore, training of journalism students has been identified as being deficient. Tertiary institutions continue to fall considerably short of meeting the needs of the industry and the shortage of journalists with specialised skills, such as in health and economics reporting, will continue for the foreseeable future.

A columnist for The Namibian, Alfredo Tjurimo Hengari, wrote during the year, "weak and bad journalism has the potential to undermine democratic debate and development. To have weak and unqualified journalists is as good as bad as having incompetent and unqualified leaders. Both are toxic and retard progress. Without exigent demands and rigorous judgment, some of the stories and columns that we now read in various papers look more like graffiti with punctuation. At present, our journalism is still crude. It ought to move beyond the stone-age stage."

At this year’s Namibia Media Awards founding editor of The Namibian, Gwen Lister, the main speaker at the event, expressed concern over the standard of journalism in Namibia. She said: "It is also critical that we assist our people to understand complex issues. For access to information is primarily about the public right to know. I have read much of the reporting around the important issue of climate change for example, and I doubt that our readers, listeners and viewers are any the wiser, as it seems most of our journalists don’t understand the issues ourselves. It is important for us to give more depth and context to our report-
ing."

Despite these and other challenges, the Namibian media sector remains vibrant, fluid and the media continues to inform the general public of their rights and expose those who embezzle public funds and abuse their positions.
Looking ahead

The year 2012 will be another tough year for the media as the governing party, Swapo will hold its congress to elect their candidate who would most probably become Namibia’s next President. Swapo have enjoyed a large majority in all Namibia’s national and presidential elections after gaining Independence from South Africa in 1990.

The media will speculate about and expose politicians’ maneuvers to secure a place at the congress or on the party list. Tempers will flare and journalists will be blamed for stirring up trouble. The fact that journalists are not united will continue to leave them vulnerable to abuse and undue criticism from politicians and their followers.

Journalists will continue to be exploited by unscrupulous businesses and little job security as there is no labour union representing the interests of those working in the media in Namibia. Misa Namibia is still struggling to attract members as journalists do not show interest in the activities of the advocacy organisation.

Unfortunately the NBC will continue to drain public coffers as the ambitions of the broadcaster far outstretch the possible income it can muster at the moment.

In the year 2012 the media will continue to struggle to access vital information as decision makers still do not see the media as a conveyor belt of information to the public. There is no plan to introduce access to information legislation in the near future.

PORTUGUESE VERSION

Introdução

Volvidos 20 anos após a Declaração de Windhoek, a mídia na Namíbia experimentou um ano de crescimento, introspecção e mudança. Alguns órgãos de informação tiveram que reduzir suas despesas e sofrer mudanças administrativas significantes. Houve trabalho e solicitações tendentes ao profissionalismo e melhoria da qualidade dos órgãos de informação e o jornalismo.

O sector registou um desenvolvimento positivo. A proibição da publicação e comercialização do famoso jornal diário "The Namibian", por uma década foi levantada. Nasceram várias publicações novas, apoiadas pelos grandes interesses de negócios preocupados com o desenvolvimento de um ambiente de diversificado da comunicação social, muitas vezes ligados ao partido no poder, o South West Africa People’s Organization (SWAPO).

No âmbito do 20º aniversário da Declaração de Windhoek, representantes do sector da comunicação social provenientes de vários países de África, encontraram-se em Windhoek para uma conferência de dois dias para discutir os desenvolvimentos actuais do sector, bem como novos desafios. Os participantes reuniram-se na conferência de Windhoek+20 sob o tema ‘Mídia em África 20 anos de acção: nosso passado, presente
e futuro’, onde olhou-se para a liberdade de imprensa, liberdade de informação, oportunidades e obstáculos, a Internet e a emergência de novos modelos de comunicação, e o aumento da popularidade das redes sociais.

**Relacionamento Mídia-Governo**

Parece que a cobertura dos assuntos políticos tende a baixar. Os comentários de dois quadros séniores do governo sobre a comunicação social são preocupantes.

O chefe de investigações A Comissão de Anti-corrupção da Namíbia (ACC), Neilius Becker criticou a mídia, dizendo que as reportagens noticiosas sobre corrupção poêm em risco as suas investigações. Becker estava fazendo um comentário improvisado numa conferência de investigação judicial, fraude e prevenção do crime cibernético em Windhoek em Novembro de 2011, tendo dito que algumas reportagens da mídia sobre alegados casos de corrupção causam mais danos que benefícios, dado que destroem imediatamente qualquer evidência dos crimes. Becker foi mais adiante ao questionar a autenticidade de factos apresentados em artigos da mídia sobre alegados casos da corrupção.

Em Novembro de 2011, outro quadro, o Ministro da Juventude, Kazenambo Kazenambo atacou verbalmente o editor do "Namibian Sun", Jan Poolman numa conferência de imprensa. Este alegava à publicação inautORIZADA de uma nota governamental que considerava o esbanjamento de N$700,000 do orçamento para uma viagem de uma delegação de 65 indivíduos para a Alemanha, com o fim de receber as caveiras das vítimas de genocídio. Kazenambo apelidou Poolman de “insensível”, “sangrento bôer”, com uma “mentalidade de Koevoet”, uma mente pervertida” e “doente”. Este continuou acusando Poolman de “arrogância do apartheid” e “mente colonial.”

“Nós votaremos com nossos pés; nós nos apossaremos das fazendas; nós colocaremos a Constituição à parte,” ameaçou Kazenambo, “se os brancos não mostrarem sensibilidade e respeito em relação ao genocídio ocorrido durante o regime colonial alemão”, disse.

Em tom de reacção, o Secretário-geral do partido no poder, Pendukeni livula-Ithana que por sinal é o Ministro de Justiça, disse que Kazenambo estava falar individualmente e não em nome do governo ou do Swapo. Kazenambo violou o seu juramento de tomada de posse quando ameaçou colocar a Constituição à parte, com o agravante de tê-lo feito durante as horas normais de expediente, em plena conferência de imprensa oficial convocada pelo seu gabinete. Nenhuma acção contra ele foi tomada.

**Direitos constitucionais e o ambiente legislativo**

Nos termos da Secção 205 da Acta do Procedimento Criminal, um magistrado é autorizado, a pedido de um promotor público, exigir qualquer pessoa provável para dar material ou informação pertinente relativa a uma ofensa, de prestar contas para a avaliação por um promotor. A secção 189 da Acta autoriza um
magistrado investigar qualquer recusa por qualquer pessoa de responder qualquer pergunta, e condenar aquela pessoa à prisão caso não haja nenhuma causa justa para recusar de responder perguntas.

A Acta da Protecção de Informação que impõe exigências de segredo em funcionários públicos, inibe o fluxo livre de informação. Embora as liberdades de imprensa sejam providas pelo Artigo 21 (1) (a) da Constituição Namibiana, esta garantia está sujeita ao Artigo 21 (2) que prevê restrições permissíveis específicas. Além disso, a garantia também está sujeita ao Artigo 22, a cláusula de limitação geral para todos os direitos e liberdades defendidos no Projecto lei sobre Direitos. Além disso, os vários Artigos que estabelecem os fundamentos da mídia governamental e a Autoridade Reguladora das Comunicações da Namíbia (CRAN) e a sua antecedente Comissão de Comunicações da Namíbia (NCC) fazem provisão para o Ministro designar o conselho administrativo. Isto influencia claramente a independência do conselho.

Em 2009, depois de pedir contribuições da mídia e do público, o partido no poder limitou o controverso Artigo das Comunicações (Art No. 8 de 2009) através do Parlamento. A lei é particularmente inquietante por causa da provisão que permite a segurança estatal de electronicamente interceptar a comunicação de indivíduos privados.

A Namíbia não tem leis que permitam os jornalistas obter as informações mais triviais a partir do departamento do governo. O processo torna-se bastante incômodo quando, por exemplo, o Secretário Permanente de um particular Ministério tem que autorizar a libertação de uma dada informação.

Dada a situação, a Secretaria Regional do Media Institute of Southern Africa (MISA), oferece prémios às instituições mais abertas do país. Em 2011, o Ministério do Comércio e Indústria figurou na última posição por ser a instituição Namibiana menos transparente em seus procedimentos com o público.

A ausência de leis de acesso a informação torna o trabalho da mídia severamente limitado, fazendo com que o público em geral seja especula cada vez mais sobre os assuntos importantes de governação. Esta situação é exacerbada pelo facto de as informações e estatísticas seguras não estarem disponíveis para a maioria dos aspectos socio-económicos da sociedade Namibiana.

**Mídia online**

A tecnologia continua sendo muito cara, os computadores mais escassos, especialmente nas áreas rurais, dificultando o acesso à informação pelos cidadãos. Estima-se que apenas 15 por cento dos Namibianos tem acesso a computadores e que o uso do Internet é em grande parte um fenômeno urbano. Porém, o uso de tecnologia, especialmente dispositivos de telecomunicações móveis, contribuiu para a participação cívica e discussão de assuntos sociais, como pode ser testemunhado nas páginas de SMS dos jornais locais. Sites de redes sociais como Facebook e Twitter têm ganhado espaço tremendo. Os telefones móveis ficaram mais baratos ao longo dos anos...
e a maioria destes são compatíveis à Internet.

Ameaças

A insistência do governo, em legalmente autorizar os ministros de nomearem os conselhos de administração das empresas parastatais, como a NBC e CRAN, tornou-se problemática, dado que muitas vezes os presidentes dos conselhos são designados na base da submissão política.

O conselho de administração do CRAN recentemente estabelecido é encabeçado por Lazarus Jacobs que possui um jornal semanal, *The Windhoek Observer*, como também uma agência de publicidade. O governo claramente não vê o possível conflito de interesse que surge das conexões políticas e empresariais de Jacobs.

O comportamento antiético de alguns jornalistas está se tornando uma ameaça considerável à imagem e integridade da fraternidade jornalística. Em todos os padrões profissionais gerais existe uma grande preocupação na área da mídia. Por exemplo, um jornalista previamente exposto por plágio foi uma vez mais envolvido em conduta não profissional quando veio a luz que ele tinha mentido sobre ter falado com fontes quando nenhuma de tais entrevistas tinham sido feitas. Outro jornalista que trabalha para um tablóide semanal levantou comentários a partir da página do Facebook de um apresentador de televisão e os publicou como citações em um artigo sobre as relações pessoais do apresentador.

Um outro exemplo de conduta não profissional, foi quando o editor de um jornal diário levantou comentários a partir de um documento do governo e os atribuiu como citações feitas por um ministro num artigo. O ministro em questão perdeu a paciência em público e verbalmente agrediu o editor em questão, um incidente que uma vez mais reflectiu a relação tensa entre o governo e a mídia em geral.

Com mais abertura de canais de comunicação a carência de jornalistas bem treinados tornou-se ainda mais aguda. Simplesmente não há jornalistas propriamente treinados pelas universidades. Muitos graduados em comunicação social optam por trabalhos lucrativos de relações públicas. Como resultado, os jornalistas júniores ou destreinados formam a maioria do fluxo que entra nos corredores de notícias e nenhum canal tem um programa adequado de treinamento interno.

No que tange ao jornalismo investigativo, foram empreendidas poucas investigações ao longo do ano em questão, o que constitui uma preocupação considerável.

Radiodifusão Nacional

A situação deteriorante no Namibian Broadcasting Corporation (NBC) foi temporariamente estancada quando um novo conselho administrativo e um novo Director Geral (DG) foram designados no fim de 2010. Entretanto a controvérsia nunca está longe da rádiodifusão estatal.

Os funcionários da NBC estiveram de braços levantados após o Director Geral
Albertus Aochamub ter recebido N$90 000 de comissões como “pagamento de desempenho” por supostamente ter “alcançado certos marcos milionários” depois de se juntar à corporação.

Os empregados estavam furiosos pela gratificação, dado que os incrementos de seus salários anuais estavam três meses atrasados na altura e a NBC permaneceu na angústia financeira. A corporação não pagou o imposto acrescido descontado nos trabalhadores durante vários anos. Os gerentes da radiodifusão por sua vez decidiram levá-lo ao tribunal, ao se clarificar os fatos. Alguns destes gerentes muito cedo usaram das suas conexões políticas para se manterem em posições lucrativas. No final das contas, o anterior DG cessou das suas funções.

O novo conselho e a sua nova abordagem sobre os desafios da corporação e políticas de recrutamento estão se refrescando. A rádiodifusão tem agora um plano estratégico e embora pareça ser um tanto quanto ambicioso, há melhorias visíveis na qualidade de programas e apresentadores.

O programa popular de telefonemas controversamente retirado do ar durante as eleições presidenciais e legislativas de 2009 retornou em 2011.

Porém, a censura tornou-se uma vez mais um problema visível na atribuição das Premiações Musicais Anuais da Namíbia de 2011, seguindo-se aos pronunciamentos de palavrões por um músico popular, fazendo com que o Director Geral da NBC jurasse proibir passar a música daquele cantor nas ondas de informação enquanto estivesse chefiando a radiodifusão. Os jornalistas criticaram esta acção durante um programa pré-gravado, mas os seus comentários foram subsequentemente censurados.

**Diversidade**

Acrescentando à falta de escolha de ouvintes e espectadores, a mídia comunitária continua a se defrontar como a falta de recursos (humanos e técnicos) bem como a escassez de frequências. Acima disso, a diversidade da mídia continuou sendo um desafio ao longo de 2011.

Após a abertura de uma revista mensal, "Prime Focus" o famoso homem de negócios com conexões políticas John Walenga abriu um jornal semanal, “The Villager”.

A Democratic Media Holdings (DMH), co-pertença da Desert Trade Investments (DTI), também a gigante Sul Africana Media24, anunciaram uma ampla reestruturação ao grupo que afecta todas suas publicações diárias - o Republikein, Allgemeine Zeitung e o Namibian Sun - em Março. A reestruturação também reivindicou o longo tempo de serviço do director executivo Chris Jacobie e o seu irmão, Gert Jacobie que encabeçaram o departamento I-Media do grupo durante longos anos. Pelo menos quatro outros funcionários, incluído Willie Olivier, editor fundador do “Namibian Sun”, também foram despedidos. Na ocasião, Olivier era o responsável para o desenvolvimento da mídia turística do DHM.O grupo também decidiu fechar o “Saturday Sun” e o seu editor Tabby Moyo resignou.
tarde no mesmo ano, o grupo despediu o gerente da Namibia FM99, Sandra Williams. Parte do pessoal decidiu sair com ela, sinal de solidariedade. A estação não tem estado bem financeiramente nos anos recentes e a DMH cedo cancelou os planos para vendê-la, jurando “organizar a administração do seu próprio jeito para que funcione de qualquer jeito.”

Um exemplo de como grandes negócios interferem na independência editorial aconteceu em Junho quando um tablóide semanal, pertencente ao grupo Trustco Group International, suspendeu a jornalista sênior Brigitte Weidlich e a sua sub-editora Elizabeth Mule sem remuneração, por causa de uma história referente a um acordo entre a “Trustco mobile” e a “Econet Wireless Zimbabwe”. A MISA notou que não há nada de antiético na história que Weidlich escreveu. Mula foi então despedida e Weidlich demitida. Assim a reacção da Trustco é directa e voa na face da liberdade de imprensa.

Desenvolvimentos

Depois de uma década de apelos ao presidente, através dos activistas da liberdade de imprensa e e dos políticos, o governo decidiu finalmente em 2011, levantar a proibição da divulgação e comercialização instituída sobre o “The Namibian” em 2001, pelo então presidente Sam Nujoma.

Tendo passado 26 anos na direcção do maior jornal diário da Namibía, Gwen Lister retirou-se em 2011. O The Namibian designou Tangeni Amupadhi, que antes foi jornalista e editor do jornal “Paper”.

O Provedor da Mídia e a MISA-Namíbia percorreram o país para sensibilizar as pessoas sobre o trabalho da de primeira. Porém, os órgãos de informação não têm estado a cumprir com as suas obrigações de contribuição oportunamente, o que torna difícil manter o Provedor, o Website e o pessoal não efectivo. O Fórum dos Editores Namibianos não se pronunciou efectivamente sobre os assuntos de mídia que exigiram intervenções no decorrer do ano de 2011.

Com respeito ao activismo, a MISA-Namíbia continuou liderando a linha. Porém, as reuniões sociais mensais caíram em 2011. Como situação actual, os jornalistas não têm uma plataforma para discutir assuntos pertinentes a sua profissão. Coesão e cooperação, como estes são muito requeridos, continuam ausentes dentro e entre os órgãos de comunicação. Como resultado, debates sobre assuntos de mídia foram infelizmente, em grande parte instigados por actores não pertencentes ao sector.

Desafios

O sector da imprensa Namibiana e seus agentes continuam lidando com inúmeros desafios. Alguns órgãos de comunicação deparam-se com a falta severa de pessoal, o que afecta negativamente a qualidade de reportagem e serviços editoriais. Nenhum orgão de comunicação possui um programa de treinamento continuo. A falta de pessoal e de habilidades significam que muito
pouco jornalismo investigativo é empreendido.

Além disso, o treinamento de estudantes de jornalismo foi identificado como sendo deficiente. As Instituições terciárias continuam decaendo consideravelmente no sentido de satisfazer as necessidades do sector; e a escassez de jornalistas com habilidades especializadas, como por exemplo na saúde e reportagem económica, continuarão a ser um desafio no futuro.

Ifredo Tjurimo Hengari, um repórter para o "The Namibian", escreveu durante o ano que "o jornalismo fraco e ruim tem o potencial de arruinar o debate democrático e o desenvolvimento. Ter os jornalistas fracos e inaptos é tão ruim quanto ter líderes incompetentes. Ambos são tóxicos e retardam o progresso. Sem demanda exigente e julgamento rigoroso, algumas histórias e colunas que nós lemos agora em vários jornais aparentam mais ser pichações com pontuação. De momento, o nosso jornalismo ainda está precário…"

Nas premiações para a Midia Namibiana deste ano, o editor fundador do "The Namibian", Gwen Lister, orador principal ao evento, expressou a sua preocupação sobre o padrão de jornalismo na Namíbia. Ela disse: "É crítico que nós ajudemos às pessoas a entenderem assuntos complexos. Pois que o acesso à informação é primordialmente parte do direito público de saber. Eu li muito sobre as reportagens a volta dos assuntos importantes como por exemplo, mudanças climáticas. Eu duvido que os nossos leitores, ouvintes e espectadores não sejam mais sábios, pois que parece que a maioria de nós jornalistas não entende os assuntos sobre os quais reportamos. É importante que demos mais profundidade e contexto à nossa reportagem."

Apesar destes e outros desafios, o sector da imprensa Namibiana permanece vibrante, fluida e os órgãos de informação continuam informando ao público em geral sobre os seus direitos, bem como expor aqueles que desviam fundos públicos e abusam das suas posições.

Olhando à frente


A imprensa especulará sobre isto e explorará as manobras de políticos querendo assegurar um lugar no congresso ou na lista do parido. Os temperamentos virão à tona e os jornalistas serão responsabilizados por incitarem conflito. A desunião dos jornalistas continuará deixando-os vulneráveis ao abuso e crítica imprópria de políticos e seus seguidores.

Os jornalistas continuarão sendo explorados por negócios inescrupulosos e segurança do pequeno emprego já que não existe um sindicato que os represente na Namíbia. A MISA-Namíbia
ainda está lutando para atrair membros dado que os jornalistas não mostram interesse em actividades das organizações de advocacia.

Infelizmente a NBC continuará usando dos cofres públicos dado que as ambições da radiodifusão expandem para além dos rendimentos possíveis neste momento.

No ano 2012 a imprensa ainda continuara lutando para acessar informações vitais dado que os órgãos de decisão não vêm ainda a mídia como aliada para o transporte de informação para o público. Não existe nenhum plano de introdução num futuro próximo de uma legislação de acesso a informação.

**Alert**
**Date:** May 26, 2011  
**Person/ institution:** Andreas Novotny  
**Violation/ issue:** Beaten

The Namibian Football Association (NFA) Secretary General, Barry Rukoro punched a journalist in the face at a media event at Soccer House on 24 May 2011. Andreas Novotny, a freelance journalist said he was punched after he insisted on getting questions answered by the soccer official.

**Communiqué**
**Date:** June 2, 2011  
**Person/ institution:** Law Reform and Development Commission (LRDC).  
**Violation/ issue:** Legislation

A draft law forcing officials who hold public office to declare their interests, as well as those of their relatives, will be presented to the Minister of Justice Pendukeni Iivula-Ithana in 18 months’ time. The draft will cover asset declaration and include Access to Information and Conflict of Interest, according to Tousy Namiseb, chief of law reform at the Law Reform and Development Commission (LRDC).

**Communiqué**
**Date:** June 9, 2011  
**Person/ institution:** Communications Regulatory Authority of Namibia  
**Violation/ issue:** Other

The existing regulations, licenses and fees for broadcasting and telecommunications will remain the same until the transformation process of the Communications Regulatory Authority of Namibia (CRAN) has been completed.
CRAN, which supplants the Namibia Communications Commission (NCC), has embarked on a transition process since the Communications Act came into operation on 8 May 2011.

Alert
Date: June 16, 2011
Person/ institution: Wilfred Nyambe, Namibian Broadcasting Corporation
Violation/ issue: Sentenced
The Namibian Broadcasting Corporation (NBC)’s Rundu-based reporter Wilfred Nyambe was fined N$2 000 by the Hambukushu Traditional Authority for allegedly reporting a biased story about that traditional authority. The story was about a resident of the Divava village, who was demanding his land back from the Hambukushu Traditional Authority.

Alert
Date: June 17, 2011
Person/ institution: Namibia Broadcasting Corporation
Violation/ issue: Censored
The National Director of MISA Namibia, Marbeline Mwashekele has once again called for the transformation of the Namibian Broadcasting Corporation from a State Owned Broadcaster, to a Public Service Broadcaster. Mwashekele made the remarks following a report in the Namibian Newspaper of 4 June 2011 entitled “NBC accused of censorship”, where two local journalists called for the boycotting of ‘The Week That Was’, a weekly news review programme on the Namibia Broadcasting Corporation (NBC) television, on 13 June 2011.

Communiqué
Date: June 21, 2011
Person/ institution: The Villager
Violation/ issue: Victory
The first “black-owned and black-initiated” bi-weekly newspaper, The Villager, was launched on Thursday 16 June 2011 by President Hifikepunye Pohamba. The newspaper is an initiative of publisher, John Walenga of Omalaeti Productions, with the intention to “fill the gap by becoming the definitive and impartial news media”, by “complementing the policy of indigenisation and empowerment”.

Alert
Date: June 22, 2011
Person/ institution: Brigitte Weidlich and Elizabeth M’ule
Violation/ issue: Censored
The Media Institute of Southern Africa (MISA) Secretariat issued a statement on 21 June 2011 strongly condemning the decision by Trustco Group International to suspend Informante’s Senior Business Journalist Brigitte Weidlich. Trustco Group International, a company that owns Namibia’s vibrant weekly tabloid, Informante, suspended Weidlich without pay, for a story that she wrote and featured in Informante’s business supplement on 16 June 2011, concerning the termination of agreement between Trustco mobile and Econet Zimbabwe. 27 June 2011: The sub-editor of the weekly tabloid, Informante, Elizabeth M’ule was on the 23 June 2011 suspended from duty following a story entitled, “Trustco ends partnership with Zimba-
bwe’s Econet” that Informante Senior Journalist, Brigitte Weidlich authored regarding altercations between Trusco Mobile and Econet Zimbabwe.

Communiqué
Date: July 12, 2011
Person/ institution: New Era
Violation/ issue: Other
Namibia’s only public newspaper, the New Era held a gala dinner to make the celebration of its 20th anniversary on 11 July 2011. The New Era newspaper started as a weekly newspaper in 1991 under the auspices of the then Ministry of Information and Broadcasting. It became a daily newspaper on 2 August 2004. Apart from reporting in English, New Era also reports in five indigenous languages on a weekly basis. Currently, New Era has 57 employees, excluding freelancers and correspondents.

Communiqué
Date: July 18, 2011
Person/ institution: Karas Community Radio
Violation/ issue: Other
After two weeks’ silence due to a damaged transmitter, Keetmanshoop-based Karas Community Radio (KRC) on Friday 15 July 2011 returned to the airwaves.

Communiqué
Date: July 18, 2011
Person/ institution: Communications Regulatory Authority of Namibia
Violation/ issue: Victory
Parts of the Communications Act that deals with interception of telecommunications, universal service and the establishment of the domain name .na, are not yet finalised, said Minister of Information and Communication Technology Joël Kaapanda. The Act was put into operation on 18 May 2011, which was also when the Communications Regulatory Authority of Namibia (CRAN) was established. Kaapanda said the CRAN board and the ministry are currently discussing the transfer of funds and other assets and liabilities to the regulatory body.

Communiqué
Date: September 7, 2011
Person/ institution: MISA-Namibia
Violation/ issue: Other
The Namibian chapter of the Media Institute of Southern Africa (MISA-Namibia) on Friday, 2 September 2011 called for entries to its 2011 media awards. The national director of MISA-Namibia, Marbeline Mwashekele, said the organization has taken on board suggestions for improvements from industry players.

Communiqué
Date: September 9, 2011
Person/ institution: The Namibian Broadcasting Corporation
Violation/ issue: Other
The Namibian Broadcasting Corporation
NBC has signed a partnership agreement with the Consumer News and Business Channel (CNBC) Africa’s better business news coverage for Namibia. CNBC Africa is distributed in 49 countries in sub-Saharan Africa via Digital Satellite Television (DStv). It has bureaus in Kenya, Nigeria and South Africa.

Communiqué
Date: October 10, 2011
Person/ institution: Democratic Media Holdings
Violation/ issue: Other
Amid recent changes at Democratic Media Holdings (DMH), station manager of Namibia FM 99, Sandra Williams is the latest in a line of senior staff to be retrenched after six months at the helm of the recently rebranded radio station, reported the Namibian newspaper.
National Overview
South Africa 2011

By Jeanette Minnie
Jeanette Minnie is an international Freedom of Expression and Media Consultant, also known by the name of her consultancy service, Zambezi FoX.
Courts: Hives of Activity

At the time of writing, the Mail & Guardian (M&G) newspaper, South Africa’s prolific weekly investigative newspaper, is yet again being sued, this time for revelations published in 2009 alleging that a services managing company, Bosasa, the recipient of a number of multi-million rand government contracts, was engaged in corrupt practices connected to the department of correctional services. But this time the legal approach is new. The court is being called upon to balance the right of discovery of the complainant (Bosasa) – which enables parties in a civil case to gather pertinent information from each other in the pre-trial phase – with the media’s right to protect sources. It is the first case of this kind under South Africa’s 1996 Constitution.1

In June 2011 the Supreme Court of Appeal (SCA) found in favour of the M&G by dismissing an appeal against an order of the North Gauteng High Court, which had set aside a report produced by the Public Protector. The report, which had been nullified by the High Court, essentially contradicted the main findings of a story published by the M&G in a series of articles dubbed “Oilgate”. The Supreme Court found that the substance of the matters that were referred to the Public Protector for investigation by two members of Parliament was not investigated at all. It held that the Public Protector’s investigation was so scant as to amount to no investigation at all. (The report was prepared by the former and not the current Public Protector, Thuli Madonsela). The M&G therefore succeeded in upholding its version of events and the paper’s Oilgate reports are generally regarded as credible.

The M&G also found itself in the Constitutional Court when State President Jacob Zuma and other senior members of the Presidency challenged the rulings of the North Gauteng High Court and the Supreme Court, which had ordered them to release a report commissioned by former President Thabo Mbeki from two judges in 2002. The judges had been sent to Zimbabwe to examine the political and legal situation shortly before Zimbabwe’s national elections.

The case is significant because it arises from an official request for information held by the state brought by the M&G in terms of South Africa’s Promotion of Access to Information Act of 2000 (PAIA). The majority of the judges found that where the State cannot provide sufficient justification for withholding information requested, the High Court should invoke its power, in terms of the Act, to examine the report in order verify the state’s arguments against disclosure. In a strong dissenting judgement, one of the judges, Justice J. Cameron, found that the Presidency had failed to justify its refusal to release the report and that the report should be released without further consideration by any court.

Other cases in 2011 were more ordinary, but no less important as a demonstration of the continuous litigation around media in South Africa. In June,
the Supreme Court upheld an appeal by Media 24 (in respect of its City Press newspaper) against a judgment of the South Gauteng High Court. The High Court had earlier dismissed a special plea by Media 24 against a defamation action instituted by a company called SA Taxi Securitisation who was claiming general damages of ZAR250,000 (US$32,500) and ZAR20million (US$2.6-million) as special damages in the form of lost profit.

It has long been part of South African culture to sue the media and a rich and healthy body of jurisprudence exists on this subject. In the main, the judgements have defended press freedom, but have also protected the rights to dignity and privacy. An important case that will be heard in the coming year is State President Jacob Zuma’s defamation lawsuit against renowned cartoonist Zapiro over his 2008 ‘Rape of Lady Justice’ cartoon, which has been set for trial in the South Gauteng High Court on 28 August 2012.

But the very basis of this healthy legal system may now be under threat. 2011 was also characterised by serious government attacks on both the judiciary and the constitutional court. These have now culminated in the government launching a review of the constitutional court’s judgements to assess their impact on the country in relation to the government’s agenda of socio-economic “transformation”.

Transformation?

It is no longer clear what transformation really means. Once it meant transformation of the institutions, values and practises of apartheid into the institutions, values and practises envisaged in South Africa’s new non-racial and non-sexual (1996) constitution. The role of the constitutional court is to defend this constitution against all actions and policies, which are at variance with it – including government policies and actions.

Leaders and officials of the ruling ANC party2 have nevertheless made it abundantly clear over the past year that they object to findings of the constitutional court (and other courts) that thwart the plans of elected organs of government, including the Executive and Parliament. They have accused the constitutional and other courts of taking over the role of Parliament. Some have gone as far to say that the constitution itself presents a barrier to transformation. The Minister of Justice, other notable officials and government spin doctors have been at pains to explain the President’s remarks that the constitution needed to be “changed” – trying to say that he did not mean what he said.

Not only are the constitution and the judiciary under government scrutiny, the freedom and independence of the media are under significant pressure from government as well. The ANC has been calling for a (statutory) Media Appeals Tribunal (MAT) since its Polokwane conference in 2007, which would be appointed by Parliament and which would have the legal power, on appeal, to review decisions of the (non-statutory ) Press Ombudsman.

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2 http://constitutionallyspeaking.co.za/2011/11/25/
The ANC again expressed serious criticism of the Press Ombudsman system in a discussion paper prepared for its 2010 general council meeting in Durban and called on Parliament to investigate all forms of press regulation so that it could decide the best system. The ANC’s resolution on the matter among others noted that: “The mere fact that the press ombudsman is from the media ranks, a former journalist, and is not an independent person who looks at the media from the layman’s perspective poses an inherent bias towards the media with all interpretations favourable to the institution and the other party just have (sic) to understand and accept the media way which is grossly unfair and unjust”.

Another paragraph says: “Many who find themselves ‘in the news’ are unhappy about the way their story has been presented or the way journalists have obtained information. Many laws restrict what can be published but not the behaviour of journalists, and there are few legal remedies for inaccurate reporting”.

The Press Ombudsman is appointed by the South African Press Council, an independent industry body consisting of various print media associations, and in this system the ombudsman’s decisions can themselves be appealed to a higher structure of the Press Council, the Press Appeals Panel. Complainants have to give up their right to legal action in the courts, such as defamation, when they place their complaints in the hands of the press ombudsman.

However, the press ombud and press appeal panel system is in fact a form of arbitration and legal advice taken by the Press Council is that this system falls under the legislation governing arbitration in South Africa. In terms of this law, a complainant can take the ombudsman’s and the appeal panel’s decisions for review to the High Court. As in all review cases, the High Court will simply determine whether the Press Council’s ombudsman and/or appeal panel has followed all procedures and drawn fair conclusions. If not, the court would simply order the ombudsman and appeal panel to review the case afresh – the court would not take over the role of deciding the substantive case.

The ANC argues that it is not looking for a system that would undermine press freedom and that it fought for press freedom itself during the liberation struggle. It is insisting that the press ombudsman system is not an independent system, because an interested party - the print media itself, controls it. It also argues that the press ombud system is ‘toothless’. The ANC argues that Parliament can devise an independent system similar to the office of the (statutory) Public Protector and the (statutory) Independent Electoral Commission.

**Self-examination**

In response, the Press Council and other print media bodies took various important initiatives during 2011. The Press Council appointed a task team to review press regulation and to make recommendations to the Press Council. Its
brief included review of the Press Council’s press code, constitution, complaints procedure and overall functioning, best practises around the world and to invite public participation and suggestions from other stakeholders.

It used three criteria for evaluation of proposals: would the proposal lead to an improvement in the quality of journalism in South Africa, would the proposal make the press council and its systems more efficient and effective, and was the proposal practical. According to a report of the Press Council\(^5\), the task team “received 58 written and oral submissions, including substantial submissions from academics and from organisations with large constituencies”. Print, radio, television and online advertisements were used to invite written submissions from the public and public hearings were held in five cities across the country. It also conducted research of press councils in other countries and made use of extensive international research conducted earlier by the Press Council of New Zealand.

In the course of this we learnt that there are more forms of media regulation than many of us were previously aware of: statutory regulation, self-regulation, co-regulation (a combination of government and media industry regulation) and independent regulation (independent from both the media and government) – examples of all of these exist in various countries.

The Task Team has recommended that the Press Council retain its system of self-regulation because this was the system used in countries with strong traditions of press freedom and optimum cooperation among media. Statutory regulation is primarily used in countries with a relative lack of freedom of expression and/or a lack of consensus among the media themselves on ethical codes and ways of enforcing them. Other recommendations include the appointment of a Public Advocate, who will assist members of the public to formulate their complaints, to negotiate with the media to try and achieve early resolution of the problem and who may also assist complainants during hearings.

The Public Advocate would also in exceptional cases have the ability to lay a complaint against the media, but only where the issue is of exceptional magnitude and where no clearly identifiable person or group is affected or if the potential complainants have no objection. For obvious reasons the Press Council does not in general want to play the role of both prosecutor and judge.

In addition the task team has recommended the appointment of a Director of the Press Council who would concentrate on public engagement around issues of journalism standards and media freedom and also that the Ombudsman should adjudicate complaints against the online publications of Print Media South Africa (the publishers body of South Africa)\(^6\).

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5 Review, Press Council of South Africa, August 2011, p.5

6 Broadcast media in South Africa fall under the jurisdiction of the Broadcasting Complaints Commission of South Africa (BCCSA), or, if they are not members of this body or refuse to submit to its jurisdiction, under the Independent Communications Authority of South Africa (ICASA).
Significant improvements have also been recommended to the press code itself (which is the yardstick against which all complaints are weighed). Another recommendation is that complainants will no longer be required to 'waive' their rights when they agree to the jurisdiction of the Press Council, instead they will sign a Complainant's Declaration, in which they will acknowledge that they have been advised of their right to go to court or other tribunal, but that they choose instead the system of arbitration as provided by the Press Council.

It was also suggested that the Press Ombud in future issue guidance notes to editors, to draw attention to trends in complaints, for example in relation to reporting on children. It was also recommended that legal representation should not be allowed during hearings to keep proceedings informal and inexpensive. Complainants and respondents, however, would be able to take legal advice ahead of hearings and lawyers may assist them in drawing up their papers.

An IT system is also to be installed so that the Press Council can statistically track cases, including the turnaround time in dealing with cases. These are in fact quite fast. There was a 70% increase in the number of cases over the past three years - from 150 in 2009 to 213 in 2010, and to 255 in 2011.

Beyond the task team appointed by the Press Council, the SA National Editors Forum and Print Media South Africa also decided to appoint a 9-person Press Freedom Commission in mid-2011 to examine the best possible print regulatory system for South Africa and which conforms to the SA Constitution. The Press Council has handed its report to the Press Freedom Commission.

In addition, the commission had received its own written submissions and held its own public hearings (which it called its Listening to SA Campaign). South Africa’s former chief Justice, Pius Langa, chairs the commission. An illustrious list of persons have testified before it including the African Union Special Rapporteur on Freedom of Expression and Access to Information, Advocate. Pansy Tlakula, the Public Protector (Advocate Thusi Madonsela) and Jessie Duarte, the Chairwoman of the ANC’s communications committee assisted by Jackson Mthembu, a member of the same committee and party spokesman, and the ANC’s secretary-general Gwede Mantashe.

The commission will make its final report towards the end of March 2012. Sceptics believe that despite the strenuous efforts of both the Press Council and the Press Freedom Commission, that the ANC is resolute in its determination to create a statutory Media Appeals Tribunal. Time will tell …

That Bill...

Another epic battle has also been raging over the past two years with determined efforts by the ANC to pass the so-called Secrecy Bill (the Protection of State Information Bill) and determined efforts by civil society and others to oppose it. The civil society effort consists mostly of the Right2Know (R2K) campaign and the SA National Editors Forum
Some opposition political parties are also opposing it in Parliament, including the Democratic Alliance. The National Assembly passed the Secrecy Bill on November 2011 last year. The day of its passage was dubbed “Black Tuesday” by the SA Press Club, invoking echoes of “Black Wednesday” on 19 October 1977 when the Apartheid government silenced black newspapers and other anti-apartheid organisations.

As is normal procedure, it was then referred for debate to the second chamber of Parliament, the National Council of Provinces (NCOP). The NCOP, like the National Assembly, conducted public hearings into the Bill, but it is not known when exactly it will vote on the Bill.

The public hearings were slammed at the Johannesburg Summit of the Right2Know campaign early 2012 where testimonies were heard from persons who attended the hearings in various parts of the country. They alleged that chairpersons granted an inordinate amount of time to representatives of the Minister of Security to describe the Bill in a very misleading light, highlighting only its positive content and completely obscuring the many elements of serious concern contained in the Bill.

By contrast, they claimed, those who spoke critically about the Bill and who indicated their opposition, were often rudely cut short and told that they did not understand the Bill. Hearings were also cut short, and in at least one instance when the venue of the hearing was moved to another place without any announcements being made to this effect.

ANC supporters were allegedly bussed into the venues, and most of them apparently had no knowledge of the content of the Bill or what the hearings were about. Their role allegedly was to heckle persons who criticised the Bill and to shout down representatives of opposition political parties. In some areas R2K groups opposing aspects of the Bill tried to have their voices heard on neighbourhood community radio stations, but were refused, even though the government had just been granted airtime to present its case in support of the Bill. These groups were told that the government had bought airtime on these stations, and those who had not bought airtime could not speak.

If the NCOP should vote to pass the Bill, the State President could still refuse to sign the Bill on the grounds that it is not likely to withstand a challenge in the constitutional court. If, however, the President signs the Bill, various parties have already indicated, including R2K and SANEF, that they would bring a case to oppose it in the constitutional court. This saga is still far from being over.

Inside the ANC

Intra-party tensions within the ANC have also affected the operations of the media. Most notable, the tensions between the ANC and its Youth Leaguue have posed various threats to the media. Journalists were roundly attacked during the course of 2011 at a number of Youth League marches, which at times resulted in skirmishes with the police. Members of the ANC’s youth league also tried to intimidate media houses that examined their president, Julius
Malema’s affluent lifestyle and private business dealings and assaulted journalists covering his appearance at one of his disciplinary hearings. On one occasion Malema swore at and infamously threw a foreign correspondent out of a Youth League press conference – in full view of the world’s media and their international audiences.

The Government Communication and Information Service (GCIS) announced mid-year that henceforth government’s R1-billion advertising budget would be centralised in this department and advertising would only be placed in newspapers that "assist the government in getting its message across" and "tell the truth about service delivery".

In October, South African officials acknowledged that the phones of journalists Mzilikazi Wa Afrika and Stephan Hofstatter had been tapped by the police. The two have faced persistent threats since 2010 when they published a story on police corruption.

President Zuma came in for criticism when he failed to raise with Libyan authorities the case of South African photographer Anton Hammerl who had disappeared during the civil war in Libya. Libyan authorities claimed for weeks that he was alive and was being held in custody. But media colleagues released by Libyan authorities later said Hammerl had been killed by government forces on the day they had been detained.

**State of Broadcasting**

On the broadcasting front the SOS: Promoting Public Broadcasting campaign has been underway for four years now and conducting sterling work in holding the South African Broadcasting Corporation (SABC) to public account. It also places pressure on state bodies which are legally charged to perform the latter duty, to do so much more effectively – notably Parliament and the Independent Communications Authority of South Africa (ICASA). SOS has also consistently been calling for a major policy review of all broadcasting policy and regulation in South Africa and opposes piecemeal amendment of various bits and pieces of legislation. Broadcasting policy was last reviewed in South Africa almost 15 years ago. There have been four ministers of communication appointed in South Africa over the past four years, and this lack of stability at ministerial level is also undermining attempts to establish policy development and stability at government department level as well as at institutions like the SABC and ICASA. Persistent problems such as board instability and ongoing wasteful and fruitless expenditure at the SABC, and ICASA failing to monitor the SABC’s (lack of) compliance with its licensing conditions in respect of local content quotas, appear to be continuing undeterred.

It should be obvious from all the above that South Africa is facing numerous media challenges on many fronts, most notably to continue and improve its track record in Africa as a country that respects the freedom and the independence of the media.
PORTUGUÊS
VERSION

Na altura em que se escreve⁷, o jornal Mail & Guardian (M&G), o prolífico jornal investigativo semanal da África Sul está sendo processado novamente, desta vez por revelações publicadas em 2009 alegando que uma companhia de gestão de serviços, Bosasa, o captor de um número de multi-milhões de rands dos contratos do governo, estava envolvido em práticas corruptas ligadas ao departamento de serviços correccionais. Mas desta vez a procedência legal é nova. O tribunal está sendo chamado para balancear o direito da descoberta do queixoso (Bosasa) – que permite aos partidos no caso civil juntar informações pertinentes uns dos outros na fase de primeira tentativa – com os direitos da mídia de proteger as fontes. É o primeiro caso do gênero sobre a Constituição Sul Africana de 1996⁸.

Em Junho de 2011 o Supremo Corte de Apelação (SCA) constatado em favor do M&G por rejeitar uma apelação contra a ordem da Corte Suprema de North Gauteng, o qual pós de parte um relatório produzido pelo protector público. O relatório que tinha sido anulado pela Corte Suprema, contrariou essencialmente as descobertas fundamentais publicadas pelo M&G numa série de artigos titulados “Oilgate”. A Corte Suprema notou que a substância da material que foi referida ao Protector Público para investigações por dois membros do parlamento não foi absolutamente investigado. Assegurou-se que a investigação do Protector Público foi tão insuficiente dando-se absolutamente à não investigação (o relatório foi elaborado pelo ex-Protector Público e não o actual, Thuli Madonsela). Por isso, o M&G saiu vitorioso em defender a sua versão de eventos e os relatórios dos artigos Oilgate são geralmente considerados como credíveis.

O M&G também se acha no Tribunal Constitucional quando o Presidente do Estado Jacob Zuma e outros membros séniores da Presidência desafiaram as decisões da Corte Suprema e o Tribunal Supremo de North Gauteng que tinham ordenado que eles libertassem um relatório comissionado pelo ex-Presidente Thabo Mbeki de dois juízes em 2002. Os juízes tinham sido enviados para Zimbábue para examinar a situação política e legal logo antes as eleições nacionais de Zimbábue.

O caso é significante porque surge de um pedido oficial de informação segurada pelo estado trazido pelo M&G em termos da Acta de Promoção de Acesso a Informação da África do Sul de 2000 (PAIA). A maioria dos juízes achou que onde o Estado não pode prover justificação suficiente por reter informação solicitada, o Tribunal Supremo deveria invocar seu poder, nos termos da Acta, examinar o relatório afim de verificar os argumentos do estado contra a revelação. Em um julgamento divergente forte, um dos juízes, Justice J. Cameron, achou que a Presidência falhou em justificar sua recusa para libertar o relatório e que o relatório deveria ser lido sem consideração adicional.

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⁷ 7 March 2012
Outros casos em 2011 foram mais ordinários, mas não menos importantes como demonstração do contínuo litígio a volta da mídia na África do Sul. Em Junho, o Tribunal Supremo defendeu uma apelação pelo Media 24 (a respeito do seu jornal City Press) contra o julgamento da Corte Suprema de South Gauteng. O Tribunal Supremo já tivera rejeitado um pretexto pela Media 24 contra uma ação difamatória instituída por uma companhia chamada SA Taxi Securitisation que clamava por danos gerais de ZAR250,000 (US$32,500) e ZAR20 milhões (US$2.6-milhões) como danos especiais na forma de lucros perdidos. 

Já faz por muito tempo, parte da cultura Sul africana processar as mídias e um corpo rico e saudável de jurisprudência existe neste assunto. No principal, os julgamentos defenderam a liberdade de imprensa, mas também protegeram os direitos a dignidade e privacidade. Um caso importante que será ouvido no ano próximo é o processo de difamação do Presidente do Estado Jacob Zuma contra um famoso caricaturista Zapiro sobre a sua caricatura de 2008 'Rape of Lady Justice' (Estupro da Senhora Justiça), que foi fixo para tentativa na Corte Suprema de South Gauteng no dia 28 de Agosto de 2012. 

Mas a base deste sistema legal saudável deve estar agora sobre ameaça. 2011 também foi caracterizado por sérios ataques governamentais em ambos o Tribunal Judiciário e o Constitucional. Estes culminaram com o lançamento pelo governo da revisão dos julgamentos constitucionais do Tribunal para avaliar o seu impacto no país com relação a agenda do governo sobre a “transformação” socio-econômica.

Já não está mais claro o que realmente significa transformação. Uma vez isso significou transformação das instituições, valores e práticas do apartheid em instituições, valores e práticas enfrentadas na nova Constituição não-racial e não-sexual (1996) da África Sul. O papel do Tribunal Constitucional é defender essa constituição contra todas as ações e políticas que estão em contradição com ela – incluindo políticas e ações do governo.

Os líderes e funcionários do partido no poder ANC fizeram isto abundantemente claro não obstante durante o último ano que eles contestaram os resultados do tribunal constitucional (e outros tribunais) isso contraria os planos de órgãos eleitos do governo, inclusive o Executivo e o Parlamento. Eles acusaram os tribunais constitucionais e outros de assumirem o papel de Parlamento. Alguns foram longe com o dizer de que a própria constituição apresenta uma barreira a transformação. O Ministro de Justiça, outros funcionários notáveis e doutores de giro do governo estiveram em dores para explicar as observações do Presidente que a constituição precisava ser mudada - tentando dizer que ele não quis dizer o que ele disse.

Não é só a constituição e o ministério da justiça que estão sobre escrutínio do governo, a liberdade e independência
das mídia estão também sobre pressão significante do governo. O ANC tem pedido por um (estatutário) "Tribunal de Apelações da Mídia" ‘Media Appeals Tribunal (MAT)’ como a sua conferência de Polokwane em 2007 que seriam designados através do Parlamento e que teria o poder legal, em apelação, revisar decisões da (não-estatutário) imprensa Ombudsman.

O ANC expressou novamente críticas sérias do sistema de imprensa Ombudsman num papel de discussão preparado para o encontro do conselho geral de 2010 em Durban e chamou o Parlamento para investigar todas as formas de regulamento de imprensa de forma que este possa decidir o melhor sistema. A resolução do assunto para o ANC entre outros notou que: “O mero facto de que a imprensa ombudsman é dos graus da mídia, um ex-jornalista, e não é uma pessoa independente que olha para as mídia da perspectiva do leigo posa um preconceito inerente para as mídia com todo o favoretismo de interpretações para a instituição e o outro partido (sic) só tinha que entender e aceitar o modo de mídia que é grotescamente incorrecto e injusto.”

Outro parágrafo diz: "Muitos dos que se acham ‘nas notícias estão infelizes sobre o modo como a sua história tem sido apresentada ou o modo como os jornalistas obtiveram a informação. Muitas leis restringem o que pode ser publicado mas não o comportamento dos jornalistas, e há poucos remédios para reportagens incorrectas."

A imprensa Ombudsman é designada pelo South African Press Council, um corpo de indústria independente que consiste em várias associações da mídia de impressão, e neste sistema as decisões do ombudsman podem por si mesmas serem apeladas a uma estrutura mais alta do Conselho de Imprensa, o Press Appeal Painel. Os queixosos têm que desistir de seu direito a ação legal nos tribunais, tais como difamação, quando eles colocarem as suas reclamações nas mãos da imprensa ombudsman.

Porém, a imprensa ombudsman e o sistema do Press Appeal Painel não na realidade uma forma de arbitragem e um conselho legal tomado pelo Conselho de Imprensa é que este sistema cai debaixo da legislação governando a arbitragem na África do Sul. Em termos desta lei, um queixoso pode levar as decisões do ombudsman e do Press Appeal Painel para revisão ao Tribunal Supremo. Como em todos casos de revisão, o Tribunal Supremo apenas determinará se o Conselho de Imprensa Ombudsman seguiu todos os procedimentos e tirou conclusões justas. Se não, o tribunal ordenaria simplesmente o ombudsman e o Press Appeal Painel para revisar o caso mais uma vez – o tribunal não assumiria o papel de decidir o caso substantivo.

O ANC argumenta que não está procurando por um sistema que enfraquecesse a liberdade de imprensa e que lutou pela liberdade de imprensa sozinho durante a luta de libertação. Insiste que o sistema da imprensa Ombudsman não é um sistema independente, porque um partido interessado – a
imprensa de impressão por si o controla. Também argumenta que o sistema da imprensa Ombud é ‘sem dentes’. O ANC argumenta que o parlamento pode de-linear um sistema independente similar do escritório do (estatutorio) protector publico e (estatutorio) da Comissão Electoral Independente.

Em resposta, o Conselho de Imprensa e outros corpos da mídia de impressão tomaram várias iniciativas importantes durante o ano de 2011. O Conselho de Imprensa designou uma equipe de tarefas para revisar o regulamento de imprensa e fazer recomendações ao Conselho de Imprensa. Seu sumário incluiu a revisão do código de imprensa do Conselho de Imprensa, constituição, procedimento de reclamações e funcionamento geral, boas práticas ao redor do mundo e convidar a participação pública e sugestões de outros parceiros.

Usou três critérios para avaliação das propostas: poderá a proposta conduzir a uma melhoria na qualidade de jornalismo na África do Sul, poderá a proposta fazer com que o conselho de imprensa e seus sistemas sejam mais eficientes e fectivos, e foi a proposta prática. “De acordo com um relatório do Conselho de Imprensa, a equipe de tarefas" recebeu 58 submissões escritas e orais, incluindo submissões significativas de acadêmicos e de organizações com distritos eleitorais grandes". Foram usadas impressão, rádio, televisão e anúncios on-line para convidar submissões escritas do povo e auscultações públicas e aconteceu em cinco cidades pelo país. Também realizou pesquisas de conselhos de imprensa em outros países e fez uso de pesquisas internacionais extensas feitas mais cedo pelo Conselho de Imprensa de Nova Zelândia.

No curso disto nós aprendemos que há mais formas de regulamento de mídia do que muitos de nós tínhamos previamente conhecimento: regulamento estatutário, auto-regulação, co-regulamento (uma combinação do regulamento do governo da indústria de mídia) e regulamento independente (independente das mídia e governo) - exemplos destes todos existem em vários países.

A equipe de Tarefas recomendou que o Conselho de Imprensa retenha seu sistema de auto-regulação porque este era o sistema usado em países com tradições fortes de liberdade de imprensa e cooperação óptima entre a mídia. Regulamento estatutário é principalmente usado em países com uma relativa falta de liberdade de expressão e/ou uma falta de consensos entre as mídia entre si nos códigos éticos e modos de obriga-los. Outras recomendações incluem a nomeação de um Defensor Público que ajudará os membros do público a formular as suas reclamações, negociar com as mídia para tentar alcançar resoluções muito cedo do problema e quem também pode ajudar os queixosos durante as auscultações.

O Defensor Público também vai em casos excepcionais ter a habilidade para pôr uma reclamação contra as mídia, mas só onde o assunto é de magnitude excepcional e onde nenhuma pessoa claramente identificável ou grupo é afectado ou se os potenciais queixosos não têm nenhuma objeção. Por razões
óbvias, o Conselho de Imprensa em geral não quer fazer o papel de ambos promo- tor e juiz.

Além disso a equipe de tarefas recomendou a nomeação de um Diretor do Conselho de Imprensa que concentraria no compromisso do público ao redor em assuntos de padrões de jornalismo e liberdade de mídia e também que o Ombudsman deveria decidir reclamações contra as publicações on-line de Print Mídia South Africa (o corpo de publica- dores da África do Sul)¹⁰.

Também foram recomendadas melhorias significantes ao próprio código de imprensa (que é a jarda contra a qual todas as reclamações são pesadas). Outra recomendação é que os queixosos já não serão requeridos a ‘renunciar’ os seus di- reitos quando eles aceitarem a jurisdição do Conselho de Imprensa, ao invés eles assinarão a Declaração de um queixoso na qual eles reconhecerão que lhes ac- onselharam do seu direito de ir a corte ou outro tribunal, mas que ao invés disso eles escolhem o sistema de arbitragem tal como providenciado pelo Conselho de Imprensa.

Também foi sugerido que a imprensa Ombud no futuro elabore notas de orien- tação para os editores, chamar atenção a tendências em reclamações, por ex- emplo em relação a fazer a reportagem de crianças. Também foi recomendado que representação legal não devesse ser permitida durante as auscultações para manter os procedimentos informais e baratos. Porém, os queixosos e respons- entes poderiam seguir conselho legal à frente das auscultações e os advogados podem ajudar-los a preparar os seus doc- uments.

Um sistema de IT também será insta- lado de formas que o Conselho de Im- presna possa estatisticamente localizar casos, inclusive o tempo de reviravolta quando lidando com casos. Estes são na realidade, bastante rápidos. Houve um aumento de 70% no número de casos durante os últimos três anos – de 150 em 2009 a 213 em 2010, e para 255 em 2011.

Além da equipe de tarefas design- nada pelo Conselho de Imprensa, o SA National Editors Forum e o Print Media South Africa também decidiu designar uma Comissão de Liberdade de Imprensa de 9-pessoas nos meiados de 2011 para examinar o melhor e possível sistema regulador dos órgãos de impressão para a África do Sul e que esteja em confor- midade com a Constituição da SA. O Conselho de Imprensa deu seu relatório à Comissão de Liberdade de Imprensa.

Além disso, a comissão recebeu as suas próprias submissões escritas e assegurou suas próprias auscultações públi- cas (o qual chamou seu Escutando a SA Campain). O anterior chefe de justiça da África do Sul, Pius Langa, preside a comissão. Uma lista de peaaoa ilustres testemunhou antes isto inclusive o Re- porter Rspecial da União africana sobre

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¹⁰ Broadcast media in South Africa fall under the jurisdiction of the Broadcasting Complaints Commission of South Africa (BCCSA), or, if they are not members of this body or refuse to submit to its jurisdiction, under the Independent Communications Authority of South Africa (ICASA).
Liberdade de Expressão e Acesso a Informação, Pansi Tlakula, o Protetor Público (Defensor Thusi Madonsela) e Jessie Duarte, a presidente do comitê de comunicações do ANC assistido por Jackson Mthembu, um membro do mesmo comitê e porta-voz do partido, e Gwede Mantashe secretário-geral do ANC.

A comissão fará seu relatório final nos fins de Março de 2012. Cépticos acreditam que apesar dos esforços estrênuos do Conselho de Imprensa e a Comissão de Liberdade de Imprensa, que o ANC é resoluto em sua determinação de criar um Tribunal de Apelações da Mídia estatutário. O tempo dirá...

Outra batalha épica também tem se enfurecido durante os últimos dois anos com determinados esforços pelo ANC de passar o chamado projecto Lei de Sigilo (a projecto lei da Proteção da Informação Estatal) e determinou os esforços civis para opor isto. O esforço da sociedade civil consiste principalmente na campanha do "Direito de saber" Right2Know (R2K) e o SA National Editors Forum (SANEF). Alguns partidos da oposição também estão opondo isto no Parlamento, inclusive a Aliança Democrática. A Assembleia Nacional passou o Projecto Lei de Sigilo aos 22 de Novembro do ano passado. O dia de sua passagem foi denominado “terça-feira Preta” (Black – Tuesday) pelo Clube de Imprensa da SA, enquanto invocando ecos de quarta-feira Preta” aos 19 de Outubro de 1977 quando o governo de Apartheid silenciou jornais negros e outras organizações anti-apartheid.

Como é procedimento normal, recorreu então para debate à segunda câmara do Parlamento, o Conselho Nacional de Províncias (NCOP). O NCOP, como a Assembleia Nacional, realizou auscultações públicas do Projecto Lei, mas não é conhecido quando exatamente votará no Projecto.

As auscultações públicas foram severamente criticadas na Simeira de Johannesburg da campanha do Right2 “Direito de saber” cedo em 2012 onde foram ouvidos testemunhos de pessoas que assistiram as auscultações em várias partes do país. Eles alegaram que os presidentes concederam um tempo irregular aos representantes do Ministro de Segurança para descrever o Projecto Lei em uma luz muito enganosa, realçando só o seu conteúdo positivo e obscurecendo completamente muitos elementos de preocupação séria contidos no Projecto.

Em contraste, eles reivindicaram, aqueles que falaram criticamente sobre o Projecto e que indicaram sua oposição, eram frequentemente cortados brutalmente e de imediato, dizendo-lhes que não entenderam o Projecto. As auscultações também foram cortadas de imediato, e pelo menos um exemplo quando a jurisdição da auscultação foi movida para outro lugar sem qualquer anúncio sendo feito quanto a isto.

Os partidários da ANC eram supostamente em massa nas jurisdições, e a maioria deles não tinha nenhum conhecimento do conteúdo do Projecto ou sobre o que as auscultações eram
aparentemente. O papel deles era supostamente desfibrar as pessoas que criticaram o Projecto e gritar abaixo os representantes dos partidos políticos da oposição. Em algumas áreas a R2K agrupa aspectos opostos do Projecto tentando serem ouvidos nas estações de rádio comunitárias da vizinhança, mas foi recusado, embora o governo tivesse sido concedido há pouco tempo de antena para apresentar o seu caso em defesa do Projecto. Informaram a estes grupos que o governo comprou tempo de antena nessas estações, e aqueles que não tinham comprado tempo de antena não puderam falar.

Se o NCOP deveria votar para passar o Procto, o Presidente do Estado ainda poderia recusar assinar o mesmo alegando que não é provável que resista um desafio no tribunal constitucional. Porém, se o Presidente o assinar, vários partidos já indicaram, inclusive R2K e SANEF, que eles trariam um caso para opor isto no tribunal constitucional. Esta saga ainda está longe de terminar.

Tensões Intra-partidários dentro do ANC também afectaram as operações das mídia. As mais notáveis, foram as tensões entre o ANC e sua Liga Juvenil que colocaram várias ameaças às mídia. Os jornalistas foram atacados redondamente durante o curso de 2011 nas várias marchas da Liga Juvenil que às vezes resultaram em escaramuças com a polícia. Membros da Liga Juvenil do ANC também tentaram intimidar casas de mídia que examinaram o seu presidente, o estilo de vida afluxante de Julius Malema e procedimentos empresariais privados e assaltaram jornalistas que cobriram o aparecimento dele a uma das auscultações disciplinares. Em uma ocasião Malema jurou infamemente e tirou fora um correspondente estrangeiro de uma entrevista coletiva da Liga Juvenil - a vista de toda a mídia do mundo e suas audiências internacionais.

Os Servicos de Comunicação e Informações do Governo (GCIS) anunciou no meio do ano que daqui em diante o R1-bilhão orçamento de propaganda do governo seria centralizado neste departamento e anunciando só em jornais que “ajudam o governo comunicar sua mensagem e que “contam a verdade” e sobre “prestação serviço”.

Em outubro, os oficiais Sul africanos reconheceram que os telefones dos jornalistas Mzilikazi Wa Afrika e Stephan Hofstatter tinham sido postos sob escuta pela polícia. Os dois enfrentaram ameaças persistentes desde 2010 quando eles publicaram uma história de corrupção policial.

Presidente Zuma veio com criticismo quando ele e as Autoridades da Libia falharam em levantar o caso do fotógrafo Sul africano Anton Hammerl que tinha desaparecido durante a guerra civil na Libia. As autoridades libaneses reivindicaram durante semanas que ele estava vivo e que estava sendo mantido em custódia. Mas os colegas da mídia libertados depois pelas autoridades da Libia disseram que Hammerl tinha sido morto pelas forças do governo no dia que eles tinham sido detidos.

Na frente da radiodifusão a SOS: Promoção de campanha Pública de Radiodifusão está em andamento há
quatro anos agora e fazendo um trabalho esterlino retendo a South African Broadcasting Corporation (SABC) a conta pública. Também coloca pressão em corpos estatais que são legalmente responsabilizados para executar o dever posterior fazer tanto mais efetivamente - notavelmente o Parlamento e a Autoridade de Comunicações Independentes da África do Sul (ICASA). SOS também tem pedido constantemente uma revisão política maior de todas as políticas de radiodifusão e regulamento na África do Sul e opos emendas por partes de vários pedaços da legislação. A política de radiodifusão foi pela última vez revisada quase 15 anos atrás na África do Sul. Houve quatro ministros de comunicação designados na África do Sul durante os últimos quatro anos, e esta falta de estabilidade a nível ministerial também está arruinando tentativas para estabelecer desenvolvimento de políticas e estabilidade a nível do departamento do governo como também a instituições como o SABC e ICASA. Problemas persistentes como instabilidade do Conselho e contínua despesa esbanjadora e infrutífera no SABC, e ICASA fracassando no monitoramento (da falta de) complacência do SABC com suas condições de licenciamento em respeito as quotas do conteúdo local, parece que continua sendo destemido.

Deveria ser óbvio a partir do referido acima que a África do Sul está enfrentando numerosos desafios de imprensa em muitas frentes, notavelmente continuar e melhorar seu registro de rasto na África como um país que respeita a liberdade e a independência das mídia.

Alert
Date: June 13, 2011
Person/ institution: South African National Editors’ Forum
Violation/ issue: Other
The South African National Editors’ Forum has condemned a Cabinet plan announced by government spokesman Jimmy Manyi at a briefing on 9 June 2011 that government allocation of its R1-billion a year advertising budget will only favor newspapers which “assist government in getting its message across” and which “told the truth about service delivery”.

Alert
Date: June 15, 2011
Person/ institution: Parliamentary committee
Violation/ issue: Legislation
The rush to complete the Protection of Information Bill by the parliamentary committee has sparked public outcry in South Africa with many raising the feelings that the law will lead to huge problems and unnecessary tensions in the future. Among those raising their critical view against the Bill are former intelligence minister Ronnie Kasrils.

Communiqué
Date: June 13, 2011
Person/ institution: South African Broadcasting Corporation
Violation/ issue: Other
President Jacob Zuma has appointed four non-executive members to the board of the South African Broadcasting Corporation (SABC). The four replace the members of the board who had resigned.
last year, namely, Felleng Sekha, Barbara Masekela, David Niddrie and Makgatho Mello.

Communiqué
Date: August 3, 2011
Person/ institution: SABC
Violation/ issue: Other
The South African Broadcasting Corporation (SABC) celebrated its 75 years of existence on the 1st August 2011, 58 years of state broadcaster and 17 years of public broadcaster, says board member Lumko Mtimbe on the SABC Facebook page. Biz Community reported that, the celebrations come at a point when the former acting CEO Nicholson has issued a summons against the public broadcaster claiming R2.8 million, plus interest and the cost of his lawsuit. The claim includes R1.5 million in terms of the six-month fixed-term contract offered to him and a restraint payment of R1.3 million, The Mail & Guardian reported on Friday, 29 July 2011. "Despite various problems, there are a number of things to celebrate The SABC has certainly made some progress from a state to a public broadcaster" said Skinner.
National Overview
Swaziland
2011

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Introduction

The year under review has been fraught with many challenges for the mass media in Swaziland. Court orders were issued to try and censor the media, journalists were harassed and a newspaper was threatened with closure. Censorship of the media reared its ugly head when the Chief Justice Michael Ramodibedi ordered the privately-owned Times of Swaziland to stop publishing articles about him in the wake of a three-month long judicial crisis in the country, which saw lawyers boycotting the courts.

The media landscape still remains the same with no new entities being registered. The government has continued to fail in liberalising the airwaves. It has been several years now since the idea of liberalisation of the airwaves was first mooted. A proposed merger of the state-owned television and radio stations into a single public broadcaster are still far from being a reality.

The merger between Swaziland Broadcasting and Information Services (Radio Swaziland) and Swaziland Television is still being mooted, there is nothing concrete as yet. Should it be given the go ahead, it would result in better service especially for Swaziland Television which is struggling financially. The station (Swaziland Television) is failing to generate enough revenue for sustenance, as such it is relying mainly on government subsidies. If these were to be stopped, the station would close down. Radio Swaziland, on the other hand, is thriving. The only challenge is that revenue generated through advertising, announcements and sponsored programmes is ploughed into Government coffers.

A merger therefore would make them enjoy relative financial independence and enable them to give comprehensive news coverage and services. However that does not mean they would enjoy total media freedom. Another advantage of the proposed merger is that Radio Swaziland has reporters in the regions, which enables the station to be in constant contact with ordinary citizens at grassroots level, yet Swazi TV has no regional reporters. A merger therefore would mean any coverage or service offered would be of benefit for both viewers and listeners which is not the case at present for an individual who does not have access to both Swazi TV and Radio Swaziland.

The country’s fiscal challenges have resulted in a decision by the government of Swaziland to stop sponsoring students enrolled in the Journalism and Mass Communication programme at the University of Swaziland ostensibly because journalism is not one of its “priorities”. This in itself poses serious questions about the governments’ understanding of the role of the media in society. Furthermore, it reveals the breathtaking double-standards of a government that bemoans the state of the media in Swaziland but is reluctant to invest in the training of journalists and media practitioners.

Despite these challenges, the registration of the Media Complaints Commission (MCC) after a laborious four years is a milestone in the quest for a
self-regulatory framework advocated for by the media. The MCC is now taking shape and went into full operation in February 2012 albeit without a solid financial base. Perhaps Swazi journalists, under the banner of the Swaziland National Association of Journalists (SNAJ) will have to take a more active interest in the MCC to ensure its sustainability or part thereof.

Also, the appointment of information officers within government ministries is likely to enhance the flow of information and present new opportunities for fruitful interaction between government officials and journalists.

Access to information

Access to information still remains elusive in the Swazi context. Interference by the state and censorship of the mainstream media still persists. Electronic media still remains the exclusive domain of the state. This has resulted in the marginalization of many citizens who cannot afford any alternative mediums for accessing information.

A decision by the Minister of Natural Resources and Energy, Princess Tsandzile (Dlamini) to ban access to information at the Deeds Office in the wake of a scandal involving the incumbent Minister of Housing and Urban Development, Ms. Lindiwe Dlamini who sold Crown Land at reduced prices to other ministers is cause for concern.

Rural communities, the poor and people with disabilities are still marginalized on issues of access to information especially on the economy and politics. The majority of Swazi citizens live in rural areas. Many of these people rely on radio for information, which does not offer a multiplicity of voices. Radio, though, does disseminate information on issues of health, education and social welfare of the citizens however the format of disseminating such information is not interactive, being mainly one-way and top-down. This leaves citizens without an opportunity to actively participate in the radio programming but also, the development of ideal information that is best suited to their needs.

Citizen participation on these issues such as health, education and farming is paramount and has not been quite considered by the public broadcaster. Also, content on such phenomena as globalization and climate change, among other key emerging debates, is given less coverage in the mass media in Swaziland, leaving the citizenry isolated from important global discourses.

State of the Print Media

In terms of the political economy of the print media in Swaziland there have been no major changes. The Times of Swaziland newspaper still remains dominant and the Tibiyo-owned Swazi Observer is still playing second fiddle in terms of circulation and readership. The failure to publish certain information of public interest about some individuals in the echelons of power may have impacted on the credibility of these newspapers.

The Times of Swaziland, which has always been a beacon of hope, providing
coverage on diverse issues, no longer has the same clout it did in the 1980s and 1990s. This could be a shift in the policy of the newspaper explained, in part, by the publisher’s (African Echo (Pty) Ltd’s Paul Loffler) comments in June, 2011 where he was quoted in the South African press saying Swaziland does not need democracy. Despite challenges, the print media has been trying to highlight corruption in the public sector.

There has been a trend over the years to rely on South Africa’s media for stories of public interest that are not published by local newspapers for fear of retribution. For instance, a decision by King Mswati III to call for a retraction of a story revealing that he had appealed to South Africa’s president for a R2.4 billion financial bailout in the wake of declining Southern African Customs Union (SACU) receipts is evidence of the seriousness of the censorship that is in the country. Although the story was true, the state-owned Swazi Observer was compelled to retract the story.

Alternative newspapers still exist even though some are struggling to publish regularly. Their content is mainly tabloid style journalism. Some do though try to cover even the contentious issues. A monthly magazine, The Nation, has continued to provide socio, political and economic analysis in the local context.

State of Broadcasting

The state owned Swaziland Television and Swaziland Broadcasting and Information Services (Radio Swaziland) have failed to promote a plurality of voices. Radio, in particular, is under constant surveillance on what it broadcasts. For instance, a broadcaster was stopped by the station’s management from soliciting public views on the financial crisis that had riddled the country.

In March 2011, Radio Swaziland stopped broadcasting British Broadcasting Corporation’s (BBC) programmes on its schedule following the broadcast of comments critical of the government on the Focus on Africa programme. In April, 2011 the country’s Prime Minister Dr Barnabas Dlamini at a breakfast meeting with editors told the radio station’s longest serving editor that because it is government-owned it will have to play to the dictates of its ‘owner.’ In this case, the owner is King Mswati III. Radio is banned from covering any activity that involves protest action by trade unions, students and other civic groups. Any dissenting voices are not accommodated at both the radio and television services.

Children’s programming is conspicuous by its absence on both radio and television. On television, local content has continued to be affected by the lack of finances, making production of children’s content undesirable. The station depends wholly on government subventions for its existence. TV license fee collections have not generated enough revenue for sustenance public broadcasting. Neither does Swazi TV Rentals the station’s subsidiary responsible for renting out TV sets make enough money.

The country’s national broadcasters have taken major strides towards securing digital equipment. Both have installed digital equipment. However, the
major challenge will be in television for the reasons already stated above.

Furthermore, there is no existence of a clear digital roadmap that states timelines for the migration to digital. In 2011, only one meeting was convened for major stakeholders to deliberate issues on digitalisation. A team has already been appointed by the Ministry of Information to develop policy and an implementation plan on digital migration. Still, a major challenge will be the financing of the digital migration process. With the current fiscal challenges currently facing the government, many citizens are likely to be marginalized come 2013 (SADC deadline) and 2015 (ITU).

**ICTs and telecommunications**

This has been the battleground between the incumbent fixed line provider, Swaziland Posts and Telecommunications Corporation (SPTC), a monopoly, and the only mobile telephone operator, Mobile Telephone Network (MTN). The impasse has been caused by the failure to put in place an independent regulatory framework and government’s constant interference. For instance the Government forced the fixed line operator to cancel a deal it had entered into with SEACOM.

The background is that government argued that the 41.4million Pound deal between SPTC and SEACOM is irregular in that the latter was given a 20-year monopoly. Further, government argued that this deal was concluded without the approval of the Cabinet Standing Committee on Public Enterprises (SCOPE).

The Prime Minister then directed SPTC to make an “appropriate recommendation to SCOPE on the matter of an international gateway partner.”

When this matter was discussed in Parliament the Prime Minister said the then minister responsible for telecommunications, Minister of Information and Communication Technology, Ms. Nelsiwe Shongwe was not aware of the deal. The PM told Parliament that at least SEACOM should have been given a 10-year monopoly.

Therefore, the bone of contention between SPTC and MTN is the latter’s desire to use its own international gateway. SPTC, on the other hand, is reluctant as it wants all traffic routed through its own systems. An irony is that the MTN boardroom is dominated by SPTC with 41 percent shareholding in MTN Swaziland. MTN Group has 30 percent, empowerment group, Swazi Empowerment Limited, 19 percent and the remainder owned by the King of Swaziland.

SPTC recently introduced One Mobile which action, predictably, was not well received by MTN. MTN sought legal recourse on the matter and won. SPTC has also introduced fixed mobile services and these have been popular with many citizens.

The cost of telecommunications is still prohibitive. Accessing the Internet is still expensive thus cutting out many people from having access to online services. MTN shifts the blame to SPTC arguing that the cost of accessing the Internet through mobile telephony would be affordable if they were allowed to use their own gateway, which has third gen-
eration (3G) capacity.

However, the existence of Sales Tax on telecommunications services such as airtime has an adverse effect on the access and use of these telecommunication services. To highlight this fact, both MTN and SPTC increased their tariffs on December 1, 2011 to cater for the tax expenses.

New Digital Media and Social Media

The use of social media has been gaining momentum recently. This could be attributed, in part, to the constant sourcing of story ideas by the newspapers from social networks, in particular Facebook. The government of Swaziland has however expressed its concern over the use of social media, threatening to ban the use of such network sites in Swaziland.

Ordinary citizens have found a public space where they discuss issues that the local media dare not highlight. However, only a section of the Swazi population uses these media. Many Swazi citizens have not been empowered with digital media literacy skills neither do they have access to the Internet, due in part, to the reasons of cost outlined above. The basic uses of mobile phones – voice calling and short service messaging – still prevail.

Mainstream media applications of new media applications are not rare. The Swazi Observer, for example, publishes some of its stories on their Facebook page, allowing for instant interaction with their audiences. The Swazi Observer also posts comments generated from the online posts in their print newspaper. Radio announcers at the national radio station read comments posted on Facebook too. However, these are on general topics that do not court any controversy such as greeting messages. Other social media such as Twitter are less popular.

Conclusions and Projections

The year 2012 is likely to have a huge impact on the media. The fiscal challenges facing Swaziland are likely to transform the political landscape should the problem persist. The call for political reforms within and beyond the borders of Swaziland could prove to be a gain for advocates for media freedom. Hopefully, the MCC will be able to engage the government and fight off attempts to institute statutory regulation of the media.

Access to information is still going to be a major challenge. Those who are marginalized will continue to be at the periphery of the new digital media. It is highly unlikely that those who have enjoyed the privileges of the prevailing status quo on the political front would want to allow a climate of access to information by wider society. As long as the government still has control of radio, it is not going to let go of its agenda to give the public only that information it decides. Against this backdrop, trade unions and civil society organisations will find it very hard to push for reforms in the country, especially if they cannot communicate their ideas to rural communities.

The battle between SPTC and MTN is likely to continue in 2012. In fact with-
out an independent regulator in place the daggers will still be drawn. It remains to be seen if the government will finally yield to a call for an independent regulatory framework in the telecommunications sector. The road to digital migration is likely to be slowed down by the fiscal challenges facing the country. Content development for digital broadcasting is likely to be another major challenge.

Barring the cost of access, social networks are going to be used extensively as people find a voice in a country where there is no freedom of expression on some key issues. The House of Senate is likely to call upon government to put in place stringent measures to censor South Africa’s publications that circulate in Swaziland and to also come up with strategies to police social network sites.

**PORTUGUESE VERSION**

**Introdução**

O ano 2011 foi repleto de desafios para a Imprensa na Suazilândia. Foram emitidas ordens do tribunal para tentar censurar a imprensa, alguns jornalistas foram atormentados e um jornal foi ameaçado de encerramento. A censura da imprensa veio à tona quando o Chefe de Justiça Michael Ramodibedi ordenou que o jornal privado *Times of Swaziland* parasse de publicar artigos sobre ele após três longos meses de crise judicial no país, que culminaram com o boicote dos tribunais, pelos advogados.

O panorama dos meios de comunicação continua ainda o mesmo, se se considerar que não há registo de novas entidades. O governo continua a não querer libertas os órgãos de informação. Já passam muitos anos desde que a ideia da independência dos órgãos de informação foi debatida. As propostas de fusão da televisão e da rádio estatais num único órgão de radiodifusão continuam muito longe da realidade.

A fusão entre a rádio e a televisão estatais continua sendo debatida, não havendo nada feito, de concreto. A ser efectivada, esta fusão resultaria numa melhoria de serviços, bem como uma opção para a actual crise financeira que a Televisão da Suazilândia está a enfrentar. A estação (*Swaziland Television*) não tem estado a render suficientemente para pagar os custos fixos, aportando-se
dos subsídios do Estado. Se estes subsídios forem suspensos, a estação encerrará. Por outro lado, a Rádio Suázilândia está a prosperar. O único desafio é que o rendimento produzido através de publicidades, anúncios e programas patrocinados são arrastados para os cofres do governo.

Por isso, a fusão lhes permitiria desfrutar de uma independência financeira relativa e permitir-lhes dar uma cobertura compreensiva de notícias e serviços. Todavia, isso não significa que desfrutariam de uma total liberdade de imprensa.

Outra vantagem da fusão é que a Rádio Suázilândia tem repórteres nas zonas rurais, que fazem com que a estação esteja em constante contacto com cidadãos ao nível das comunidades, contrariamente à TV pública. Daí que, uma fusão iria significar que qualquer cobertura ou serviço feito seria para o benefício de ambos auditórios (teleespectadores e ouvintes), o que não tem estado a acontecer até ao momento.

Os desafios fiscais no país resultaram na decisão do governo da Suázilândia de parar de patrocinar estudantes inscritos para os cursos de jornalismo e comunicação massa na Universidade de Suázilândia, ostensivamente porque o Jornalismo não é uma das suas "prioridades".

Estamos perante uma situação em que o governo não impulsiona o jornalismo, nem a liberdade de imprensa. Há aqui padrões dúvidos, se se considerar que é o mesmo governo quem muitas vezes reclama ou lamenta sobre o estado da imprensa.

Apesar destes desafios, o registo da "Comissão de Reclamações da Midia" (Media Complaints Commission) tem estado a advogar há mais de quatro anos para o estabelecimento de um órgão auto-regulador da comunicação social. A MCC tem estado a ganhar terreno e começou a operar em pleno em Fevereiro de 2012 embora sem uma base financeira sólida. Talvez os Jornalistas da Swazi sob a bandeira da Swaziland National Association of Journalists (SNAJ) se interessem mais no MCC para assegurar a sua sustentabilidade.

Por outro lado, a nomeação de oficiais de informação dentro dos ministérios do governo vai provavelmente acentuar o fluxo da informação e apresentar novas oportunidades para uma interacção frutífera entre os oficiais e os jornalistas.

### Acesso a informação

O acesso a informação no contexto Swazi continua ilusório. A interferência pelo estado e a censura tendenciosa da imprensa ainda persiste. Os jornais eletrónicos continuam sendo um domínio exclusivo do estado, facto que resulta na marginalização de muitos cidadãos que não têm acesso a outros meios de acesso a informação.

A decisão pelo Ministro dos Recursos Naturais e Energia, Princesa Tsandzile (Dlamini) de proibir o acesso à informação na Repartição da Imprensa devido ao escândalo envolvendo a Ministra da Habitação e Desenvolvimento Urbano, Sra. Lindiwe Dlamini que vendeu a Crown Land por um preço muito baixo a outros ministérios, é só mais um caso
dentre vários.

As comunidades rurais, os pobres e pessoas deficientes ainda são excluídos no acesso a informação. A maioria dos cidadãos Swazis vive em áreas rurais. Muitas destas pessoas confiam nas rádios para obterem a informação que não é de todo inclusiva. A Rádio destaca mais informações sobre saúde, educação e bem-estar social dos cidadãos, embora o formato de disseminação de tais informações não seja interativo, aparecendo no sentido topo-base. Esta situação leva a que os cidadãos não tenham a oportunidade de participar activamente nos programas de rádio, excluindo-os de contribuir para o desenvolvimento politico-social do seu país, em todas as vertentes.

A participação dos cidadãos nestes assuntos como saúde, educação e agricultura é extremamente de desejar, mas não tem sido considerada pelos serviços de radiodifusão pública. Outra área temática menos abrangida, é a da globalização e mudanças climáticas.

**Situação da imprensa escrita**

O *Swazi Observer* pertencente à Tibe-yo é o segundo maior jornal em circulação e leitura. O fracasso na publicação de certas informações de interesse público sobre alguns indivíduos nos escalões de poder pode ter tido impacto na ascensão e credibilidade dos jornais.

O *Times of Swaziland* que sempre foi uma baliza de esperança, oferecendo cobertura em assuntos diversos, já não tem a mesma influência que teve nos anos 80 e 90. Isto deve-se às actuais políticas do jornal, explicada em parte, pelos comentários do seu editor, feito em Junho de 2011, segundo o qual a Suazilândia não precisa de democracia. Apesar de vários desafios, a imprensa escrita destaca-se por tentar realçar a corrupção no sector público.

Ao longo dos anos, houve uma tendência de se confiar mais nos jornais Sul-africanos no que tange a publicação de artigos de interesse público, não publicados na imprensa local por medo de represálias.


**A situação da radiodifusão**

A Swaziland Television e Swaziland Broadcasting and Information Services (Radio Swaziland) pertença do Estado, têm falhado na promoção da pluralidade de vozes. As Rádios em particular, estão sob vigilância constante do Estado. A título de exemplo, um locutor foi impedido pela administração da estação de solicitar as visões do público sobre a crise financeira que assola o país.

Em Março de 2011, a estação Radio Swaziland deixou de emitir programas da British Broadcasting Corporation’s (BBC) na sua programação devido à difusão de comentários críticos do governo do dia, no seu programa para África. Em Abril de 2011 o Primeiro-ministro do país,
Dr Barnabas Dlamini em sessão de café da manhã com editores, disse ao editor mais antigo ao serviço da estação que, tratando-se de uma estação do governo, teria que cumprir com as ordens do seu ‘dono’. Neste caso, o dono é o Rei Mswati III. A Rádio é proibida de cobrir qualquer actividade que envolva acções de protestos por parte dos sindicatos, estudantes e outros grupos cívicos. Quaisquer vozes contrárias ao regime do dia não têm espaço tanto na rádio, como na televisão, públicas.

A programação infantil é conspicua por sua ausência em rádio e televisão. Na televisão, os conteúdos locais continuaram sendo afectados pela falta de finanças, tornando a produção do conteúdo infantil indesejável. A estação depende completamente de subvenções do governo para a sua existência. A colecta de taxas de licença de TELEVISÃO não gerou rendimento suficiente para o auto-sustento da radiodifusão pública.

Os locutores nacionais de radiodifusão deram passos largos em introduzir o equipamento digital. Porém, o desafio principal reside na componente televisão, pelas razões ora declaradas.


**TIC e telecomunicações**

Neste campo, houve um braço de ferro entre o incumbente da telefonia fixa, Swaziland Posts and Telecommunications Corporation (SPTC), um monopólio, e a única rede de telefonia móvel, a Mobile Telephone Network (MTN). O impasse foi causado pelo fracasso de se poder pôr em voga um órgão regulador independente e a constantes interferências do governo. A título de exemplo, o Governo forçou a operadora da linha fixa a cancelar um acordo que fizera com a SEACOM.

Na altura, o governo argumentou que os 41.4 milhões de Libra referentes ao acordo entre a SPTC e SEACOM eram ilegais porque existia um prévio acordo de monopólio com a primeira, a ser vigente por 20 anos. Mais adiante, o governo argumentou que este acordo foi feito sem a aprovação do Gabinete do Comité Permanente dos Empreendimentos Públicos "Cabinet Standing Committee on Public Enterprises (SCOPE)". O Primeiro-ministro orientou então à SPTC a fazer uma recomendação apropriada ao SCOPE sobre o assunto.

Este assunto foi discutido no Parlamento e o Primeiro-ministro disse que o então ministro responsável pela pasta de Tecnologia de Informação e Comunicação, Sra. Nelsiwe Shongwe não estava a par da transacção. O PM disse ao Parlamento que à SEACOM dever-se-ia
ter sido concedida um monopólio de 10 anos.

Significa que o impasse entre a SPTC e o MTN foi devido à vontade da última em usar seu próprio portal internacional. Por outro lado, a SPTC está relutante em ceder, por pretender que todo o tráfego nacional seja feito através dos seus sistemas. Uma ironia é que o executivo da MTN é dominado pela SPTC, com 41 por cento das acções na MTN Suazilândia. O grupo MTN tem 30 por cento, o grupo de autorização Swazi Empowerment Limited, 19 por cento e o resto está nas mãos do Rei da Suazilândia.

A SPTC introduziu recentemente a One Mobile cuja acção não foi bem recebida pela MTN. A MTN serviu-se de recursos legais para ganhar a causa. A SPTC também introduziu serviços móveis fixos que foram popularmente recebidos pelos cidadãos.

O custo das telecomunicações ainda é proibitivo. Aceder à Internet é ainda muito caro, privando assim muita gente de usar serviços on-line. A MTN transfere a culpa deste facto à SPTC argumentando que o custo de acesso à Internet por telefonia móvel estaria disponível se lhes permitissem usar o seu próprio portal que tem uma capacidade de terceira geração (3G).

Porém, a taxação tem tido um efeito adverso no acesso e uso dos serviços de telecomunicação. Para realçar este facto, a MTN e a SPTC aumentaram as suas tarifas no dia 1 de Dezembro de 2011, para suprir os seus impostos relativos às despesas.

Novos Meios de Comunicação Digital e Redes Sociais

O uso das redes sociais tem ganho grande impulso. Isto poderia ser atribuído, em parte, pela busca constante de ideias informação dos jornais online a partir das mesmas, com destaque ao Facebook. Entretanto, o governo da Suazilândia expressou a sua preocupação quanto ao uso das redes sociais, ameaçando proibir o uso delas no país.

Os cidadãos comuns têm essas redes o seu espaço onde podem discutir assuntos que os órgãos de comunicação social não ousam destacar. Porém, só uma porção da população Swázi usa estas redes, por vários motivos, sendo eles, a falta de acesso à internet, a falta de habilitação para o uso de internet. O uso básico de telefones móveis - chamadas de voz e pequenos serviços de mensagem - ainda prevalecem como os mais populares.

As actuais tendências para o uso de novas aplicações pelos órgãos de comunicação têm sido prática. A título de exemplo, o Swazi Observer publica parte das suas colunas nas páginas do Facebook, permitindo uma interacção imediata com a sua audiência. O Swazi Observer por exemplo também publica comentários saídos dos posts on-line, no seu jornal impresso. Os locutores da rádio na estação nacional também leem comentários da sua audiência, publicados no Facebook. Porém, estes são comentários gerais e notas de saudações, e não propriamente mensagens que causam controvérsia. Outras redes sociais como Twitter são menos populares.
Conclusões e Projeções

É provável que 2012 continue sendo um ano de desafios para a comunicação social. Acredita-se que os desafios fiscais que Suazilândia está a enfrentar venham a transformar o cenário político, caso a tendência actual prevaleça. As reformas políticas dentro da Suazilândia constituíam um ganho para os defensores da liberdade de imprensa. Há esperança de que o MCC possa engajar-se com o governo na tentativa de instituir regulamentos estatutários para a imprensa.

O acesso à informação continuará a ser um desafio a se ter em conta. A população continuará a ter dificuldades no acesso às tecnologias e meios de comunicação digitais. É altamente improvável que os actuais beneficiários do status quo político se interessem em expandir um clima de acesso à informação para toda a sociedade. Enquanto o governo ainda tiver controlo sobre a rádio, não deixará de fornecer ao público somente aquela informação que achar conveniente. Este facto prejudicará à sociedade em geral, o que tornará difícil qualquer tentativa de imposição de reformas políticas no país, particularmente no que tange às comunidades marginalizadas do meio rural.

A batalha entre SPTC e MTN provavelmente poderá continuar em 2012. Na verdade, na ausência de uma entidade reguladora independente, a coisa tornar-se-á mais difícil. Espera-se que o governo proponha tal entidade independente para o sector das telecomunicações. O caminho para a migração digital poderá ser reduzido provavelmente pelos desafios fiscais que o país está enfrentando. O desenvolvimento satisfatório da radiodifusão digital será provavelmente um outro desafio.

Exceptuando o custo de acesso, as redes sociais vão ser usadas extensivamente, já que as pessoas não encontram voz num país onde não há nenhuma liberdade de expressão. É provável que o Senado convoque o governo para arrolar sobre algumas medidas visando restringir ou censurar os jornais e revistas sul-africanos que circulam no território Swazi, bem como propor estratégias visando policiar locais de redes sociais.

Alert
Date: February 18, 2011
Person/ institution: Minister for Health
Violation/ issue: Victory
On 16 February 2011, in a positive development that augurs well for media freedom in Swaziland, the Minister for Health Benedict Xaba ordered the entire staff in his ministry to cooperate at all times with journalists seeking information from the ministry.

Alert
Date: March 9, 2011
Person/ institution: Swaziland Broadcasting and Information Services
Violation/ issue: Banned
The government of Swaziland has banned the daily live transmission of BBC Focus on Africa programme after one of the news clips, broadcast through the English channel of the state radio, Swaziland
Broadcasting and Information Services (SBIS), was critical of government.

**Alert**
**Date:** March 25, 2011  
**Person/ institution:** Social Media (Facebook)  
**Violation/ issue:** Threatened  
The government of Swaziland has, and continues to threaten with prosecution people who are expressing themselves using popular social media such as Facebook. The government has accused the Facebookers as being too critical to the government and the ruling elites in Swaziland.

**Alert**
**Date:** April 15, 2011  
**Person/ institution:** Editor of Swaziland Broadcasting and Information Services  
**Violation/ issue:** Censored, threatened  
In an incident that borders on intimidation, an editor who openly challenged the Prime Minister on government’s tendencies to censor the state radio station, the Swaziland Broadcasting and Information Services (SBIS), was covertly told to resign if he was not happy with the government policy.

**Alert**
**Date:** May 9, 2011  
**Person/ institution:** Timothy Simelane, Times of Swaziland  
**Violation/ issue:** Beaten  
On 7 May 2011 a reporter with the *Times of Swaziland*, Timothy Simelane, was attacked and assaulted by a gospel singer who accused the journalist of writing bad stories about him. Though an assault case was opened with the police on the same night, the attacker, Mzwakhe Myeni, is yet to be arrested.

**Alert**
**Date:** May 12, 2011  
**Person/ institution:** Swazi Mirror  
**Violation/ issue:** Censored  
A man has run to court to stop a newspaper from publishing a story in which he is accused of extra-marital affairs with school girls. The unnamed director of a financial institution has obtained an interim High Court order stopping Swazi Mirror newspaper from publishing the story pending finalization of the matter.

**Alert**
**Date:** May 26, 2011  
**Person/ institution:** Swazi parliamentarians  
**Violation/ issue:** Legislation  
On 24 May 2011 Swazi parliamentarians called for a law to censor the foreign media circulating in Swaziland thereby protecting the image of King Mswati III, Africa’s last absolute monarch.

**Alert**
**Date:** June 28, 2011  
**Person/ institution:** Swazi Mirror  
**Violation/ issue:** Censored  
In a rare case of censorship, a Swazi businessman has gone to court to seek the closure of a newspaper which he claims has written defamatory articles against him. The businessman, Boyce
Magongo, wants the High Court to issue an order declaring and directing Swazi Mirror, a two-year old privately-owned newspaper, to stop publishing and distributing its copies until they complied with the provisions of the Books and Newspaper Act, 1963.

Communiqué
Date: May 3, 2011
Person/ institution: MISA- Swaziland
Violation/ issue: Other
Speaking to journalists gathered for World Press Freedom Day commemoration organized by MISA Swaziland on Tuesday 3 May 2011 Craig Cloud, Charge d’Affairs in the American Embassy in Mbabane has said, Journalists are not the only ones who should stand up for press freedom but all citizens who value an informed society.

May 4, 2011: On 3 May 2011, the chairperson of MISA Swaziland, Bonisile Dlamini, called on the Government of Swaziland to speed up the process of liberating the airwaves and licensing community radio broadcasters so as to ensure the empowerment of citizens through access to information.

Communiqué
Date: June 8, 2011
Person/ institution: Media Complaints Commission
Violation/ issue: Victory
The long-awaited Media Complaints Commission (MCC), a media self-regulatory framework for Swaziland, has finally been registered by the government after a long-drawn registration process spanning the last four years. The registration certificate was finally issued by the Registrar of Companies on 7 June 2011.

Alert
Date: July 18, 2011
Person/ institution: Times of Swaziland
Violation/ issue: Censored and threatened
The Government of Swaziland has interdicted the privately-owned Times of Swaziland newspaper from continuing writing about the Chief Justice, Michael Ramodibedi, who has caused so much drama for suspending Justice Thomas Masuku and charging him with 12 charges that he will have to answer before the end of July 2011. Security Police stormed the Times office late on the 12th July 2011, serving the editor with a Court Order to stop publishing any articles related to the Chief Justice.

July 18, 2010: The Royal Swaziland Police under strict instruction from the Government of Swaziland were sent to the Border (Oshoek/Ngwenya) to confiscate one of the South African Daily the Sowetan Newspaper from circulation in Swaziland. This unfolded on Friday Morning, 15 July 2011, when the border opened for business. Of great note is that the Sowetan carried a story about Chief Justice Michael Ramodibedi.

July 28, 2011: The Chief Justice (CJ) Michael Ramodibedi, has come out strongly over Swazi Media, accusing them of reporting negatively about him and not giving him a chance or right to reply. He claims that the media went as far as reporting and publishing
damaging articles to his reputation that he is allegedly sexually harassing female staff at the High court.

Communiqué
Date: August 3, 2011
Person/ institution: Qhawe Mamba, Channel S
Violation/ issue: Other
Qhawe Mamba the owner of Channel S, which recently came back on air, was harassed and insulted in a live broadcast. This happened during the Mass protest by Labour movement in Manzini. Mamba who continued with his work, was told that he is also part of the system that has caused so much misery by abusing national resources that has led to the present state of affairs.

Alert
Date: August 4, 2011
Person/ institution: Swazi journalists
Violation/ issue: Censored
The Chief Justice, Michael Ramodibedi’s instructed the police to kick out seven Swazi journalists who had visited His chambers for an interview. Seven Police officers led by Sergeant Sibongile Motsa approached the journalists waiting and ordered them out of the office. The officers argued that members of the public are never allowed at the Justice Chambers as it was only for judicial officers. Yet previously Journalists would make an appointment through the secretary of CJ, and they will be welcomed without any problem.

Alert
Date: August 11, 2011
Person/ institution: Nation Magazine
Violation/ issue: Victory
The High Court Judge, Bheki Maphalala dismissed Attorney General Majahenkaba Dlamni’s application to proceed with the case against the Nation Magazine. The court wrangled between the two, following the publication of supposedly defamatory statements against the Chief Justice Michael Ramodibedi. The case was enrolled to be argued before the High court, but Bob Sigwane the Nation’s Attorney could not arrive since the Law Society was on strike following the judiciary crisis the country is facing.
National Overview
South Africa 2011

By Peter Mataba
a lecturer in Journalism and
Media Studies at St. Augustine
University of Tanzania (SAUT)
in Mwanza, Tanzania
Introduction

When local journalist Tumaini Msowoya (Mwananchi newspaper) read the police report on a woman who was wounded on her leg as being the result of ordinary metal fracture, she could not believe her eyes. She decided to follow up the story at the Iringa regional hospital. What she found out was shocking.

"The stories aired around town were that a police woman had shot another woman on the leg on grounds of stealing her husband. The hospital reports show that the piece of metal extracted from the leg was indeed a bullet and even the wounded woman's child, a boy of about 8 years, confirmed that her mother was shot as they were walking along the street", says Msowoya.

When she ran the story, though under a pseudonym, a series of unlucky events ensued. First, she began being hunted by the police, then her home was broken into while she was sleeping and all her working tools (the laptop, a tape recorder, a camera and other equipment worth Tshs3 million (about USD 2000) were taken. It was until she decided herself to go meet the Regional Police Commander when the dust settled.

In the period between 2010 and 2011, a series of incidents involving journalists being harassed by the police force, political leaders as well as the citizens themselves have been a common feature in Tanzania. Journalists have their tools broken or taken away from them, arrested, threatened and/or being sued by politicians for large sums of cash, most of which will paralyse media houses if paid.

Several cases have been taken to and resolved by the Media Council of Tanzania (MCT) and others to court, many of which take time to be ruled. One of the recently resolved cases by the High Court of Tanzania was that involving former minister for good governance, Mr Wilson Masilingi and the local Swahili newspaper, RAI and its contributing columnist Prince Bagenda.

The court instructed the accused to pay Mr Masilingi the some of Tshs15 million (about 9000 USD) as damages for publishing malicious and defamatory statements against him. The court ordered RAI newspaper to pay Tshs10 million and Mr Bagenda was supposed to pay Tshs5 million in addition to publishing an apology on the first and second pages of the same newspaper in words that Mr Masilingi would be comfortable with before they are published. The cash compensation was to be done within 14 days after the ruling in addition to publishing the apology.

The incidences present another face to a country that boasts itself as being committed to respecting media freedom and freedom of expression and being praised by the international community.

Access to information

Tanzania is a signatory to international laws on the right to access, receive and impart information. Indeed, the right to be informed and to access and disseminate information is also recognized in Article 18(1) and 18(2) of the Constitution of Tanzania:
Without prejudice to expression the laws of the land, every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers, and also has the right of freedom from interference with his communications.

Every citizen has the right to be informed at all times of various events in the country and in the world at large which are of importance to the lives and activities of the people and also of issues of importance to society (URT, 1998).

In practice, however, the extent to which Tanzanians enjoy these constitutional mandates is far from certain because translating legal and constitutional rights into bureaucratic mandates and operational practices remains a key challenge to Tanzania.

In fact, the government of Tanzania had prepared two draft bills on access to information; the Freedom of Information Bill (2006) and the Media Service Bill (2007). The two draft bills were however found wanting and media stakeholders rejected them. Instead, they formed a coalition under the Media of Council of Tanzania (MCT) and prepared two alternative Bills, the Right to Information Bill (2007) and the Media Service Bill. The two bills were presented to the government in 2007 but since then the latter has kept silent and done nothing serious about the bills.

The right to information is a basic right for every human being as guaranteed and protected in the Constitution of the United Republic of Tanzania, including in a number of international and regional instruments for the protection of human rights, most of which Tanzania is a signatory.

It is the responsibility of the government to enact good Laws to enhance the accessibility of information by its citizens for the enjoyment of such rights. But if the government is not ready for this, then Members of Parliament should use Rule 81 to have individual MPs or Parliamentary Committees to initiate and table a private motion for a Bill to enact a Law that would guarantee the right to information in Tanzania.

The recently launched African Platform on Access to Information (APAI) Declaration is still a new thing in the country. Not many are aware of it and this includes media practitioners themselves. More needs to be done, particularly in terms of popularizing the document to key stakeholders (both in government and private) who will in turn take it to the general public.

State of print media

The print media development in Tanzania is acclaimed as exemplary in East Africa and Africa so far. Tanzania has nearly 700 registered newspapers, 19 dailies, 41 weeklies and over 50 other regulars.

However, the consumption of newsprint in Tanzania is still the lowest in East Africa. For example, a combined circulation of four English dailies (Daily News, The Citizen, Guardian, and The African) is less than 50,000 copies whereas the circulation of The Daily Nation alone in Kenya is 150,000 copies by comparison.

Moreover, the culture of reading in Tanzania is falling drastically; this is
partly due to the growing illiteracy in the country. According to the reports, 28.6% (13.6 million) of the 45 million Tanzanians cannot read or write in any language. And lastly, metropolitan bias is very high with print media in Tanzania as urban and peri-urban areas continue to enjoy high coverage compared to rural areas.

State of Broadcasting

The state of broadcast media in Tanzania is relatively impressive. Overall, Tanzania has 128 registered radio stations, of which 53 are on air. Also Tanzania has a total of 54 TV stations that are licensed. Out of these, 28 TV stations are on air. Radio penetration in Tanzania is very high, now estimated at 87.7%. Nearly 60% of households in Tanzania own radio sets.

On the other hand, Tanzania is progressing in the application of digital technology as required by the International Telecommunications Union (ITU) that member states should migrate from analogue to digital by the year 2015. The Tanzania Communications Regulatory Authority (TCRA), a statutory regulator behind the process has already issued certificates to three multiplex operators that will be responsible for compilation, operation and marketing of broadcasting content. They are Star Media (T) Ltd, Basic Transmission Ltd and Agape Associates Ltd.

Transmission and reception of radio signals using digital technology is credited for producing high quality sound, and also for accommodating special services like paging and data-casting. Digital TV produces high quality pictures, delivers more channels and facilitates convergence of services. Both types of digital broadcasting reduce the problem of interruption when airing programs. Eventually citizen journalism will get boosted as more cable TV services and FM radio stations involving non-journalists in news dissemination are expected to be established.

Currently, TV covers only 19% of the urban Tanzania population and only 5% of the total population of Tanzania. Moreover, the high cost of batteries for radio sets and lack of electricity provision to rural dwellers, as well as the high costs of owning television sets remain a challenge in this aspect.

Generally, the ownership of media (both print and broadcasting) in Tanzania is either state-owned or private. The state-owned media refers to "media channels that are owned, operated or controlled by the government, as well as channels that are managed by government appointees or that are governed by boards, a majority of whose members are selected by the government or ruling party". Private-owned media, according to the definition by the International Federation of Journalists (IFJ), refers to "press independent from government, political or economical control or from control of material and infrastructure essential for production and dissemination of media outlets". The ownership of private media in Tanzania if further categorized into four groups: private (commercial), private (non-profit), private (sectarian/partisan), and independent (non-state).

However, except for few media (like Raia Mwema, which is owned by profes-
sional journalists themselves), almost all of the privately-owned media in Tanzania are not only owned by politicians-cum-businessmen but, also there is heavy presence of the ruling Chama cha Mapinduzi (CCM) cadres.

Among 11 prominent media firms in Tanzania, nine are owned by politician-cum-businessmen who have known links to the CCM. These include, Rostam Aziz, Anthony Diallo, Nazir Karamagi, Aden Rage, among others. The other two media firms are owned by politicians who have known links to Chama cha Mwendeleo na Demokrasia (CHADEMA), namely Freeman Mbowe and Ndesamburo. This means, despite all the praises, the claim of there being private media - and for that matter - a free press in Tanzania is questionable.

ICT AND Telecommunications, New Media and Social Media

ICT and new media in Tanzania have been on the rise in recent years in Tanzania. Tanzania is fourth (after South Africa, Nigeria and Kenya) in mobile phones penetration. Mobile phones were particularly used to reach village grassroots in the remotest parts of Tanzania during the 2010 elections. According to statistics, over 18 million mobile phones are registered in Tanzania.

Social media (websites and blogs) in Tanzania are not required to register or obtain permission from state authority like in other media outlets such as print or broadcasting. Only Internet Service Providers (ISPs) are required to register. Social media were notably used for the first time in the 2010 general elections where websites, blogs, networking sites like Facebook and Twitter were used to conduct election campaigns. Some of the renowned blogs and social forums in Tanzania include the Issa Michuzi (http://issamichuzi.blogspot.com) and Jamii Forums (http://jamiiforums.com).

Others are Abdallah Mrisho (http://abdallahmrisho.blogspot.com), Food for Thought (http://haki-hakingowi.blogspot.com), Swahili Time (http://swahilitime.blogspot.com), Dr. Faustin Baraza (http://funguajicho.blogspot.com), Maggid Mjengwa (http://mjengwa.blogspot.com), Mohamed Dewji (http://mohammedewji.blogspot.com) and Wanabidii (http://wanabidii.blogspot.com).

However, the Internet is accessed by only 1% of Tanzanian population. In response to this, Tanzania has embarked on infrastructural developments that will have - and in some cases are already having - impact on the country’s ICT sector and consequently social media or new media. They include the inauguration of the Seacom Fibre Optic Cable and the National ICT Optical Fibre Backbone Network project.

The Seacom Fibre Optic Cable is the 17,000-kilometre undersea fibre optic cable that links South and East Africa countries to Europe and Asia. The cable provides broadband to countries in East Africa currently relying on satellite connections. These satellite connections are said to be more expensive. With increased bandwidth there will be a big boost in Internet services in the sense that more entrepreneurs will invest in this line of business which will operate
more efficiently and perhaps with bigger profit margins. This trend is also likely to bring about a surge in Internet users whose number in Tanzania is still low and consequently more participation of citizens in the media through collecting, processing and dissemination of information.

The National Fibre Optic Cable Network is a 10,000-kilometre inland optic fibre cable network meant to facilitate ICT connectivity to district level in the country and even connect landlocked neighboring countries. The network will address ICT needs at grassroots level (village level). It will also promote participation of citizens in information collection and dissemination especially in cases of e-education, e-health e-business, e-agriculture and e-government.

Conclusion

For the past two decades, Tanzania has witnessed significant progress in the media. The recent achievements in digital broadcasting and infrastructural developments in ICT and telecommunication are a boost to these developments.

However, the political will appears to be a setback to the smooth progress of these initiatives. Unless the stakeholders commit themselves to accomplishment of what they have started, the acclaimed media in Tanzania faces disappointment in 2012.

PORTUGUESE VERSION

Introdução

Quando a Jornalista local, Tumaini Msowoya (do Jornal Mwananchi) leu o relatório da polícia sobre uma mulher que foi ferida no pé como resultado da fractura de um metal ordinário, não pode segurar os seus olhos. Decidiu seguir a história no hospital regional de Iringa. O que ela descobriu foi chocante.

“As histórias que pairavam na cidade eram de que uma mulher polícia atirou contra outra mulher na perna sob pretexto desta ter roubado o seu marido. Os relatórios do hospital mostram que o pedaço de metal extraído da perna era na verdade uma munição e mesmo a criança da vítima de 8 anos de idade, confirmou que sua mãe foi alvejada enquanto caminhavam pela rua”, diz Msowoya.

Quando ela contou a história embora sobre um pseudónimo, uma série de eventos desastrosos começaram a surgir. Primeiro começou a ser procurada pela polícia e depois a sua casa foi assaltada enquanto dormia e todo o seu material de trabalho (o laptop, um gravador de fita magnética, uma câmara e outras coisa avaliadas em Tshs3 milhões (cerca de USD 2000) foram levadas. A poeira só baixou quando ela decidiu encontrar-se com o Comandante Regional da Polícia.

No período entre 2010 e 2011, uma série de incidentes envolvendo Jornalistas sendo fustigados pela força policial, lideres políticos e também cidadãos têm
sido características comuns na Tanzânia. Os Jornalistas viram seu material quebrado ou levado por eles, presos, ameaçados e/ou sendo processados por políticos com grandes somas de valor, muitos desses valores se recebidos vão paralisar as casas da mídia.

Foram registados muitos casos e resolvidos pelo Conselho da Mídia Tanzânia “Media Council of Tanzania (MCT) e outros pelo tribunal, dos quais muitos levam tempo a serem regulamentados. Um dos casos recentes resolvidos pelo Tribunal Supremo da Tanzânia foi aquele que envolveu o ministro cessante por boa governação, Sr. Wilson Masilingi e o Jornal local Swahili, RAI e seu colunista contribuinte Prince Bagenda.

O tribunal instruiu o acusado a pagar ao Masilingi a soma de Tshs15 milhões (cerca 9000 USD) pelos danos de ter publicado expressões maliciosas e difamatórias contra ele. O tribunal ordenou o Jornal RAI a pagar Tshs10 milhões e o Sr. Bagenda deveria pagar Tshs5 milhões em adição para publicar uma desculpa na primeira e segunda página do mesmo jornal com palavras que dessem conforto ao Sr. Masilingi antes de serem publicadas. A compensação com os valores devia ser feita dentro de 14 dias em adição à publicação das desculpas.

Os incidentes apresentam uma outra imagem do país, que orgulha-se estar comprometido no respeito à liberdade de imprensa e expressão e sendo elogiado pela comunidade internacional.

Acesso a informação

A Tanzânia é signatária a leis internacionais sobre o direito de acesso, reserva e divulgação. Deveras, o direito de ser informado e acessar e disseminar informações é também reconhecido no Artigo 18(1) e 18(2) da Constituição da Tanzânia:

Sem preconceito a expressão das leis de terra, todo indivíduo tem direito à liberdade de opinião e expressão e de acompanhar, receber e divulgar ou disseminar informações e ideias através de qualquer mídia, não obstante as fronteiras nacionais, e têm o direito à liberdade de interferências com suas comunicações.

Todo o cidadão tem o direito de ser informado em todo momento de vários eventos no país e no mundo em geral que são importatantes para as vidas e actividades do povo e também de assuntos importantes para a sociedade (URT, 1998).

Na prática, todavia, o ponto até pelo qual os Tanzanianos desfrutam destes mandatos constitucionais, está muito além do certo porque traduzindo direitos legais e constitucionais em mandatos burocráticos e práticas operacionais continuam sendo um desafio chave na Tanzânia.

De facto, o governo da Tanzânia preparou dois rascunhos de projecto de lei sobre o acesso à informação; o projecto de lei de acesso a informação (2006) e o projecto de lei de serviços da mídia (2007). Os dois rascunhos porém, deixaram muito a desejar e foram rejeitados pelos contribuintes. Ao invés disso, eles
formaram uma aliança com base no Conselho da Midia Tanzaniana e prepararam dois projectos alternativos, o Projecto lei de direito a informação e o Projecto lei dos Serviços da Midia. Os dois projectos foram apresentados ao governo em 2007 mas desde então o posterior manteve silencioso e não fez nada de sério sobre os mesmos.

O direito a informação é um direito básico para todo o ser humano, tal como garantido e protegido na Constituição da República Unida da Tanzânia, inclusive numa série de instrumentos internacionais e regionais para a protecção dos direitos humanos, muitos dos quais a Tanzânia é signatária.

É da responsabilidade do governo decretar boas leis para acentuar o acesso à informação aos seus cidadãos para que desfrutem de tais direitos. Mas se o governo não está pronto para isso, então os Membros Parlamentares devem usar a Regra 81 para que se tenha MPs ou Comitês Parlamentares individuais para iniciar e colocar a mesa um movimento privado de um projecto lei para decretar uma Lei que garantiria o direito a informação na Tanzânia.

A Declaração da Plataforma africana sobre Acesso à Informação (APAI) recentemente lançada ainda é uma coisa nova no país. Não são muitos os que estão informados disto, e isto, inclui agentes da mídia em si. Muito ainda precisa ser feito, particularmente em termos de popularizar o documento aos sócios chaves (ambos no governo e sector privado) que por sua vez o levarão ao público em geral.

### Estado dos Meios de Comunicação Social Impressos

O desenvolvimento dos meios de comunicações impressos na Tanzânia é aclamado como exemplar na África Austral e África até aqui. Tanzânia tem quase 700 jornais registrados, 19 diários, 41 semanários e mais de outros 50 regulares.

Porém, o consumo da notícia impressa na Tanzânia ainda é o mais baixo da África Austral. Por exemplo, uma circulação combinada de cinco diários ingleses (Daily News, The Citizen, Guardian, e The African) é menos de 50,000 cópias enquanto que a circulação do Daily só no Quênia é 150,000 cópias por comparação.

Além disso, a cultura de leitura na Tanzânia está decaindo drasticamente; isto deve-se em parte devido ao crescente analfabetismo no país. De acordo com os relatórios, 28.6% (13.6 milhões) dos 45 milhões de Tanzanianos não sabem ler nem escrever em qualquer idioma. E por último, o preconceito metropolitano é muito alto com os serviços de comunicação impressa na Tanzânia como áreas urbanas e peri-urbanas, continuam desfrutando uma alta cobertura comparada a áreas rurais.

### Estado da radiodifusão e televisão

O estado da Televisão na Tanzânia é relativamente impressionante. No total, a Tanzânia tem 128 estações de rádio registrados, dos quais 53 estão no ar. Também tem um total de 54 estações
de TELEVISÃO licenseadas. Fora destes, 28 estações de TELEVISÃO estão no ar. A penetração da rádio na Tanzânia é muito alta, agora calculada em cerca de 87.7%. Quase 60% das casas na Tanzânia têm aparelhos de rádio.

Por outro lado, Tanzânia está progredindo na aplicação de tecnologia digital como exigido pela União Internacional de Telecomunicações (ITU), que os estados membros devem migrar do analógico para o digital até 2015. A Autoridade Reguladora das Comunicação de Tanzânia (TCRA), um regulador estatutário através do processo já emitiu certificados a três operadores de multiplex que serão responsáveis pela compilação, operação e marketing do conteúdo da radiodifusão. Eles são Star Media (T) Ltd, Basic Transmission Ltd e Agape Associates Ltd.

A transmissão e recepção de sinais de rádio usando a tecnologia digital são acreditadas por produzirem um som de alta qualidade, e também por acomodarem serviços especiais como paginação e lançamento de dados. A Televisão digital produz imagens de alta qualidade, permite mais canais e facilita a cobertura de serviços. Ambos os tipos de radiodifusão digital reduzem o problema de interrupções quando emitindo programas. Eventualmente, o jornalismo para o cidadão será impulsionado como espera-se que sejam estabelecidos mais serviços de TV a cabo a estações de rádio FM envolvendo agentes não jornalistas na disseminação de notícias.

Atualmente, a TELEVISÃO cobre apenas 19% da população urbana de Tanzânia e apenas 5% da população total de Tanzânia. Além disso, o custo alto de baterias para aparelhos de rádio e falta de provisão de eletricidade para os moradores rurais, como também os custos altos de possuir televisores permanecem um desafio neste aspecto.

Geralmente, a propriedade de mídia (impressão e radiodifusão) na Tanzânia é do estado ou privado. Referimo-nos por mídia estatal a todos canais da mídia pertencentes, operados e controlados pelo governo, assim como canais administrados por alguém nomeado pelo governo ou partido no poder. Mídia privada, de acordo com a definição pela Federação Internacional de Jornalistas (IFJ), se refere para imprensa independente do controle político ou econômico do governo ou do controle material e infra-estrutura essencial para a produção e disseminação de informação. A propriedade de mídia privada na Tanzânia é mais adiante categorizada em quatro grupos: privado (comercial), privado (não-lucrativo), privado (sectário/partidário), e independente (não-estatal).

Porém, com exceção de poucas mídia (como Raia Mwema que é possuído por jornalistas profissionais em si), quase todas as mídia privadamente-possuídas na Tanzânia não são apenas pertença de políticos de negócios mas, também há presença pesada de estruturas mandantes do Chama cha Mapinduzi (CCM).

Entre 11 empresas de mídia proeminentes na Tanzânia, nove são possuídos por políticos de negócios que têm conexões conhecidas com o CCM. Estes incluem, Rostam Aziz, Anthony Diallo, Nazir Karamagi, Aden Rage, entre outros. As outras duas empresas de mídia são
possuídas por políticos que têm ligações conhecidas com Chama cha Maendeleo na Demokrasia (CHADEMA), nomeadamente, Freeman Mbowe e Ndesamburo. Isto significa, que apesar de todos os elogios, a pretensão de que há mídia privada e consequentemente liberdade de imprensa na Tanzânia é questionável.

ICT e Telecomunicações, Novos Meios de Comunicação e Redes Sociais

O ICT e a nova mídia na Tanzânia têm crescido nos anos recentes. A Tanzânia ocupa o quarto lugar (depois da África do Sul, Nigéria e Quénia) em penetrações de telefones móveis. Os telefones móveis foram particularmente usados para alcançar as raízes do capim das aldeias nas partes mais remotas da Tanzânia durante as eleições de 2010. Segundo estatísticas, cerca de 18 milhões de telefones móveis estão registados na Tanzânia.

A mídia social (websites e blogs) na Tanzânia não precisam registar-se ou obter permissão das autoridades do estado como se verifica em outras formas de mídia como radiodifusão ou impressão. Apenas Fornecedores de Serviços de Internet (ISPs) necessitam ser registados. A mídia social foi notavelmente usada pela primeira vez nas eleições gerais de 2010 onde Websites, blogs, redes de comunicação como Facebook e Twitter foram usadas para campanhas eleitorais. Alguns dos blogs e fóruns reconhecidos na Tanzânia incluem a Michuzi (http://is-samichuzi.blogspot.com) e Jamii Forums (http://jamiiforums.com).


Todavia, apenas 1% da população Tanzaniana pode acessar a internet. Em resposta a isso, a Tanzânia embarcou no desenvolvimento de infra-estruturas que terá – e em alguns casos já está tendo – impactos no sector de ICT do país e consequentemente na mídia social ou nova mídia. Incluem a inauguração do Cabo de Fibra Optica Seacom e o projecto Nacional ICT Optical Fibre Backbone.

O Cabo de Fibra Optica Seacom é o cabo de fibra optica de 17,000-kilometros que liga os países do Sul e Este de África com a Europa e Asia. O cabo oferece uma banda larga a países no Este de África que actualmente fiam-se nas conexões de satélites. Essas conexões dizem-se serem mais caras. Com uma banda larga haverá um aumento considerável nos serviços de Internet no sentido de que mais empresários investirão nesta linha de negócios, operando mais eficazmente e talvez com margens de lucro maiores. Também é provável que esta tendência provoque uma onda de usuários de Internet, cujos números na Tanzânia ainda são baixos e consequentemente mais participação dos cidadãos na mídia através da colecção, processamento e disseminação de informação.

A Rede Nacional do Cabo de Fibra Optica é um cabo de fibra optica no inte-

Conclusão

Durante as últimas duas décadas, Tanzânia testemunhou progressos significantes na mídia. As recentes realizações em radiodifusão digital e desenvolvimentos de infra-estruturas em ICT e telecomunicações são um aumento a estes desenvolvimentos.

Porém, o desejo político parece ser um retrocesso ao progresso suave destas iniciativas. A menos que os sócios se comprometam na realização do que eles começaram, a aclamada mídia na Tanzânia enfrenta decepção em 2012.

Communiqué

Date: May 9, 2011
Person/ institution: Media
Violation/ issue: Other
The former Chief Justice, Augustino Ramadhani has urged media fraternity to lobby for inclusion of media freedom in the new Constitution. He elaborated on the meaning of Article 18 of Tanzanian Constitution when he was giving a key note address to media fraternity and other invitees on the occasion of World Press Freedom Day celebration organized by MISA-Tanzania on 3 May 2011.

Communiqué

Date: June 15, 2011
Person/ institution: Damas Kanyabwoya and Daniel Mbega
Violation/ issue: Victory
Two journalists of the Mwananchi Communications Limited have been selected for the 2011 Tanzania Media Fund Fellowship (TMF). The Citizen acting Business Editor, Damas Kanyabwoya, and Mwanaspoti’s sub-editor, Daniel Mbega, were named among six journalists selected countrywide to participate in the only fellowship programme in the country.

Alert

Date: July 4, 2011
Person/ institution: Fidelis Felix, Mwananchi Communications Ltd
Violation/ issue: Beaten
A photojournalist, Fidelis Felix was on 1 July 2011, attacked by a police officer whilst on duty at the Sabasaba grounds in Dar es Salaam. He was attacked by a police officer in civilian clothes who
was later identified as Harrison. On the 2nd July 2011, the Citizen reported that, the incident occurred after the photojournalist took photos of security personnel who had arrested an unknown man for allegedly breaking a toy.

Communiqué
Date: July 12, 2011
Person/ institution: Sharifa Kalokola, The Citizen
Violation/ issue: Other
A journalist with The Citizen, Sharifa Kalokola, has won recognition for health reporting during the Siemens Africa Profile Awards held recently in Doha, Qatar. On the 10th July 2011, The Citizen reported that, she got a merit award for her article entitled “Abortion pills sold over the counter” during the annual event to honor journalists who excel in the field of science and health reporting.

Alert
Date: November 17, 2011
Person/ institution: Prince Bagenda, RAI
Violation/ issue: Sentenced
The High Court of Tanzania has resolved the case involving Former Minister for Good Governance, Wilson Masilingi and the local Swahiili newspaper, RAI and its columnist, Prince Bagenda. The ruling followed a defamation case that was filed by Masilingi claiming that the writer and the newspaper published a defamatory statement in its edition of 2 August 2005. The court has the newspaper and Bagenda to pay Masilingi the some of Tshs 15 million (about 9000 USD) as damages for publishing malicious and defamatory statements against him. In addition, the newspaper is required to publish an apology on the first and second pages of the same newspaper in words that Masilingi will be comfortable with before they are published.

Alert
Date: December 17, 2011
Person/ institution: Absalom Kibanda
Violation/ issue: Detained
The Police on Friday questioned the Managing Editor of a Swahili daily Newspaper, Tanzania Daima, Absalom Kibanda, over an opinion article recently published by the paper. Kibanda, who is also a Chairman of the Tanzania Editors Forum, was questioned on Friday December 16, 2011 for over three hours at police headquarters in Dar es Salaam over the article, which the police claimed was “seditious”.

Alert
National Overview Zambia 2011

Elizabeth Mweene Chanda
Lecturer (Department of Mass Communication, University of Zambia)
Introduction

The manner the media covered topical issues in 2011 was characterised with a distinct watershed, which was dictated by the pre-election and post-election era syndrome. During the pre-election era there was a clear divide between the private and state owned media, with the state owned media being turned into political megaphones for the then ruling Movement for Multi-Party Democracy (MMD).

Media like the Zambia National Broadcasting Corporation (ZNBC) abandoned their status as public media and instead danced to the tune of the powers that be. This led to the relationship between the media and opposition parties like the Patriotic Front (PF), to deteriorate to an extent that journalists from state media were once barred from covering and reporting at the PF general conference.

This conduct by the state media attracted criticism from various quarters. Organisations like Caritas Zambia, a non-governmental organisation, condemned the state media for operating like party cadres at the expense of creating a platform for constructive dialogue and setting the agenda for all politicians in an election year. Others like the Law Association of Zambia (LAZ) stated that media like ZNBC were contravening the ZNBC Act, which mandated them to give balanced coverage of national issues. These criticisms however did not yield any results.

The private media on the other hand received continued threats of closure and revocation of licences by government for giving coverage to the opposition and being critical of government. A Lusaka-based radio station HOT FM was threatened with closure for airing a morning breakfast show “Red Hot Breakfast Show” and for airing live political rallies of the opposition Patriotic Front (PF), whilst two radio stations Petauke Explorers and Pasme in the Eastern Province were allegedly instructed by a minister under the MMD government not to host party leaders from the Patriotic Front.

The final blow to the private media came two days after elections when there was an order by the Electoral Commission of Zambia (ECZ) and the Attorney-General to seek an injunction barring private media houses from announcing election results, a clear breach of their right to access information on the electoral process of which they are stakeholders.

However, in the post-elections era there has been a great improvement in the manner the media, and the state media are covering topical issues. A media monitoring exercise carried by the Zambia Elections Media Monitoring Project (ZEMMP) (coordinated by MISA-Zambia and the Press Association of Zambia) found that the media content and coverage was no longer dictated by political whims.

Freedom of Information Law

The Freedom of Information Bill in Zambia has been lying in limbo for the past decade despite calls over the years
from various stakeholders for government to enact this very important piece of legislation.

The coming into power by the Patriotic Front (PF) in September 2011 brought in a new ray of hope. This is as a result of the renewed commitment that was demonstrated by newly-elected government to put in place a Freedom of Information law (FOI).

Former minister of Information Broadcasting and Tourism, Given Lubinda in November 2011, pledged to work with stakeholders, to ensure that the FOI was put in place within six months. This, in essence, means that the law should be in place by May 2012. The minister also pledged to put together a committee of experts to facilitate this process. This move will ensure that the end-product is owned by, and has input of all stakeholders.

The renewed commitment by government is timely as it collides with the newly launched African Platform on Access to Information (APAI) declaration whose principles among others includes mandating African countries to enact laws that promote access to information.

A notable weakness of previous campaigns was that the FOI was seen as a law for the media fraternity only. This was because the FOI was part of the laws meant to facilitate media law reform and was therefore a media driven campaign. As a result this led to a general perception by government that the need for FOI was a media fight and if such a law were to be enacted, then the media would yield so much power that could possibly affect government (and ruling party) operations.

Based on this background, there is need for the media to bring on board the grassroots, civic society and Members of Parliament (MPs) through massive sensitisation that the FOI is meant to facilitate access to information held by public and private bodies, to all citizens, before this law is finally tabled before Parliament. This will ensure that the FOI is seen as 'public need' for all citizens and not just a 'tool' the media will use to access information from government.

**State of the Print Media**

There was a mushrooming of seasonal newspapers during the pre-election period which openly supported particular political parties. These included *Stand Up for Zambia*, The Zambian and *The Supreme Times*. On a general level the country has four daily newspapers i.e. the two state owned *Times of Zambia* and *The Zambia Daily Mail* and *The Post* and *Daily Nation* both of which are privately-owned.

**State of Broadcasting and Digital Migration**

Zambia is among members of the Southern African Development Community (SADC) region that resolved to migrate to digital broadcasting by 2013, two years ahead of the global deadline given by International Telecommunication (ITU) of 2015. As a positive move towards beating this deadline the Zambian National Broadcasting Corporation (ZNBC), received Chinese-made digital
transmission equipment donated by the Chinese government and installed at the Lusaka and Ndola stations for initial testing.

However, at the local level and notwithstanding this development, not much strides have been made in facilitating this process. Another former Minister of Information and Broadcasting Lieutenant-General Ronnie Shikapwasha did announce in 2010 the constitution of a Digital Migration National Taskforce which was to develop a national roadmap, make recommendations and generally oversee the national digital migration process. This included carrying out public awareness campaigns, holding consultative meetings and coming up with a Digital Strategy Paper that, according to the minister, should have been ready by June 2011.

However, none of these programmes have been implemented, as there was no budgetary allocation in 2011 towards all of this. Chairperson for the task force, Mr Luwani Sokooonce indicated that they needed USD 27 million to carry out these activities and called on government to devise an alternative funding strategy for the taskforce to commence operations, but this was not done. With the deadlines fast approaching, there is urgent need for government to improve on this if the deadlines set by the SADC members and indeed the ITU are to be met.

Government has also pledged to put in place the ZNBC and Independent Broadcasting Authority (IBA) Board. The Media Liaison Committee has since submitted names for the ZNBC, IBA, The Zambia Daily Mail and Times of Zambia Boards to the minister of Information and Broadcasting for scrutiny and on approval be submitted to Parliament for ratification.

There has also been an increase in the number of community media stations and the country currently has 19 community radio stations and 7 religious stations. These stations have enhanced coverage of governance issues at grassroots level. Notably, two community radio stations were commissioned in 2011, ItezhiTezhi Radio in ItezhiTezhi, in Southern Province and Walamo Radio, on test transmission in Mpulungu, Northern Province.

It must be noted that these are the operating community radio stations whilst there are many others have been registered and are in the process of being established thereby adjusting these official figures upwards.

**ITC and Telecommunications**

The country has made headway in creating an enabling environment in view of the 21st Century technological development in the way the media operate.

The objectives of the draft media policy though yet to be passed include among others promoting the availability and use of ICTs in information gathering and establishment of a management information system for improved decision making. This entails that government needs to put in place measures that will allow media houses to access and acquire new technologies for use in news gathering.
This objective is currently complemented by the Information and Communication Technology (ICT) Act whose objectives include the universal access programme and the main aim is to promote access to ICT facilities to all citizens in Zambia. The Zambia Information and Communication Technology Authority (ZICTA) has embarked on a programme to establish ICT facilities in the rural areas. This will boost the outreach of the media through the Internet although the success of this may be mitigated by other factors such as literacy and Internet access costs.

New media and Social Media

New media have allowed media houses to explore new ways of reaching their audiences. There are currently about 9 broadcast stations that are broadcasting on the Internet. Websites and blogs have also become a popular avenue for sharing and disseminating information and these include The Zambian Watchdog, Lusaka Times and ZedLeaks, among others. Weblogs like Zambian Watchdog have become popular forum for public discussions and debate on governance issues affecting the nation.

Conclusions and projections

The coming year is promising an improved environment for media operations with governments promise to enact the revised Freedom of Information law. To make this process complete it is important that media stakeholders capitalise on this goodwill to ensure that the ZNBC and Independent Broadcasting Authority Boards are put in place and conduct themselves in a professional manner.
PORTUGUES
VERSION

Introdução

A maneira como a mídia cobriram assuntos tópicos em 2011 foi caracterizada com uma bacia distinta que foi ditada antes pelo sindroma da pré-eleição e pós-eleição. Durante a era pré-eleitoral havia uma divisão clara entre a mídia privada e estatal sendo a mídia estatal transformada em megafones políticos pelo então no poder Movement for Multi-Party Democracy (MMD).

Uma mídia como a Zambia National Broadcasting Corporation (ZNBC) abandonou o seu estatuto de imprensa pública e ao invés disso dançou à melodia dos poderes que são. Isto fez com que a relação entre a mídia e partidos da oposição como Patriotic Front (PF), deteriorassem ao ponto de os jornalistas da mídia estatal serem impedidos de fazer coberturas e reportagens na conferência geral da PF.

Esta conduta da mídia estatal atraiu criticismos de várias divisões. Organizações como Caritas Zâmbia, uma organização não governamental, condenou a imprensa estatal por operar como instrumento político a custo da criação de uma plataforma para o diálogo construtivo e fixar a agenda de todos os políticos num ano eleitoral. Outros como Law Association of Zambia (LAZ) declarou que uma mídia como a ZNBC estava infringindo a Acta que os designou para fazer uma cobertura equilibrada dos assuntos nacionais. Todavia, estes criticismos não resultaram em nada.

A mídia privada por outro lado, receberam ameaças continuas de encerramento e revogação de licenças pelo governo por dar cobertura à oposição e por te criticado o governo. Uma estação de rádio de Lusaka HOT FM foi ameaçada de encerrar por emitir um espetáculo de café da manhã "Red Hot Breakfast Show" e por emitir ao vivo reuniões políticas da oposição Patriotic Front (PF), enquanto que duas estações de rádio Petauke Explorers e Pasme, no este da provincial, foram supostamente instruídos por um ministro sob o governo de MMD para não ser anfitrião de líderes políticos da Patriotic Front.

O sopro final para a mídia privada veio dois dias depois das eleições quando havia uma ordem pela Comissão Eleitoral da Zâmbia (ECZ) e o Advogado-geral procurando uma proibição que exclui a mídia privada de anunciar resultados eleitorais, uma brecha clara do seu direito de acesso a informação sobre o processo eleitoral do qual eles são contribuintes.

Porém, na era pos-eleitoral houve uma grande melhoria na maneira como a mídia, e a mídia estatal cobriram assuntos de destaque. Um exercício de monitorização da mídia feito pela Zambia Elections Media Monitoring Project (ZEMMP) (coordenada pela MISA-Zâmbia e a Associação de Imprensa da Zâmbia) descobriram que o conteúdo e cobertura da mídia já não estava ser ditado pelos caprchos políticos.
Lei da liberdade de informação

A lei de Liberdade de Informação na Zâmbia tem estado na expectativa desde a última década apesar das reclamações de vários contribuintes ao longo dos anos de o governo ordenar esta parte importantíssima da legislação.

A chegada no poder do Patriotic Front (PF) em Setembro de 2011, trouxe um novo raio de esperança. Este é resultado do compromisso renovado que foi demonstrado pelo governo recentemente eleito para pôr a existência uma lei de Liberdade de Informação.

O ex-ministro da Informação Radiodifusão e Turismo Given Lubinda, em Novembro de 2011 implorou para trabalhar com os contribuintes para assegurar que a lei de Liberdade de Informação fosse posta em acção dentro de seis meses. O ministro também pediu para organizar um comité de peritos para facilitar o processo. Este movimento vai garantir que o produto final seja pertença e tem a participação dos agentes. O esforço renovado do governo é oportuno pois que coincide com a recentemente lançada declaração da Plataforma Africana sobre o Acesso a Informação (APAI) cujos princípios entre outros incluem designando países africanos para ordenar leis que promovem o acesso a informação.

Uma fraqueza notável das campanhas anteriores foi a Lei de Liberdade de Informação ter sido vista como uma lei apenas para a fraternidade da imprensa. Isto sucedeu porque a Liberdade de Informação era parte das leis que facilitaram a reforma das leis de imprensa e por isso, foi uma campanha liderada pela imprensa. Como resultado, isso levou a percepção geral pelo governo de que a necessidade de Liberdade de Informação foi uma luta da imprensa e se tal lei é decretada, então a mídia ganhará muito poder podendo possivelmente afectar as operações do governo e partido no poder.

Baseado neste contexto, há necessidade da mídia trazerem as bases, sociedade civil e Membros do Parlamento (MP) através da sensibilização de que a Liberdade de Informação foi concebida para facilitar o acesso a informação detida pelo público e organismos privados, para todos os cidadãos, antes desta lei ser finalmente debatida pelo Parlamento. Isto assegurará que a Liberdade de Informação seja vista como ‘necessidade pública’ para todos os cidadãos e não apenas uma ‘ferramenta’ que a mídia usará para acessar informações do governo.

Estado dos Meios de Comunicação Social Impressos

Houve um crescimento rápido de jornais sazonais durante o período pré-eleitoral que abertamente apoiou certos partidos políticos. Estes incluíam Stand Up for Zambia, Zambian and The Supreme Times. Em termos gerais, o país tem quatro jornais diários tais como, os dois pertencentes ao estado Times of Zambia e The Zambia Daily Mail e a The Post and Daily Nation ambos pertencentes ao sector privado.
Estado da Radiodifusão e a Migração Digital

A Zâmbia está entre os membros da região da Comunidade de Desenvolvimento da África Austral (SADC) que decidiu migrar para radiodifusão digital até 2013, dois anos antes do prazo global dado pela União Internacional de Telecomunicações (ITU) que é de 2015. Como movimento positivo para o alcance deste prazo, a Zambian National Broadcasting Corporation (ZNBC) recebeu equipamento digital de transmissão de fabrico chinês, doado pelo governo chinês e instalado nas estações de Lusaka e Ndola para testes iniciais.

Todavia, a nível local e não se opondo a este desenvolvimento, não foram dados muitos passos largos para facilitar este processo. Outro ex-ministro de Informação e Radiodifusão, Tenente-general Ronnie Shikapwasha anunciou em 2010 a constituição de uma equipe Nacional para a Migração Digital que desenvolveria o roteiro nacional, fazer recomendações e no geral vigiar o processo nacional de migração digital. Isto incluiu levar a cabo campanhas públicas de consciencialização, realizando reuniões consultivas e propondo um Plano Digital Estratégico que, de acordo com o ministro, deveria estar pronto em Junho de 2011.

Porém, nenhum desses programas foi implementado pois que não houve alocação de verbas em 2011 para tudo isso. O president desta equipe de trabalho, Sr. Luwani Sokoonce mostrou que precisavam de USD 27 milhões para levar a cabo estas actividades e chamou o governo para planificar uma estratégia de angariamento de fundos para a equipe de trabalho começar com as operações mas isso não foi feito. Com o prazo se aproximando rapidamente, existe uma necessidade urgente do governo neste sentido se é que os prazos impostos pela SADC e ITU devem ser respeitados.

O governo também garantiu por a funcionar a ZNBC e uma Autoridade Independente de Radiodifusão (IBA). O Comité Intermediário da Lpmrensa já submeteu nomes para a ZNBC, IBA, The Zambia Daily Mail e Times of Zambia ao ministro de Informação e Radiodifusão para escritório e sobre a aprovação submetida ao Parlamento para ratificação.

Também houve um aumento no número de estações comunitárias e o país actualmente tem 19 estações de rádios comunitários, 7 estações religiosas. Essas estações melhoraram a cobertura de assuntos de governação a níveis de raiz. Notavelmente duas estações de rádio comunitária foram comissionadas em 2011, ItezhiTezhi Radio em ItezhiTezhi, no Sul da Provincia e Walamo Radio, sobre teste de transmissão em Mpulungu, Provincia mais ao Norte.

Deve notar-se que estas são as estações de radio comunitárias em funcionamento enquanto existem outras em processo de serem estabelecidas dai ajustando para cima essas figuras oficiais.
ITC e Telecomunicações

O país fez progressos criando um ambiente facilitador na visão de desenvolvimento tecnológico do Século 21 pelo modo que a mídia opera.

Os objetivos do esboço das políticas da mídia embora ainda a serem passadas, incluem dentre outras, promover a disponibilidade e uso de ICTs na recolha de informação e estabelecimento de um sistema de gestão de informação para a melhoria da tomada de decisões. Isto implica que o governo precisa tomar medidas que permitirão as casas de imprensa acessar e adquirir novas tecnologias na recolha de notícias.

Este objetivo é complementado actualmente pela Informação e Tecnologia de Comunicação (ICT) Acta cujos objetivos incluem o programa de acesso universal e o alvo é promover o acesso às facilidades da ICT para todos os cidadãos na Zambia. A Autoridade Zambiana de Informação e Tecnologias de Comunicação (ZICTA) embarcou num programa de estabelecer as facilidades da ICT nas áreas rurais. Isto impulsionará a projeção da mídia embora o sucesso desta possa ser mitigado por outros factores como literatura e custos de acesso a internet.

Conclusões e projecções

O ano que se aproxima promete um ambiente de melhorias para as operações da mídia com as promessas do governo de ordenar a lei revisitada da Liberdade de Informação. Para completar este processo é importante que os agentes da mídia capitalizem nesta benevolência de assegurar que a ZNBC e o Órgão Independente de Autoridade de Radiodifusão tomem lugar e comportem-se de uma maneira profissional.

Novos Meios de Comunicação e Redes Sociais

Os novos meios de comunicação permitiram a mídia explorar novos modos de alcançar a sua audiência. Actualmente existem aproximadamente 9 estações de radiodifusão que estão difundindo na Internet. Websites e blogs também se tornaram uma avenida popular para compartilhamento e disseminação de informação e estes incluem The Zambian Watchdog, Lusaka Times e ZedLeaks, entre outros. Weblogs como Zambian Watchdog tornou-se fórum popular para discussões públicas e debates em assuntos de governação que afectam a nação.
Alert
Date: January 19, 2011
Person/ institution: Radio Lyambai
Violation/ issue: Detained
On 18 January 2011, the Zambia Police arrested a journalist working for Radio Lyambai, a private station in the Western Province based on allegations that he had aired a programme on 14 January 2011, which incited violence.

January 20, 2011: On 19 January 2011 Police in western province recorded a statement from Radio Lyambai Station Manager Mukeya Liwena over the alleged broadcast of seditious statements by his station concerning a meeting that the Police had cancelled.

February 9, 2011: On 3 February 2011, Minister of Information and Broadcasting Services (MIBS) Lieutenant General Ronnie Shikapwasha said government would not re-open Radio Lyambai in Mongu until investigations into its alleged involvement in the broadcast of seditious materials regarding the Barotseland controversy were completed.

Communiqué
Date: February 9, 2011
Person/ institution: Digital Migration
Violation/ issue: Other
On 4 February 2011, taskforce on Digital Migration Chairperson Luwani Soko called on government to devise an alternative funding strategy for the taskforce to commence operations. In his submission to the Committee on Information and Broadcasting of the National Assembly, Soko stated that the taskforce was not allocated money because it was appointed late last year after the budget had already been drafted.

Alert
Date: February 18, 2011
Person/ institution: Zambia Daily Mail
Violation/ issue: Threatened
On 15 February 2011, opposition Patriotic Front leader, Michael Sata stormed the Zambia Daily Mail editorial meeting and threatened editors over a story the newspaper published about him.

Communiqué
Date: March 9, 2011
Person/ institution: Independent Broadcasting Authority
Violation/ issue: Victory
The long awaited establishment of the Independent Broadcasting Authority, (IBA), will be operational by the end of the second quarter of 2011, government has said. IBA has been under discussion for a long time but government has been dragging its feet on the implementation of the Act.

Alert
Date: April 14, 2011
Person/ institution: Mazabuka Community Radio Station
Violation/ issue: Legislated
On March 3 2011, a case in which Mazabuka Community Radio Station has been sued for libel as a third defendant by Mazabuka Municipal Council Deputy Director for Finance Evans Mushiba, failed to take place. The radio station was sued alongside two
Zambia National Marketers’ Association (ZANAMA) officials Kenani Matanji and Japi Siangandu, who had issued a press statement alleging that Mushiba had issued defamatory remarks against the Zambian President Mr. Rupiah Banda.

Alert
Date: April 15, 2011
Person/ institution: Zambia National Broadcasting Corporation
Violation/ issue: Beaten
On March 19 and 20, 2011, supporters from one of Zambia's main opposition political parties, Patriotic Front (PF), on two separate occasions harassed and injured reporters working for the national television broadcaster, Zambia National Broadcasting Corporation, (ZNBC) when they went to cover the party's provincial conference and public rally held at Lusaka's Garden Motel and in Mandevu residential area in Lusaka respectively.

Alert
Date: April 20, 2011
Person/ institution: Radio Stations
Violation/ issue: Threatened
Government has warned that it will revoke operating licenses of all radio stations airing political campaign songs before the date for this year's tripartite elections is announced the Daily Mail reports. However, the opposition Patriotic Front (PF) party has hit back by saying that the electoral code of conduct does not prohibit the media from airing political campaign songs before the elections.

Alert
Date: April 20, 2011
Person/ institution: The Post
Violation/ issue: Censored
Forum for Leadership Search (FLS), a pro-government, non-govermental organisation (NGO) in Zambia has recently called for Government's immediate withdrawal of advertisement and completely ban the purchase by government ministries and departments of Zambia's only privately owned daily newspaper, The Post.

Commissiqué
Date: April 20, 2011
Person/ institution: UNESCO
Violation/ issue: Other
Zambia's President Rupiah Banda said freedom of expression and a free media were crucial to the development of positive governance and democratic practices in the country. President Banda said this when United Nations Educational, Scientific and Cultural Organization (UNESCO) Director General Irina Bokova paid a courtesy call on him at State House.

Alert
Date: June 21, 2011
Person/ institution: Reporters
Violation/ issue: Banned
On 4 June, 2011, Journalists from several media institutions were thrown out of Chingola's Nchanga Stadium a few minutes before the kick-off of the 2012 Africa Cup of Nations qualifier between Zambia and Mozambique, the Sunday Mail reported. These reporters were allegedly thrown out for not being
in good standing with the Football Association of Zambia (FAZ).

**Communiqué**
Date: June 21, 2011
Person/ institution: The Post
Violation/ issue: Other
On the 4th June, 2011, The Swedish Ambassador to Zambia, Marie Anderson De Frutos, and commended Zambia’s only privately owned daily newspaper, The Post, for its in-depth reporting on various issues in the country.

**Alert**
Date: June 22, 2011
Person/ institution: International Press Institute
Violation/ issue: Legislation
The International Press Institute (IPI) recently said it was disappointed with the Zambian government’s delay in honouring its promise to parliament that it would allow the media in the country to regulate itself. IPI Director Alison McKenzie observed that the government was faster at threatening the media than honouring their promises and granting the industry what it best needed for them.

**Alert**
Date: July 28, 2011
Person/ institution: Fred M’membe
Violation/ institution: Sentenced
Lusaka High Court Judge Charles Kajimanga has thrown out an application by The Post newspaper managing editor Fred M’membe that he be allowed to cross-examine President Rupiah Banda’s lawyer, Christopher Mundia in a matter in which he is charged with contempt of court, The Times reported on the 26 July 2011.

**Alert**
Date: September 22, 2011
Person/ institution: Zambia Daily Mail
Violation/ issue: Assaulted
On 21 September, 2011, the Zambia Daily Mail reported that a horde of political supporters, had on 20th September 2011 assaulted a Zambia Daily Mail news crew covering the elections in Kanyama constituency. The cadres accused reporters Chimwemwe Mwale, Elizabeth Sakala, Tryness Mbale and driver Gift Nyakasambale of carrying election materials.

**Communiqué**
Date: October 12, 2011
Person/ institution: Given Lubinda
Violation/ issue: Legislation
On 30th September, The Post newspaper reported that the new Zambian Information Minister Given Lubinda says he will prioritize media liberalization and enactment of the Freedom of Information Bill. In an interview, Lubinda said that he would like a free media that would always hold authorities accountable.

**Communiqué**
Date: November 8, 2011
Person/ institution: Government-owned media organizations
Violation/ issue: Other
Media bodies have welcomed the Government’s intention to offload 35 per cent shares in government-owned
media organizations, says a report by *Times of Zambia*. The Media Institute for Southern Africa (MISA), Zambia Union of journalists (ZUJ) and the Press Association of Zambia (PAZA) said the move was a step towards improving the performance of public media.

**Communiqué**  
Date: November 24, 2011  
Person/ institution: Zambian Government  
Violation/ issue: Legislation  
The Zambian government announced its commitment, not only to enact the Freedom of Information (FOI) Bill but also to implement it. This was said during a conference on Freedom of Information which was organized by World Bank.

**Communiqué**  
Date: November 24, 2011  
Person/ institution: Minister of Information, Broadcasting and Tourism, Given Lubinda  
Violation/ issue: Other  
Minister of Information, Broadcasting and Tourism, Given Lubinda has asked individuals and organizations with legal suits against any public media institutions to emulate the Law Association of Zambia and withdraw their cases.

**Alert**  
Date: December 2, 2011  
Person/ institution: Journalists  
Violation/ issue: Assaulted  
On 1st December, 2011, former Minister of Labour and Social Security in the MMD regime, Austin Liato, appeared before the magistrate's court in Lusaka to plea in the case of the 24th November, 2011 discovery of 2.1 Billion Kwacha buried in a fortified building on his property. The case being newsworthy and of public interest, the media were at the courthouse to cover proceedings. However, it wasn't long before members of Liato’s support camp started hurling verbal abuse towards journalists. The tension soon turned into a physical scuffle as Liato’s supporters descended on the journalists and started beating them up.

**Communiqué**  
Date: December 5, 2011  
Person/ institution: Media  
Violation/ issue: Other  
The Zambia Daily Mail released a report on the 20th September 2011 post election media coverage. The report indicated that there is an improvement in the manner in which media in the country is covering various topical issues.
Growth and Restrictions

The year 2011 opened on a promising note for the media in Zimbabwe—with a number of newspapers entering the publishing industry. Significant also in this area was the return of popular newspaper, The Daily News and its sister paper, The Daily News on Sunday, both of which last published in 2003, when the government of Zimbabwe forced both titles to shut down after failing to comply with stringent registrations requirements in terms of the infamous Access to Information and Protection of Privacy Act (AIPPA).

Other newspapers such as The Mail and The Patriot were also introduced to the market, ushering in a plurality of voices in the print media sector. Unfortunately, The Mail did not last long and has since suspended operations. However, indications are that the newspaper's owners are trying to resuscitate it.

On the legal front, efforts to have repressive media laws such as AIPPA and the Public Order and Security Act (POSA) repealed, or at least reformed, are yet to bear fruit. These laws hang ominously over the media and, as recent trends will show, there are strong fears that authorities may use these statutes against media houses and journalists to cow them into silence, especially ahead of what is likely to be an election year in 2012. Zimbabwe has, for the past two years, been in an election mode and it is well-documented that elections in Zimbabwe are usually marked by increased and severe crackdowns on journalists.

2011 saw government officials increasingly using criminal defamation laws in an effort to frustrate investigative journalism. This is despite the fact that there have not been any successful prosecutions of journalists under the Criminal Law (Codification and Reform) Act, the one law that is being used by public officials in a lot of instances to target journalists.

The year 2011 also saw a flurry of lawsuits being filed against independent newspapers mostly by officials from President Robert Mugabe's Zanu PF party. Observers saw this as a new tactic to silence critical journalists by seeking to cripple their newspapers financially via the payment of legal fees and also diversion of resources that would have been otherwise used to conduct journalistic work.

One of the lawsuits was filed by the First Lady, Grace Mugabe, who filed a US$15 million lawsuit against The Standard newspaper after it published a story quoting United States of America diplomatic cables released by a whistle-blowing website WikiLeaks and alleging her involvement in illegal diamond sales. The diamonds in question were from the Marange diamond fields where various human rights groups have said vast human rights abuses exist. Reserve Bank of Zimbabwe governor Gideon Gono also sued the paper for US$12.5 million over the same story.

While it is highly unlikely that these politicians will be awarded such amounts in damages in the event that their cases are successful, the impact on the affected newspapers is very severe as they have to spend heavily on legal fees.
That notwithstanding, polarity in the media continues to haunt journalism in Zimbabwe. Oftentimes, the media have-failed to stand in unison, speaking with a united voice against repeated violations on journalists. The government-aligned media often pays a blind eye to transgressions perpetrated by the government on their fellow scribes from the private media.

The inclusive government, formed in 2009, also did little or nothing in 2011 to fulfil its pledge of replacing the draconian AIPPA legislation and also to institute key reforms that would be beneficial to Zimbabweans. In its 2010 workplan, the government had proposed to introduce two Bills to replace AIPPA. The Freedom of Information Bill and the Media Practitioners Bill were supposed to cater to concerns on the regulation of journalists in line with regional best practices. Unfortunately, there was no movement in 2011 towards the realisation of this goal.

**Access to information**

Access to information remains one of the major stumbling blocks for the media, as the government continues to frustrate the free flow of information. Despite the presence of the inappropriately-named, Access to Information and Protection of Privacy Act (AIPPA), government officials continuously frustrate any efforts to access of otherwise public information.

This has led to the growth of speculative stories in the media, most of which are inaccurate and badly serve the audience. The challenge with this is that the media are in danger of suffering trust and credibility losses as a result of poorly servicing their audiences with half-baked stories and information.

Despite efforts by organisations such as MISA-Zimbabwe to have the government repeal such laws as AIPPA, authorities remain obstinate and instead accuse civil society organisations such as MISA of serving foreign interests bent on effecting regime change, the same charges levelled against opposition political parties.

It is, however, important that MISA continues to lobby the government on the importance of a free media. The organisation should also try to access more journalists from those stables such as the state-owned Zimbabwe Newspapers (ZimPapers) and the Zimbabwe Broadcasting Holdings (ZBH) in its ranks. This, perhaps, will send a clear message to authorities that journalists are united behind a common cause, that of the emergency of a free media environment.

**State of print media**

The print media industry is, arguably, at its most vibrant since the country’s independence 31 years ago. The coming in of The Daily News and the Daily News on Sunday and The Mail (although this publication later folded) to add onto the existing private media already on the market has meant that there is more diversity of views.

Indications are that there will be more newspapers on the market in 2012 and this is a welcome development as it is expected to add more quality to the
print media. However, the private media are continuously under siege, with officials linked to the government continuously seeking or causing the arrest of their journalists.

The last half of the year saw an escalation of the arrests, with reporters from The Standard and The Daily News being detained by the police. Officials from the Media Monitoring Project of Zimbabwe were also arrested and charged with holding unsanctioned meetings.

**State of broadcast media**

Practitioners had reason to celebrate after the Broadcasting Authority of Zimbabwe (BAZ) called for applications for two commercial radio licences. However, this excitement was short-lived after the licences were granted to Zimpapers and AB Communications, entities both linked to Zanu PF, a political party well-known for its media repression agenda.

Zimpapers already owns The Herald, Chronicle, The Sunday Mail and Sunday News, H-Metro, B-Metro and Manica Post newspapers, while AB Communications is run by Supa Mandiwanzira, who reportedly has close links with Zanu PF.

According to a report in The Manica Post, Mandiwanzira was in October 2011 introduced to party supporters by its Secretary for Administration Didymus Mutasa as having set his eyes on the Nyanga South constituency on a Zanu PF ticket in the next elections.

This means that Zanu PF will continue its stranglehold on the broadcast media, with private players being shut out effectively. At the time this report was being prepared, BAZ had invited applications for an additional 14 local FM licences. The move did little to atone for the disappointment arising from the way the two commercial licenses were handled.

Also, prospective broadcasters are worried that the licence fees are exorbitant. BAZ is demanding US$50,0000 in license fees in addition to an application fee of US$2,500, which is beyond the reach of many potential broadcasters.

The composition of BAZ also remains a major source of conflict in Zimbabwe’s inclusive government with Prime Minister Morgan Tsvangirai insisting that the current members represent Zanu PF’s interests and therefore their decisions are not bearing.

The Finance ministry has allocated money towards the digitalisation of ZBC although it is highly unlikely that the broadcaster will meet the regional digitalisation deadline set by both SADC (2013) and the International Telecommunications Union (2015). The digitalisation programme was allocated US$5 million, a third of what the whole project needs meaning the project will continue to lag behind. Currently, the state broadcaster runs on obsolete equipment and a report made to parliament recently revealed the extent of the decay at ZBC.

**ICT and Telecommunications**

There has been an increase in the use of new technologies but cost continues to be a hindering factor. Most media organisations have running websites, although some are not regularly updated.
Information Communication Technologies (ICTs) continue to provide opportunities for most media houses and it is hoped that this sector will continue to grow. According to a United Nations Conference on Trade and Development (UNCTAD) Information Economy report for 2011, 59 in every 100 people in Zimbabwe had mobile phones. But this figure still remained below the average of the global mobile penetration rate estimated at 79 subscriptions per 100 people.

**New Media and Social Media**

As mentioned above the cost of accessing ICT remains a major hindrance. Most journalists use social networking sites like Facebook but most are yet to find their feet on Twitter. Still, very few run their own blogs and use video-sharing sites like YouTube as a means to get messages across.

There is scope for growth in these sectors and it is hoped that journalists may use new media to spread information in a country where the media is constrained by harsh media laws and government actions. Faced with a repressive media environment, Zimbabwean journalists especially those exiled at the height of probably the worst crackdown after the introduction of AIPPA have remained very active in cyberspace. But with intentions to govern cyberspace – or at least restrict access – being made clear by the government of Zimbabwe, use of the Internet to circumvent censorship or restrict freedom of expression may not be as easy.

A host of news websites focusing on Zimbabwe continue to sprout but the major challenge has been a distinct lack of professionalism on their part, publishing stories that cannot be verified and also not exercising strong editorial judgement. This has left many media practitioners that not only will this dent the image of the profession but it will also give those seeking to clamp down on media freedom the ammunition to do so.

**Way forward in 2012**

With Zimbabwe poised to hold its next elections in 2012 or 2013, SADC and the African Union (AU), both guarantors of the current inclusive arrangement, should insist on full the implementation of the envisaged media reforms so as to ensure that such elections are held in terms of the regional guidelines on the conduct of democratic elections.

Linked to this is the urgent need to revisit the status of BAZ and ensure that it is constituted procedurally and in accordance with the law. A new and lawfully constituted BAZ should be put in place as a matter of urgency and tasked with re-opening or calling for new applications for national commercial radio station licenses as the ones issued in November are undoubtedly invalid.
Conclusion

As Zimbabwe seeks a new constitution, an opportunity is presented for redress of the deficiencies and shortcomings of the current constitution, especially on matters regarding media freedom, freedom of expression and the right to access to information.

After all, the benchmarks are already stated in very important instruments such as the African Charter on Human and Peoples Rights (ACHPR), Windhoek Declaration, Banjul Declaration on Principles of Freedom of Expression in Africa and the African Charter on Broadcasting (ACB).

PORTUGUESE VERSION

Introdução


Outros jornais como The Mail e The Patriot também foram introduzidos no mercado prenunciando na pluralidade de vozes no sector da mídia impressa. Infelizmente, The Mail não durou por muito tempo e suspendeu as operações. Todavia, há indicações de que os proprietários do jornal estão tentando ressuscitá-lo.

No ponto de vista legal, esforços para se ter leis de mídia repressivas como AIPPA e a “Acta da Ordem Pública e Segurança” Public Order and Security Act (POSA) revogadas, ou pelo menos reformadas, ainda vão produzir frutos. Estas leis pairam ominosamente sobre a mídia e, como tendências recentes mostrarão, há forte medo que as autoridades possam usar estes estatutos contra os órgãos de imprensa e jornalistas para intimidá-los em silêncio, especialmente diante do que provavelmente virá a ser
um ano de eleições em 2012. Zimbábue tem estado durante os últimos dois anos, em um modo de eleição e é bem-docu-
umentado que as eleições em Zimbábue são normalmente marcadas por aumento e severas sanções sobre os jornalistas.

2011 viu funcionários do governo crescentemente usando leis criminais de difamação num esforço para frustrar o jornalismo investigativo. Isto apesar do facto de que não houve qualquer opressão frutíra de jornalistas sobre a Lei Criminal, Acta da (Codificação e Reforma), a única lei que está sendo usada por funcionários públicos em muitos exemplos focalizando os jornalistas.

O ano de 2011 também viu uma lufada de processos sendo arquivados principalmente contra jornais independentes por funcionários do partido do Presidente Robert Mugabe, Zanu PF. Os observadores viram isto como uma nova tática de silenciar os jornalistas críticos procurando mutilar os seus jornais financeiramente pelo pagamento de taxas legais e também desvio de recursos que teriam sido usados para condução de trabalhos jornalísticos.

Um dos processos foi arquivado pela Primeira Dama, Grace Mugabe que arquivou um processo de US$15 milhões contra o jornal The Standard depois deste ter publicado uma história citando os laços diplomáticos dos Estados Unidos de América divulgados pelo assobio da website WikiLeaks e alegando o envolvimento dela em vendas ilegais de diamantes. Os diamantes em questão eram do campo de diamantes de Marange onde vários grupos de direitos humanos disseram que existem vários abusos de direitos humanos. O governador do Reserve Bank of Zimbabwe Gideon Gono também processou o jornal por US$12,5 milhões sobre a mesma história.

Enquanto é altamente improvável que estes políticos sejam premiados com tais quantias por danos no caso dos processos tiverem êxito, o impacto nos jornais afectados é muito severo como eles têm que gastar pesadamente em quotas legais.

Não opondo portanto, a polaridade na mídia continua assombrando o jornalismo em Zimbábue. Muitas vezes, a mídia falhou em manter-se unisona, falando com uma voz unida contra violações repetidas em jornalistas. A mídia associada ao governo por vezes pagam frequentemente com um olho cego as transgressões perpetradas pelo governo sobre os seus companheiros escriturários da mídia privada.

O governo inclusivo, formado em 2009, também fez pouco ou nada em 2011 para cumprir com seu apelo de substituir a legislação draconiana de AIPPA e também instituir reformas fundamentais que seriam benéficas para os Zimbabueanos. Em seu plano de trabalho em 2010, o governo tinha proposto introduzir dois projectos de lei para substituir o AIPPA. O da Liberdade de Informação e o dos agentes da Mídia que supostamente supriam as preocupações no regulamento de jornalistas em conformidade com as melhores práticas regionais. Infelizmente, não houve nenhum movimento em 2011 para o alcance deste objectivo.
Acesso a informação

O acesso a informação permanece sendo a principal pedra de tropeços para a mídia, pois o governo continua frustrando o fluxo livre de informação. Apesar da presença das impropriamente nomeadas Actas de Acesso a Informação e Protecção da Privacidade (AIPPA), os funcionários do governo continuamente frustram qualquer esforço sobre o acesso a informação pública contrária.

Isto conduziu ao crescimento de histórias especulativas na mídia, muitas das quais são incorrectas e mal servem a audiência. O desafio com isto é que a mídia estão em perigo de sofrerem perdas de confiança e credibilidade como resultado de pobremente servirem a sua audiência com histórias e informações imaturas.

Apesar do esforço das organizações como MISA-Zimbabwe para a revogação pelo governo de tais leis como AIPPA, as autoridades permanecem obstinadas e em vez disso acusam as organizações da sociedade civil como MISA de servir interesses estrangeiros inclinadas em afetar a mudança de regime, o mesmo sucedeu contra os partidos políticos da oposição.

Porém, é importante que a MISA continue intrigando o governo na importância de uma imprensa livre. A organização deve também tentar aceso mais jornalistas daqueles estábulos como os Jornais nacionais de Zimbábue pertencentes ao estado (ZimPapers) e a Zimbabwe Broadcasting Holdings (ZBH) nos seus níveis. Isto, talvez, enviará uma mensagem clara às autoridades que os jornalistas estão unidos atrás de uma causa comum, o da emergência de um ambiente de imprensa livre.

Estado dos meios de comunicação impressos

A indústria da mídia de impressão esta, sustentavelmente, no seu mais vibrante desde a independência do país 31 anos atrás. A vinda do The Daily News e Daily News on Sunday e o The Mail (embora mais tarde essa publicação fechou) a somar sobre as mídia privadas existentes no mercado significou que há mais diversidade de visões.

Indicações mostram que haverá mais jornais no mercado em 2012 e este é um desenvolvimento bem-vindo como é esperado que acrescente mais qualidade à mídia de impressão. Porém, a imprensa privadas esta continuamente sitiada por funcionários ligados ao governo procurando ou causando a apreensão dos seus jornalistas.

A última metade do ano viu uma escalação de apreensões, com repórteres do The Standard e a Daily News sendo detidos pela polícia. Os funcionários da Media Monitoring Project of Zimbabwe também foram presos e debitados por albergar reuniões não aprovadas.

Estado da mídia de radiodifusão

Os agentes tiveram razão para celebrar depois da Autoridade de Radiodifusão de Zimbábue (BAZ) pedir aplicações para duas licenças de rádio comercial. Porém, esta excitação durou
pouco depois que as licenças foram concedidas a Zimpapers e AB Communications, entidades ambas ligadas a Zanu PF, um partido político famoso pela sua agenda de repressão da mídia.

Zimpapers já possui os jornais The Herald, Chronicle, The Sunday Mail e Sunday News, H-Metro, B-Metro e Manica Post, enquanto que a AB Communications é dirigida pela Supa Mandiwanzira que segundo notícias tem ligações íntimas com Zanu PF.

De acordo com um relatório no The Manica Post, Mandiwanzira foi em Outubro de 2011 apresentado ao simpatizantes do partido pelo seu Secretário para Administração Didymus Mutasa tendo fixado os olhos no distrito de Nyanga South o bilhete da Zanu PF nas próximas eleições.

Isto significa que a Zanu PF continuará com sua influência repressora na mídia de radiodifusão, com agentes privados sendo encerrados efectivamente. Na altura que este relatório estava sendo preparado, a BAZ tinha convidado aplicações para 14 licenças adicionais locais. O movimento fez muito pouco para harmonizar as decepções resultantes do modo como as duas licenças comerciais foram manuseadas.

Também, os futuros radiodifusores estão preocupados com as taxas exorbitantes das licenças. A BAZ está a exigir US$50,0000 em taxas de licença além de uma taxa de aplicação de US$2,500 que está além do alcance de muitos potenciais radiodifusores.

A composição da BAZ também permanece uma fonte principal de conflito no governo inclusivo de Zimbábue com o Primeiro ministro Morgan Tsvangirai que insiste que os membros actuais representam os interesses da Zanu PF e então as suas decisões não fazem diferença.

O ministério das Finanças alocou dinheiro para a digitalização da ZBC embora é altamente improvável que este consiga cumprir com o prazo regional da digitalização fixado por ambos a SADC (2013) e a União Internacional das Telecomunicações (2015). O programa de digitalização foi orçamentado em US$5 milhões, um terço do que o projecto por completo precisa, significando que o projecto continuará ficando para trás. Actualmente, a radiodifusão estatal trabalha com equipamento obsoleto e um relatório feito recentemente para o parlamento revelou a extensão da decadência na ZBC.

**ICT e Telecomunicações**

Houve um aumento no uso denovas tecnologias mas custo continua sendo um factor de impedimento. A maioria dos organismos de imprensa têm Web sites operacionais, embora alguns não são actualizados regularmente.

As Tecnologias de Comunicação e informação (TCIs) continuam a oferecer oportunidades para a maioria dos organismos da mídia e espera-se que este sector continuará a crescer. De acordo com a Conferência das Nações Unidas sobre Comércio e Desenvolvimento (UNCTAD) relatório de Informação Econômica para 2011, 59 entre 100 pessoas em Zimbábue tiveram telefones móveis. Mas esta fig-
urá ainda permaneceu abaixo da média do índice global de penetração calculada em 79 subscrições por 100 pessoas.

**Novos Meios de Comunicação e Redes Sociais**

Como mencionado acima, o custo de acesso às TCI continuam um obstáculo principal. A maioria dos jornalistas usam sites de redes sociais como Facebook mas a maioria ainda põem os seus pés no Twitter. Ainda, são muito poucos os que possuem blogs próprios e usam sites de compartilhamento de vídeos como YouTube como meios para a troca de mensagens.

Há perspectiva de crescimento nestes sectores e espera-se que os jornalistas possam usar novos meios de expansão da informação num país onde a imprensa é constrangida por leis de imprensa severas e acções do governo. Confrontado com um ambiente repressivo da mídia, os jornalistas Zimbabueanos especialmente aqueles exilados com sanções provavelmente da pior plenitude depois da introdução da AIPPA continuaram activos nos espaços cibernéticos. Mas com intenções para os espaços cibernéticos do governo - ou pelo menos restringir o acesso - tendo-se tornado claro pelo governo de Zimbábue, o uso da Internet para evitar censura ou restringir a liberdade de expressão pode não ser tão fácil.

Um Website anfitrião de notícias que focaliza o Zimbabue continua a brotar mas o desafio principal tem sido uma falta distinta de profissionalismo de sua parte, publicando histórias que não podem ser verificadas e também não exercitam um forte julgamento editorial. Isto deixou muitos agentes da imprensa a reflectir que isto para além de reduzir a imagem da profissão também dará mais munições aquelas que tentam pôr abaixo a liberdade da imprensa de assim o fazerem.

**Caminho adiante em 2012**

A SADC e a União africana (AU), ambos fiadores do arranjo inclusivo actual, deveriam insistir na plena implementação das reformas de imprensa para assegurar que tais eleições sejam realizadas segundo os termos das directrizes regionais sobre a conduta de eleições democráticas.

Junta-se a isto a necessidade urgente de revisitar o estado da BAZ e assegurar que é constituído conforme os procedimentos da lei. Um novo BAZ e legalmente constituído e em funcionamento deve ser um assunto de urgência e incumbida de re-abrir ou pedir aplicações novas para licenças de estações de rádios comerciais nacionais já que as emitidas em Novembro são indubitavelmente inválidas.
Conclusão

Como o Zimbábue está em busca de uma nova constituição, uma oportunidade é apresentada para a emenda das deficiências e falhas da actual constituição, especialmente em assuntos relativos a liberdade de imprensa, liberdade de expressão e o direito de acesso à informação.

Em suma, os pontos de referência já estão mencionados dentro de instrumentos muito importantes tais como a Carta Africana sobre os Direitos Humanos e do Povo (ACHPR), Declaração de Windhoek, Declaração de Banjul sobre Princípios de Liberdade de Expressão na África e a Carta Africana sobre Radiodifusão (ACB).

Communiqué
Date: January 12, 2011
Person/ institution: MISA-Zimbabwe
Violation/ issue: Other
MISA-Zimbabwe notes the Media, Information and Publicity Minister Webster Shamu's response to the increase in the media registration and accreditation fees in The Herald of 7 January 2011. Minister Shamu stated that his ministry's relationship with the Zimbabwe Media Commission (ZMC) is 'strictly administrative' and the statutory media regulatory board "only turns to the Minister and the Ministry for legal administrative instruments that give full effect to its decisions".

Alert
Date: January 18, 2011
Person/ institution: The Mirror
Violation/ issue: Banned
Soldiers from 42 Infantry Battalion in Gutu on Friday 14 January, 2011 allegedly banned vendors from selling Masvingo province weekly independent newspaper, The Mirror, after it published a story alleging that army personnel had beaten up people at Mupandawana growth point on Christmas Eve.

Communiqué
Date: February 1, 2011
Person/ institution: MISA- Zimbabwe
Violation/ issue: Other
MISA-Zimbabwe is concerned about the reports that do not only continue to add confusion on the country's broadcasting regulatory body but also appear to be aimed at legitimising the body which has been deemed to have been illegally constituted by the information ministry in 2009.
Alert
Date: February 15, 2011
Person/ institution: Alpha Media Holdings and South African publications
Violation/ issue: Assaulted
Vendors selling Alpha Media Holdings (AMH) independent newspapers which include Newsday and other leading South African publications are reportedly being harassed by suspected Zanu PF supporters and state agents.

March 3, 2011: Copies of the privately owned daily Newsday were reportedly torn in Harare on 2 March 2011 by suspected Zanu PF youths on their way to an anti-sanctions campaign launched by President Robert Mugabe.

April 15, 2011: Vendors in Harare’s high density suburb of Mbare were on March 12, 2011 reportedly threatened with eviction from their market stalls by suspected Zanu PF youths if and when they are seen reading copies of the private daily newspaper, NewsDay.

Alert
Date: February 21, 2011
Person/ institution: Sydney Saize
Violation/ issue: Detained
Sydney Saize a freelance journalist based in Mutare was on 21 February 2011 arrested while taking pictures of three armed robbers who allegedly tried to escape from lawful custody at Mutare Magistrates Court.

February 22, 2011: Sydney Saize a freelance journalist based in Mutare was on 21 February 2011 released from police custody after paying a fine of US$10 dollars for being a criminal nuisance.

Communiqué
Date: February 22, 2011
Person/ institution: Grace Mutandwa
Violation/ issue: Other
MISA-Zimbabwe on 18 February 2011 launched the second phase of its Journalist-in-Residence programme with veteran journalist Grace Mutandwa delivering a journalism lecture at the National University of Science and Technology’s Department of Journalism and Media studies in Bulawayo.

Alert
Date: February 23, 2011
Person/ institution: Golden Maunganidze, The Masvingo Mirror
Violation/ issue: Detained
Golden Maunganidze an editor with the privately owned The Masvingo Mirror was on 23 February 2011 arrested in the southern town of Masvingo on allegations of criminally defaming a senior Zanu PF politician.

March 1, 2011: Golden Maunganidze, the editor of the privately owned weekly, The Masvingo Mirror, accused of defaming ZANU PF Masvingo provincial chairman Lovemore Matuke, was on 24 February 2011 freed by the courts after the state declined to prosecute.

November 30, 2011: The defamation case in which The Masvingo Mirror is being sued for US$100 000 by ZANU PF’s Bikita District Co-ordinating Committee member retired Colonel Claudius Makova commenced in the High Court on 29 November 2011.

December 1, 2011: Harare High Court judge Justice Susan Mavhangira on 30 November 2011 postponed judgment
sine die in the defamation case in which retired Colonel Claudius William Makova is claiming US $ 100,000 from the *The Masvingo Mirror*.

**Alert**  
**Date:** February 24, 2011  
**Person/ institution:** Nqobani Ndlovu and Nevanji Madanhire  
**Violation/ issue:** Sentenced  
Nqobani Ndlovu and Nevanji Madanhire journalists with the privately owned Standard weekly newspaper on 23 February 2011 applied for their case to be referred to the Supreme Court challenging the constitutionality of the law they are being charged with. March 1, 2011: Harare magistrate Don Ndirowei on 28 February 2011 removed from remand and granted an application for referral to the Supreme Court by Standard journalists Nevanji Madanhire and Nqobani Ndlovu after the State failed to oppose the application.

**Alert**  
**Date:** March 4, 2011  
**Person/ institution:** Paidamowo Chipunza, The Herald  
**Violation/ issue:** Assaulted  
A six-months pregnant journalist with the state controlled national daily, *The Herald*, Paidamowo Chipunza, was on 2 March 2011 assaulted while on duty by an assailant who boasted being related to a director with the Central Intelligence Organisation (CIO). Chipunza, a senior health reporter, was punched in the stomach and slapped by Ignatius Zuze while she was following up on the water problems at Harare Central Hospital.

April 26, 2011: Ignatius Zuze, a male student nurse at Harare Hospital who assaulted a six-month pregnant journalist, Paidamoyo Chipunza, who is employed by *The Herald* was on 20 April 2011 fined US$100 by Mbare magistrate Brighton Pabwe.

**Communiqué**  
**Date:** March 16, 2011  
**Person/ institution:** Journalists  
**Violation/ issue:** Other  
Journalists should be involved when laws that govern their operations are crafted, says National Healing, Reconciliation and Integration Minister Moses Mzila-Ndlovu. Addressing journalists at Gwanda Press Club on March 12, 2011, Mzila-Ndlovu said it was disheartening that journalists’ views were not considered each time government introduced new media legislation.

**Communiqué**  
**Date:** March 17, 2011  
**Person/ institution:** Vikazi Mavhudzi  
**Violation/ issue:** Detained  
On March 16, 2011, Vikazi Mavhudzi who was arrested in Bulawayo for expressing his approval through a facebook posting of citizens’ uprisings in Egypt, was denied bail when he appeared before a Bulawayo magistrate.

March 22, 2011: On March 17, 2011, Zimbabwe Lawyers for Human Rights (ZLHR) filed an appeal with the High Court challenging a Bulawayo magistrate’s denial of bail to Vikas Mavhudzi who is facing charges of attempting to overthrow the government through comments posted on Prime Minister Morgan Tsvangirai’s
facebook wall.
September 22, 2011: Vikas Mavhudzi was on 20 September 2011 freed of charges of allegedly attempting to overthrow a constitutionally elected government through facebook postings. Jamela successfully argued that there was no evidence warranting the matter to go for trial since the police conceded that they had failed to access the message which formed the basis of the preferred charge. The magistrate noted that it was appropriate to have the accused removed from remand and the charges withdrawn if the evidence forming the basis of the alleged criminal offence could not be furnished.

Alert
Date: March 22, 2011
Person/ institution: Vincent Kahiya, Constantine Chimakure
Violation/ issue: Victory
On March 18, 2011, Alpha Media Holdings (AMH) editor-in Chief Vincent Kahiya and the editor of The Zimbabwe Independent Constantine Chimakure were removed from remand by Harare Magistrate Lazarus Murendo. The two were arrested on May 11, 2009, after publishing a story headlined CIO, Police role in Activist’ abduction revealed naming security agents that were allegedly involved in the abduction of civic and political activists in the Zimbabwe Independent edition of 8-14 May 2009.

Communiqué
Date: March 22, 2011
Person/ institution: Public and Independent media
Violation/ issue: Other
Female media practitioners drawn from the public and independent media, senior and retired female media practitioners, media students and gender media activists gathered in Harare on Friday, 18 March 2011; to discuss media gender issues.

Communiqué
Date: April 15, 2011
Person/ institution: MISA-Zimbabwe
Violation/ issue: Other
On March 31, 2011, the Media Institute of Southern Africa (MISA) Zimbabwe officially launched the memoirs of veteran Zimbabwean journalist Bill Saidi, as captured in his publication, A Sort of Life in Journalism, at a launch ceremony in Harare attended by luminaries of Zimbabwean journalism.

Communiqué
Date: April 15, 2011
Person/ institution: Community Radio Harare
Violation/ issue: Other
Community Radio Harare (CORAH) on April 4, 2011 filed an application with the High Court seeking a relief to have its broadcasting license application considered by the Broadcasting Authority of Zimbabwe (BAZ) as well as an order compelling the regulatory board to call for broadcasting license applications.
Communiqué
Date: April 26, 2011
Person/ institution: SADC-NGO
Violation/ issue: Other
A representative of SADC non-governmental organizations and human rights defenders meeting in The Gambia has urged the Forum on the Participation of NGOs in the 49th Ordinary Session of the African Commission on Human and People's Rights (ACHPR) to adopt resolutions on Zimbabwe and Swaziland calling for an end to impunity and the culture of human rights violations in the two countries.


May 3, 2011: The African Commission on Human and Peoples Rights' (ACHPR) intervention mechanisms should be expanded for it to effectively deal and respond to human rights issues on the continent.

Alert
Date: April 27, 2011
Person/ institution: Newsday
Violation/ issue: Other
Unknown criminals broke into the offices of Independent newspaper, Newsday in Harare on 25 April 2011 and stole the editor's laptop, hard drives and other components from computers used by senior editorial staff.

Alert
Date: May 19, 2011
Person/ institution: Robyn Currow, Shevan Rayson, CNN
Violation/ issue: Detained
CNN journalist Robyn Currow and her cameraperson Shevan Rayson were detained in Harare on 18 May 2011 after police stopped them from filming in the Zimbabwean capital. The CNN crew had all the relevant accreditation documents issued by the statutory Zimbabwe Media Commission in terms of the Access to Information and Protection of Privacy Act (AIPPA).

Alert
Date: June 17, 2011
Person/ institution: The Mirror
Violation/ issue: Other
Unknown criminals broke into the offices of The Mirror weekly newspaper in Masvingo on the night of 15 June 2011 where they tampered with computers and laptops before stealing a memory card from an editorial camera.

Communiqué
Date: July 4, 2011
Person/ institution: Joseph Mandizvidza
Violation/ issue: Other
MISA-Zimbabwe mourns the death of its member and reporter with the Zimbabwe Broadcasting Corporation (ZBC), Joseph Mandizvidza. Joseph died tragically in a car accident on Saturday 2 July, 2011 in Norton whilst travelling from Gweru to attend the MISA-Zimbabwe Annual General Meeting held at the Crowne Plaza hotel in Harare. The MISA-Zimbabwe
family will remember him for his dedication and consistency in the belief for a better media environment in Zimbabwe.

Communiqué
Date: July 5, 2011
Person/ institution: MISA-Zimbabwe
Violation/ issue: Other
MISA-Zimbabwe elected a new National Governing Council (NGC) at its elective Annual General Meeting (AGM) held on Saturday 2 July 2011 at the Crown Plaza Monomatapa Hotel in Harare. The AGM was by attended by about 90 members. The election, held in terms of Section 10.2 of the MISA regional constitution for all the 11 national chapters, saw the election of former Vice chairperson Njabulo Ncube to Chairperson and freelance journalist Kumbirai Mafunda as his deputy. Senior journalists Kelvin Jakachira and Lifaqane Nare were elected committee members.

Alert
Date: July 15, 2011
Person/ institution: Nqobani Ndlovu, Pamenus Tuso, Pindai Dube, Oscar Nkala, The Standard
Violation/ issue: Detained
Four Bulawayo-based journalists were on 15 July 2011 arrested in Ntabazinduna while covering a story on a police officer who was reportedly being evicted from her house on grounds of her alleged political affiliation to the Movement for Democratic Change (MDC-T). July 18 2011: The four Bulawayo-based journalists arrested on 15 July 2011 in Ntabazinduna were later released around 4.30pm on the same day without charges after spending close to four hours in police custody.

Alert
Date: July 21, 2011
Person/ institution: Blessed Mhlanga
Violation/ issue: Censored, detained
Kwekwe-based journalist Blessed Mhlanga was on 20 July 2011 arrested in Kwekwe while taking photographs of people that had converged to witness the launch of an organisation called Midlands Youth Dialogue. Mhlanga was bundled into a police truck and driven to Kwekwe Central police station where the photographs he had taken were deleted from his camera.
Communiqué
Date: July 25 2011
Person/ institution: Artists, MISA-Zimbabwe, Democracy Trust Zimbabwe
Violation/ issue: Censored
The police on 23 July 2011 barred MISA-Zimbabwe and Artists for Democracy Trust Zimbabwe from staging a joint Free the Airwaves concert at Warren Park Shopping Centre in Harare. This is despite the fact that the organisers of the event had notified the police of the event and cleared to proceed with the concert. Warren Park police officers argued that the notification letter did not outline that the activity was a public awareness activity. The police said they only became aware of the scope of the event following an article published in the NewsDay of 20 July 2011.

Alert
Date: August 12, 2011
Person/ institution: Constantine Chimakure, Wongai Zhangazha and Alpha Media Holdings (AMH)
Violation/ issue: Censored, threatened
Police from the Law and Order section on 11 August 2011 visited Alpha Media Holdings (AMH) offices in search Zimbabwe Independent editor Constantine Chimakure and senior political reporter Wongai Zhangazha over a story the paper published in its edition of 8 July 2011. August 30, 2011: Police from the Law and Order Section on 29 August 2011 questioned Zimbabwe Independent editor Constantine Chimakure and senior political reporter Wongai Zhangazha over a story the paper published in its edition of 8 July 2011. The two whose statements were recorded by Detective Murira were questioned on the sources of the story which was allegedly based on Cabinet deliberations, an offence under the Official Secrets Act.

Alert
Date: August 15, 2011
Person/ institution: Sunday Mail
Violation/ issue: Censored
The Rainbow Tourism Group Limited (RTG) company management on 10 August 2011 allegedly attempted to ‘gag’ The Sunday Mail from publishing the remarks by major shareholder Nicholas van Hoogstraten querying a $20 million debt that the company has accrued over the past two years.
Alert
Date: August 30, 2011
Person/ institution: foreign newspapers, ZMC
Violation/ issue: Threatened
Foreign newspapers circulating in Zimbabwe risk being banned if they fail to register with the statutory Zimbabwe Media Commission (ZMC) in terms of the draconian Access to Information and Protection of Privacy Act (AIPPA).

Communiqué
Date: August 30, 2011
Person/ institution: MISA-Zimbabwe
Violation/ issue: Other
MISA-Zimbabwe’s National Governing Council (NGC) has completed the constitution of its 10 decentralised Advocacy Committees in Kwekwe, Gweru, Bulawayo, Gwanda, Victoria Falls, Masvingo, Mutare, Marondera, Chinhoyi and Harare. Elections for the new committee members who will serve three-year terms were held from 19 -29 August 2011 in line with provisions of Section 8.3 of MISA-Zimbabwe’s constitution.

Alert
Date: September 1, 2011
Person/ institution: Patience Nyangove and Nevanji Madanhire
Violation/ issue: Sentenced
The Attorney-General (AG)’s Office has reportedly withdrawn part of the criminal charges against Standard reporter Patience Nyangove and editor Nevanji Madanhire. The three are being jointly charged with Alpha Media Holdings (AMH) human resources manager Loud Ramakgapola. AMH are publishers of the Standard, Zimbabwe Independent and Newsday.

September 15, 2011: Harare magistrate Donald Ndirowei on 14 September 2011 set 24 October 2011 as the trial date for Standard reporter Patience Nyangove and editor Nevanji Madanhire together with Alpha Media Holdings (AMH) human resources manager Loud Ramakgapola.

October 25, 2011: The trial of The Standard journalists, editor Nevanji Madanhire, reporter Patience Nyangove and Alpha Media Holdings (AMH) group human resources manager Loud Ramakgapola — representing the company on 24 October 2011 — failed to take off again. As the trial was about to commence, the defence argued the State was wrongly prosecuting Ramakgapola, who was being cited as representing “The Standard”, in both the charge sheet and the State outline.

October 31, 2011: The case was deferred after provincial magistrate Kudakwashe Jarabini said he was overwhelmed with court business and could not therefore entertain a fresh matter. Jarabini then deferred the trial date to 12 December 2011.

Alert
Date: September 6, 2011
Person/ institution: Farai Mugano and Gillian Gotora
Violation/ issue: Detained
Associated Press journalists Farai Mugano and Gillian Gotora were briefly detained at the Libyan Embassy in Harare on 1 September 2011 where they had gone to cover the deportation story of
Ambassador Taher Elmagrahi. Police arrested and detained the journalists as they tried to interview Elmagrahi outside the embassy.

**Alert**

**Date:** September 13, 2011  
**Person/ institution:** Media  
**Violation/ issue:** Threatened  
The Minister of Media, Information and Publicity Webster Shamu has warned foreign and private media organisations that the government will withdraw their licences if they continue abusing their journalistic privileges by denigrating and vilifying the country’s leadership.

**Alert**

**Date:** October 14, 2011  
**Person/ institution:** Patrick Chinamasa  
**Violation/ issue:** Legislations  
The Minister of Justice and Legal Affairs Patrick Chinamasa on 12 October 2011 said the draconian Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act will not be amended. In his concluding remarks in Geneva, Switzerland, on the occasion of the adoption of Zimbabwe’s Universal Periodic Review (UPR) report by the working group of the Human Rights Council (HRC), Chinamasa defended the two laws saying they were here to stay.

**Communiqué**

**Date:** October 21, 2011  
**Person/ institution:** Zimpapers Talk Radio  
**Violation/ issue:** Other  
The Broadcasting Authority of Zimbabwe (BAZ) on 20 October 2011 convened the second of its four scheduled public hearings for prospective free-to-air radio licensees with Zimpapers Talk Radio (ZTR) appearing before the panel.

**Communiqué**

**Date:** October 25, 2011  
**Person/ institution:** Zimbabwean government  
**Violation/ issue:** Other  
The Zimbabwean government says it is committed to the protection and promotion of human rights in the country. In a statement presented on 24 October 2011 to the 50th Session of the African Commission on Human and People’s underway in Banjul, The Gambia, Zimbabwe government representative Mabel Musika said: “We remain committed to cooperating with the distinguished Commission and other stakeholders. We are open to dialogue, constructive criticism and co-operation.”

October 28, 2011: Several NGO’s attending the 50th session of the African Commission on Human and Peoples’ Rights being held in Banjul, The Gambia, have bemoaned continued human rights violations in southern Africa.
Communiqué  
**Date:** October 25, 2011  
**Person/ institution:** AB Communications  
**Violation/ issue:** Other  
The Broadcasting Authority of Zimbabwe on 25 October 2011 convened the third of its four scheduled public hearings for prospective free-to-air radio licensees with AB Communications appearing before the Authority.

Communiqué  
**Date:** October 28, 2011  
**Person/ institution:** Broadcasting Authority of Zimbabwe  
**Violation/ issue:** Other  
The Broadcasting Authority of Zimbabwe on 27 October 2011 convened its last scheduled public hearings for prospective free-to-air radio licensees with VOP FM appearing before the Authority.

Alert  
**Date:** November 16, 2011  
**Person/ institution:** Nevanji Madanhire Nqaba Matshazi, The Standard  
**Violation/ issue:** Detained  
Editor of *The Standard* newspaper, Nevanji Madanhire and reporter Nqaba Matshazi, were on 15 November 2011 arrested by police on charges of criminal defamation and theft of documents from Green Card Medical Aid Society in Harare. November 17, 2011: Editor of *The Standard* newspaper Nevanji Madanhire and reporter Nqaba Matshazi facing charges of criminal defamation were on 16 November 2011 granted US$100 bail each by Harare Magistrate Sandra Mupindu.

Communiqué  
**Date:** November 28, 2011  
**Person/ institution:** Broadcasting Authority of Zimbabwe  
**Violation/ issue:** Other  
The Broadcasting Authority of Zimbabwe (BAZ) on 27 November 2011 called for applications for free to air local commercial radio broadcasting service licenses and content distribution broadcasting services in terms of Section 10 of the Broadcasting Services Act [Chapter 12:06].

December 7, 2011: Mbizo Member of Parliament Settlement Chikwinya (MDC-T) on 6 December 2011 gave notice in parliament to move a motion on the irregular issuance of broadcasting licences by the Broadcasting Authority of Zimbabwe (BAZ). The motion will call upon parliament to dissolve the current BAZ board which was unilaterally appointed by the Minister of Media, Information and Publicity, Webster Shamu in September 2009.

Alert  
**Date:** December 5, 2011  
**Person/ institution:** Xolisani Ncube, The Daily News  
**Violation/ issue:** Detained  
Police on 2 November 2011 stormed into *The Daily News* newsroom and arrested reporter Xolisani Ncube in connection with an article that appeared in the paper in November which was titled: *Chombo brags about wealth.*
Alert
Date: December 6, 2011
Person/ institution: Fadzai December and Molly, MMPZ
Violation/ issue: Detained
Police in Gwanda on 5 December 2011 arrested and detained Fadzai December and Molly Chimhanda both advocacy officers with the Media Monitoring Project of Zimbabwe (MMPZ) in connection with a community meeting on public information rights held on 24 November in Gwanda.

December 7, 2011: Five police officers from the law and order section on 6 December 2011 raided the Media Monitoring Project of Zimbabwe (MMPZ) offices in Harare before detaining and questioning its co-ordinator Andy Moyse. He was later released in the evening following his arrest around 11 am.

December 8, 2011: Gwanda magistrate Blessing Gundani on 7 December 2011 reserved judgment to 9 December 2011 on following an application for bail by detained Media Monitoring Project of Zimbabwe (MMPZ) employees Fadzai December, Molly Chimhanda and Gilbert Mabusa.

December 19, 2011: High Court judge Justice Nicholas Mathonsi on 16 December 2011 ordered the release of Media Monitoring Project of Zimbabwe employees Fadzai December, Molly Chimhanda and Gilbert Mabusa after he dismissed an appeal by the state against their granting of bail.

Alert
Date: December 19, 2011
Person/ institution: Tapfuma Machakaire
Violation/ issue: Detained
Freelance journalist Tapfuma Machakaire was on 16 December 2011 arrested in Bulawayo while covering a Zimbabwe Congress of Trade Unions congress. Machakaire was arrested while taking pictures as the police disrupted the meeting. He was later released without charges.
### CLASSIFICATION

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### NUMBER OF ALERTS, COMMUNIQUÉS, AND PRESS STATEMENTS

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ABOUT MISA

MISA’s Mission, Vision and Values

The mission of MISA is to play a leading role in creating an environment of media freedom that promotes independence, pluralism and diversity of views and opinions, sustainability and competency. In dealing with these elements, MISA will ensure that gender-specific needs form an integral part of all activities. MISA aims to create an environment in which civil society is empowered to claim information and access to it as unalienable rights and in which – the resultant freer information flow strengthens democracy by enabling more informed citizen participation.

MISA will work:
• To create and maintain a media environment in which there is transparency, accountability, independence, pluralism and diversity;
• To improve the skills base and professionalism among media workers;
• To promote and facilitate more effective use of and access to the media by all sectors of society;
• To develop and maintain an environment conducive to relevant and effective advocacy campaigns on media freedom issues and media violations on an international, regional, national and local basis;
• To deliver timely, comprehensive and accurate information on media freedom issues and violations; and
• To exercise its functions in an efficient, cost effective and transparent manner, with full participation of all stakeholders.

MISA’s vision is of a Southern African region in which the media enjoys freedom of expression, independence from political, economic and commercial interests, pluralism of views and opinions. Our vision is of a region where members of society, individually or collectively are free to express themselves through any media of their choice without hindrance of any kind. Access to information must be unhindered.

This environment will be characterised by:
• A media that is free, independent, diverse and pluralistic.
• Access to the media and information by all sectors of society.
• Media workers who are competent, critical, accountable, sensitive to gender issues and aware of their responsibility to society.
• Legislation, regulations and policy environments that support media independence, diversity and pluralism.
• Citizens in the SADC region are empowered to claim information as a basic right.
The mission and vision of MISA are based on values that seek to:

- Advance the aims and objectives of the Windhoek Declaration of 1991 and the African Charter on Broadcasting of 2001;
- Promote a self-reliant, non-partisan and independent media that informs, empowers, educates and entertains;
- Nurture media freedom in an ethical, competent and professional media environment;
- Strengthen and support the development of a vibrant and participatory media sector;
- Lobby for access to information in order to enhance transparency and citizen participation in government, judiciary and legislative issues; and
- Promote democracy, human rights and the advancement of equality, human dignity, freedom and non-discrimination.

- Advocate and advance gender equality to redress imbalances in the media and society.

**MISA History and legal status**

MISA was established in 1992 as a non-governmental organisation (NGO) and registered as a Trust in Windhoek, Namibia following the adoption of the 1991 Windhoek Declaration on Promoting an Independent and Pluralistic African Press. MISA seeks to contribute to the implementation of this declaration in the SADC region. MISA operations are conducted by its Regional Secretariat based in Windhoek, Namibia which is guided by the Regional Governing Council made up of the Regional Council Chairperson and the chairpersons of the national chapters. The MISA Trust Funds Board, which is autonomous, has oversight over the financial and objectives of the organisation.

MISA currently has national chapters in 10 SADC countries – Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe, while it has a representative to run its operations in Angola. Each national chapter is serviced by a national secretariat under the guidance of the National Governing Council. Membership in MISA is open to individual media practitioners, media houses and associations who join MISA at national level.

MISA’s main achievements are in the areas of media freedom monitoring and the issuing of action alerts highlighting violations of this right in the southern African region. It has campaigned for an enabling environment for media to operate freely as part of a democratic system.

During the last 17 years, MISA has provided skills training opportunities for many media workers in the region.

In line with the 1991 Windhoek Declaration, MISA established the Southern Africa Media Development Fund (SAMDEF) which provides media businesses with loan and venture capital and the Southern Africa Institute of Media Entrepreneurial Development.
(SAIMED) which offers media management training and development services.

**MISA Activities and programmes**

From April 2002, MISA work has been centred on five programme areas as identified by its members and elaborated in its Strategic Partnership Programme April 1, 2002 to March 31, 2005. These are:

1. **Freedom of Expression and Right to Information Campaign:** which seeks to campaign for citizens to embrace their right to be informed through unhindered access to information. Laws and policies that militate against these rights will be challenged and grassroots campaigns on the concept of information as a basic right and need will be done. The basis of this programme area is founded on the principle that informed citizens will make the best decisions for their wellbeing and in so doing empower themselves. This will ensure that they can hold their governors accountable and is so doing lead to the reduction of poverty and disease.

2. **Media Freedom Monitoring programme** which seeks to continue the work MISA is renowned for: monitoring and reporting media freedom violations in the region. Through this programme, reports of incidents of media freedom violations, mostly by state authorities are made and campaigns against such violations intensified. MISA is a member of the International Freedom of Expression network (IFEX) since 1994 and has published an annual year book on the state of media freedom in the region (So this is Democracy?) every year from 1994.

3. **The Campaign for Broadcasting Diversity programme** seeks to continue the work on broadcasting policy MISA started in 1995 which laid the foundation for the role of broadcasting in the region to enable this major source of news and opinions to operate effectively. The three tier system of public, commercial and community broadcasting, if operated in the correct manner, can provide services that assist in the development and maintenance of democracy.

4. These have since been adopted as a part of the African Charter on Broadcasting adopted by media practitioners and media freedom activists who gathered in Windhoek under the auspices of UNESCO and MISA in May 2001 to commemorate the 10th Anniversary of the Windhoek Declaration of 1991. The African Commission on Human and Peoples’ Rights adopted similar principles in their Declaration on Freedom of Expression in Africa in October 2002. Media Support Activities which form the basis of the fourth programme area seeks...
to enhance Media Accountability and Professionalism, Community Broadcasting and The MISA News Exchange. The first programme area of media accountability and professionalism seeks to assist the media in ensuring that media products are professionally provided and the media is accountable to the general citizenry and consumers of media products. It is the aim of this programme area to ensure that code of ethics and a self-regulatory system are established for each of the eleven countries in which MISA operates. The Community Broadcasting programme is an initiative to assist in the establishment of community broadcasting stations in the region. The News Exchange which started in 1994, will continue and be extended to include a Portuguese language exchange and a ‘rip and read’ service for broadcasting stations most of which do not have resources to gather news.

5. Over the years, MISA has assisted media practitioners and houses with legal fees to enable them to engage lawyers for their defence in courts of law, mostly brought against them by the State. The majority of cases concern criminal defamation, which is still quite prevalent in the region. The Legal Support programme area is the subject of assistance MISA plans to continue to give to media houses and practitioners who may find themselves under such situations. The major element of this programme area is the plan to establish a Legal Defence Fund in each of the countries where MISA operates.

Two strategies will assist MISA in reaching its objectives outlined in its five programme areas. These are respectively the strategies for Communication, Dissemination and Publications and the Implementation and Monitoring. The first strategy recognises that an effective communication and information dissemination system is essential to an advocacy organisation. Furthermore, the fact that the organisation is spread across eleven countries requires an efficient exchange of information to allow for frequent interaction.

The second strategy is concerned with the management of the Strategic Partnership Programme for 2002 to 2005. This includes systematic planning and monitoring, a transparent and accountable financial system, new criteria for budget allocations, a dynamic and cohesive organisation and strong governance structures. It also underlines that gender sensitivity and networking efforts permeate all five of MISA’s programme areas.

Finances

MISA has received funding from many donors over the years with its major source being Danida, Sida, Norad, Hivos, EU, Open Society Institute for Southern Africa (OSISA) and the Friedrich Ebert Stiftung.
HOW TO REPORT AN ATTACK ON THE MEDIA

The Media Institute of Southern Africa (MISA) needs your assistance to compile accurate and detailed alerts on abuses of press freedom in the Southern African region.

Alerts serve a very important function in the advocacy work of MISA. The ultimate aim of the alert is to spur people on to take action in the light of a particular violation. Apart from that, the alert serves the purpose of reporting and recording a specific event or incident, which either amounts to a violation of media freedom or freedom of expression, or significantly advances it. The alert is thus part of one of the most essential tools of advocacy - information.

What to report:

Journalists who are:
• Assaulted
• Arrested
• Censored
• Denied credentials
• Harassed
• Kidnapped
• Killed
• Missing
• Threatened

• Wrongfully expelled
• Wounded
• Wrongfully sued for libel or defamation

News organisations that are:
• Attacked or illegally searched
• Censored
• Closed by force
• Raided, where editions are confiscated or transmissions are jammed. Materials confiscated or damaged
• Wrongfully sued for libel or defamation

What to include in your report:
MISA needs accurate and detailed information about:
• Names of journalists and news organisations involved
• Date and circumstances of the incident
• Detailed background information

Anyone with information about an attack on the media should call the Researcher at MISA by dialling +264 61 232975 or by sending e-mail to research@misa.org
What happens with your information?
Depending on the case, MISA will:
• Investigate and confirm the report
• Pressure authorities to respond
• Notify human right groups and press organisations around the world, including IFEX, Article 19, Amnesty International, Reporters San Frontiers, Human Rights Watch and the International Federation of Journalists and
• Increase public awareness through the press
• Publish advisories to warn other journalists about potential dangers
• Send a fact-finding mission to investigate

MORE ABOUT MISA ALERTS

The alert is different to a media statement that the latter is more a reaction and comment on an incident, while an alert is simply a report about it. Where comment is included in an alert it is best reported as a quote.

Action alerts also educate people about the nature of media freedom violations, leading to greater sensitivity to threats and violations, thus ensuring that more and more violations do not go unreported. MISA alerts are used as a source of information by media freedom organisations around the world and serve to augment important international reports and publications which in turn are used as advocacy tools or research documents.

What types of incidents are reported in an action alert?
1. Direct violations against journalists’ right to operate or report freely - these include physical or verbal attacks or threats against journalists during the course of their work or as a result of their work; journalists being barred illegally from observing events or incidents or inspecting areas, journalists evicted or deported from a country because of their work, journalists imprisoned or detained and, journalists killed during the course of or as a result of their work.
2. Censorship - this is where media workers, institutions or activities are banned or blocked. Where this does happen always indicate who issued the ban, why and in terms of which laws the ban was issued (sometimes countries have more than one law which could be used to censor media).

3. Court cases - these are court cases involving the media or concerning issues which affect the media (e.g. a 1995 case in Zimbabwe involving cell phone company Retrofit did not include the media but significantly advanced freedom of expression and required to be reported). Alerts are not normally issued for trials or cases which are in progress (unless something significant happens), the commencement and conclusion (judgement) are the most important to report (it requires however that the entire trial be monitored). Background information is very important in alerts relating to court cases e.g. where a newspaper is being sued over an article, find out when the contentious article was published and give a brief idea of what the article said or reported. This helps to access whether a trial is reasonable and fair. In the case of a criminal trial, indicate exactly which law and sections thereof the journalist or media is being charged under.

4. Legislation - This refers to the introduction, amendment or repealing of all legislation affecting media in some way or the other. Very draconian legislation is usually monitored and reported from the stage at which it is mooted. When issuing in alert around legislation, we make sure to explain precisely which parts of the law affect the media and how.

5. Policies and statements by elected government officials - these are monitored and reported in so far as they have a direct bearing on the workings and operations of the media. Verbal threats or attacks on the media are crucial to report, as well as statements advancing new policies or clarifying, government policies with respect to the media.
Appendices

Windhoek Declaration
African Charter on Broadcasting
Declaration of Principles on Freedom of Expression
Declaration of Table Mountain
We the participants in the United Nations/United Nations Educational, Scientific and Cultural Organization Seminar on Promoting an Independent and Pluralistic African Press, held in Windhoek, Namibia, from 29 April to 3 May 1991,

Recalling the Universal Declaration of Human Rights,

Recalling General Assembly resolution 59(I) of 14 December 1946 stating that freedom of information is a fundamental human right, and General Assembly resolution 45/76 A of 11 December 1990 on information in the service of humanity,

Recalling resolution 25C/104 of the General Conference of UNESCO of 1989 in which the main focus is the promotion of "the free flow of ideas by word and image at international as well as national levels",

Noting with appreciation the statements made by the United Nations Under-Secretary-General for Public Information and the Assistant Director-General for Communication, Information and Informatics of UNESCO at the opening of the Seminar,

Expressing our sincere appreciation to the United Nations and UNESCO for organizing the Seminar,

Expressing also our sincere appreciation to all the intergovernmental, governmental and nongovernmental bodies and organizations, in particular the United Nations Development Programme (UNDP), which contributed to the United Nations/UNESCO effort to organize the Seminar,

Expressing our gratitude to the Government and people of the Republic of Namibia for their kind hospitality which facilitated the success of the Seminar,

Declare that:

1. Consistent with article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance
of democracy in a nation, and for
economic development.
2. By an independent press, we
mean a press independent
from governmental, political or
economic control or from control
of materials and infrastructure
essential for the production and
dissemination of newspapers,
magazines and periodicals.
3. By a pluralistic press, we mean the
end of monopolies of any kind
and the existence of the greatest
possible number of newspapers,
magazines and periodicals
reflecting the widest possible range
of opinion within the community.
4. The welcome changes that an
increasing number of African
States are now undergoing towards
multiparty democracies provide the
climate in which an independent
and pluralistic press can emerge.
5. The worldwide trend towards
democracy and freedom of
information and expression is a
fundamental contribution to the
fulfilment of human aspirations.
6. In Africa today, despite the
positive developments in some
countries, in many countries
journalists, editors and publishers
are victims of repression—they are
murdered, arrested, detained and
censored, and are restricted by
economic and political pressures
such as restrictions on newsprint,
licensing systems which restrict
the opportunity to publish, visa
restrictions which prevent the
free movement of journalists,
restrictions on the exchange
of news and information, and
limitations on the circulation of
newspapers within countries and
across national borders. In some
countries, one-party States control
the totality of information.
7. Today, at least 17 journalists,
editors or publishers are in African
prisons, and 48 African journalists
were killed in the exercise of their
profession between 1969 and 1990.
8. The General Assembly of the United
Nations should include in the
agenda of its next session an item
on the declaration of censorship as
a grave violation of human rights
falling within the purview of the
Commission on Human Rights.
9. African States should be
encouraged to provide
constitutional guarantees of
freedom of the press and freedom
of association.
10. To encourage and consolidate the
positive changes taking place in
Africa, and to counter the negative
ones, the international community—
specifically, international
organizations (governmental
as well as nongovernmental),
development agencies and
professional associations—should
as a matter of priority direct
funding support towards the
development and establishment
of nongovernmental newspapers,
magazines and periodicals that
reflect the society as a whole and
the different points of view within
the communities they serve.
11. All funding should aim to encourage pluralism as well as independence. As a consequence, the public media should be funded only where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.

12. To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all the countries of Africa where such bodies do not now exist.

13. The national media and labour relations laws of African countries should be drafted in such a way as to ensure that such representative associations can exist and fulfil their important tasks in defence of press freedom.

14. As a sign of good faith, African Governments that have jailed journalists for their professional activities should free them immediately. Journalists who have had to leave their countries should be free to return to resume their professional activities.

15. Cooperation between publishers within Africa, and between publishers of the North and South (for example through the principle of twinning), should be encouraged and supported.

16. As a matter of urgency, the United Nations and UNESCO, and particularly the International Programme for the Development of Communication (IPDC), should initiate detailed research, in cooperation with governmental (especially UNDP) and nongovernmental donor agencies, relevant nongovernmental organizations and professional associations, into the following specific areas:
   a. identification of economic barriers to the establishment of news media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;
   b. training of journalists and managers and the availability of professional training institutions and courses;
   c. legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;
   d. a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and the methods of applying for them;
   e. the state of press freedom, country by country, in Africa.
17. In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a similar seminar of journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence and pluralism to those media.

18. The international community should contribute to the achievement and implementation of the initiatives and projects set out in the annex to this Declaration.

19. This Declaration should be presented by the Secretary-General of the United Nations to the United Nations General Assembly, and by the Director-General of UNESCO to the General Conference of UNESCO.
There have been significant gains in media freedom in Africa since the adoption of the Windhoek Declaration on Promoting an Independent and Pluralistic African Press in 1991. However, the declaration focused primarily on the promotion of the print media and was silent on issues such as broadcasting liberalisation and the globalisation of the communications industry. These issues have far reaching social and economic implications for media freedom and threaten to jeopardize the production of media that reflects Africa’s rich cultural diversity.

A representative group of African media practitioners sought to address these concerns at a UNESCO conference called to celebrate the 10th anniversary of the original Windhoek Declaration. The result was the African Charter on Broadcasting, which serves as a modern blueprint for policies and laws determining the future of broadcasting and information technology in Africa.

We the Participants of Windhoek+10 Declare that:

Acknowledging the enduring relevance and importance of the Windhoek Declaration to the protection and promotion of freedom of expression and of the media;

Noting that freedom of expression includes the right to communicate and access to means of communication;

Mindful of the fact that the Windhoek Declaration focuses on the print media and recalling Paragraph 17 of the Windhoek Declaration, which recommended that a similar seminar be convened to address the need for independence and pluralism in radio and television broadcasting;

Acknowledging the enduring relevance and importance of the Windhoek Declaration to the protection and promotion of freedom of expression and of the media;

Noting that freedom of expression includes the right to communicate and access to means of communication;

Mindful of the fact that the Windhoek Declaration focuses on the print media and recalling Paragraph 17 of the Windhoek Declaration, which recommended that a similar seminar be convened to address the need for independence and pluralism in radio and television broadcasting;

Recognising that the political, economic
and technological environment in which the Windhoek Declaration was adopted has changed significantly and that there is a need to complement and expand upon the original Declaration;

Aware of the existence of serious barriers to free, independent and pluralistic broadcasting and to the right to communicate through broadcasting in Africa;

Cognisant of the fact that for the vast majority of the peoples of Africa, the broadcast media remains the main source of public communication and information;

Recalling the fact that the frequency spectrum is a public resource which must be managed in the public interest.

Part One
GENERAL REGULATORY ISSUES
1. The legal framework for broadcasting should include a clear statement of the principles underpinning broadcast regulation, including promoting respect for freedom of expression, diversity, and the free flow of information and ideas, as well as a three-tier system for broadcasting: public service, commercial and community.
2. All formal powers in the areas of broadcast and telecommunications regulation should be exercised by public authorities which are protected against interference, particularly of a political or economic nature, by, among other things, an appointments process for members which is open, transparent, involves the participation of civil society, and is not controlled by any particular political party.
3. Decision-making processes about the overall allocation of the frequency spectrum should be open and participatory, and ensure that a fair proportion of the spectrum is allocated to broadcasting uses.
4. The frequencies allocated to broadcasting should be shared equitably among the three tiers of broadcasting.
5. Licensing processes for the allocation of specific frequencies to individual broadcasters should be fair and transparent, and based on clear criteria which include promoting media diversity in ownership and content.
6. Broadcasters should be required to promote and develop local content, which should be defined to include African content, including through the introduction of minimum quotas.
7. States should promote an economic environment that facilitates the development of independent production and diversity in broadcasting.
8. The development of appropriate technology for the reception of broadcasting signals should be promoted.
Part Two
PUBLIC SERVICE BROADCASTING
1. All State and government controlled broadcasters should be transformed into public service broadcasters, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.
2. Public service broadcasters should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference.
3. The public service mandate of public service broadcasters should be clearly defined.
4. The editorial independence of public service broadcasters should be guaranteed.
5. Public service broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets.
6. Without detracting from editorial control over news and current affairs content and in order to promote the development of independent productions and to enhance diversity in programming, public service broadcasters should be required to broadcast minimum quotas of material by independent producers.
7. The transmission infrastructure used by public service broadcasters should be made accessible to all broadcasters under reasonable and non-discriminatory terms.

PART Three
COMMUNITY BROADCASTING
1. Community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit.
2. There should be a clear recognition, including by the international community, of the difference between decentralised public broadcasting and community broadcasting.
3. The right of community broadcasters to have access to the Internet, for the benefit of their respective communities, should be promoted.

PART Four
TELECOMMUNICATIONS AND CONVERGENCE
1. The right to communicate includes access to telephones, email, Internet and other telecommunications systems, including through the promotion of community-controlled information communication technology centres.
2. Telecommunications law and policy should promote the goal of universal service and access, including through access clauses in privatisation and liberalisation processes, and proactive measures by the State.
3. The international community and African governments should mobilise resources for funding research to keep abreast of the rapidly changing media and technology landscape in Africa.

4. African governments should promote the development of online media and African content, including through the formulation of non-restrictive policies on new information and communications technologies.

5. Training of media practitioners in electronic communication, research and publishing skills needs to be supported and expanded, in order to promote access to, and dissemination of, global information.

PART Five
IMPLEMENTATION

1. UNESCO should distribute the African Charter on Broadcasting as broadly as possible, including to stakeholders and the general public, both in Africa and worldwide.

2. Media organizations and civil society in Africa are encouraged to use the Charter as a lobbying tool and as their starting point in the development of national and regional broadcasting policies. To this end media organisations and civil society are encouraged to initiate public awareness campaigns, to form coalitions on broadcasting reform, to formulate broadcasting policies, to develop specific models for regulatory bodies and public service broadcasting, and to lobby relevant official actors.

3. All debates about broadcasting should take into account the needs of the commercial broadcasting sector.

4. UNESCO should undertake an audit of the Charter every five years, given the pace of development in the broadcasting field.

5. UNESCO should raise with member governments the importance of broadcast productions being given special status and recognised as cultural goods under the World Trade Organization rules.

6. UNESCO should take measures to promote the inclusion of the theme of media, communications and development in an appropriate manner during the UN Summit on the Information Society in 2003.
DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION

Preamble

Reaffirming the fundamental importance of freedom of expression as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

Reaffirming Article 9 of the African Charter on Human and Peoples’ Rights;

Desiring to promote the free flow of information and ideas and greater respect for freedom of expression;

Convinced that respect for freedom of expression, as well as the right of access to information held by public bodies and companies, will lead to greater public transparency and accountability, as well as to good governance and the strengthening of democracy;

Convinced that laws and customs that repress freedom of expression are a disservice to society;

Recalling that freedom of expression is a fundamental human right guaranteed by the African Charter on Human and Peoples’ Rights, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as other international documents and national constitutions;

Considering the key role of the media and other means of communication in ensuring full respect for freedom of expression, in promoting the free flow of information and ideas, in assisting people to make informed decisions and in facilitating and strengthening democracy;

Aware of the particular importance of the broadcast media in Africa, given its capacity to reach a wide audience due to the comparatively low cost of receiving transmissions and its ability to overcome barriers of illiteracy;
Noting that oral traditions, which are rooted in African cultures, lend themselves particularly well to radio broadcasting;

Noting the important contribution that can be made to the realisation of the right to freedom of expression by new information and communication technologies;

Mindful of the evolving human rights and human development environment in Africa, especially in light of the adoption of the Protocol to the African Charter on Human and Peoples’ Rights on the establishment of an African Court on Human and Peoples’ Rights, the principles of the Constitutive Act of the African Union, 2000, as well as the significance of the human rights and good governance provisions in the New Partnership for Africa’s Development (NEPAD); and

Recognising the need to ensure the right of freedom of expression in Africa, the African Commission on Human and Peoples’ Rights declares that:

I The Guarantee of Freedom of Expression

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.

2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

II Interference with Freedom of Expression

1. No one shall be subject to arbitrary interference with his or her freedom of expression.

2. Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society.

III Diversity

Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things--:

- availability and promotion of a range of information and ideas to the public;
- pluralistic access to the media and other means of communication, including by vulnerable or marginalised groups, such as women, children and refugees, as well as linguistic and cultural groups;
- the promotion and protection of African voices, including through media in local languages; and
- the promotion of the use of local languages in public affairs, including in the courts.
IV Freedom of Information

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
   - everyone has the right to access information held by public bodies;
   - everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;
   - any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
   - public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
   - no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
   - secrecy laws shall be amended as necessary to comply with freedom of information principles.
3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

V Private Broadcasting

1. States shall encourage a diverse, independent private broadcasting sector. A State monopoly over broadcasting is not compatible with the right to freedom of expression.
2. The broadcast regulatory system shall encourage private and community broadcasting in accordance with the following principles:
   - there shall be equitable allocation of frequencies between private broadcasting uses, both commercial and community;
   - an independent regulatory body shall be responsible for issuing broadcasting licences and for ensuring observance of licence conditions;
   - licensing processes shall be fair and transparent, and shall seek to promote diversity in broadcasting; and
   - community broadcasting shall be promoted given its potential to broaden access by poor and rural communities to the airwaves.

VI Public Broadcasting

State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles:

- public broadcasters should be governed by a board which is protected against interference, particularly of a political or
economic nature; the editorial independence of public service broadcasters should be guaranteed; public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets; public broadcasters should strive to ensure that their transmission system covers the whole territory of the country; and the public service ambit of public broadcasters should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced information, particularly during election periods.

VII Regulatory Bodies for Broadcast and Telecommunications

1. Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.
2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.
3. Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.

VIII Print Media

1. Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.
2. Any print media published by a public authority should be protected adequately against undue political interference.
3. Efforts should be made to increase the scope of circulation of the print media, particularly to rural communities.
4. Media owners and media professionals shall be encouraged to reach agreements to guarantee editorial independence and to prevent commercial considerations from unduly influencing media content.

IX Complaints

1. A public complaints system for print or broadcasting should be available in accordance with the following principles: complaints shall be determined in accordance with established rules and codes of conduct agreed between all stakeholders; and the complaints system shall be widely accessible.
2. Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall
not seek to usurp the role of the courts.

3. Effective self-regulation is the best system for promoting high standards in the media.

**X Promoting Professionalism**

1. Media practitioners shall be free to organise themselves into unions and associations.
2. The right to express oneself through the media by practising journalism shall not be subject to undue legal restrictions.

**XI Attacks on Media Practitioners**

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.
2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.
3. In times of conflict, States shall respect the status of media practitioners as non-combatants.

**XII Protecting Reputations**

1. States should ensure that their laws relating to defamation conform to the following standards:

   - no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;
   - public figures shall be required to tolerate a greater degree of criticism;
   - sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.

2. Privacy laws shall not inhibit the dissemination of information of public interest.

**XIII Criminal Measures**

1. States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.
2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.
XIV Economic Measures

1. States shall promote a general economic environment in which the media can flourish.
2. States shall not use their power over the placement of public advertising as a means to interfere with media content.
3. States should adopt effective measures to avoid undue concentration of media ownership, although such measures shall not be so stringent that they inhibit the development of the media sector as a whole.

XV Protection of Sources and other journalistic material

Media practitioners shall not be required to reveal confidential sources of information or to disclose other material held for journalistic purposes except in accordance with the following principles:
the identity of the source is necessary for the investigation or prosecution of a serious crime, or the defence of a person accused of a criminal offence;
the information or similar information leading to the same result cannot be obtained elsewhere;
the public interest in disclosure outweighs the harm to freedom of expression; and
disclosure has been ordered by a court, after a full hearing.

XVI Implementation

States Parties to the African Charter on Human and Peoples's Rights should make every effort to give practical effect to these principles.
The World Association of Newspapers and the World Editors Forum, meeting at the 60th World Newspaper Congress and 14th World Editors Forum Conference in Cape Town, South Africa, from 3 to 6 June 2007,

Note that in country after country, the African press is crippled by a panoply of repressive measures, from the jailing and persecution of journalists to the widespread scourge of ‘insult laws’ and criminal defamation which are used, ruthlessly, by governments to prevent critical appraisal of their performance and to deprive the public from information about their misdemeanours,

State their conviction that Africa urgently needs a strong, free and independent press to act as a watchdog over public institutions,

Consider that press freedom remains a key to the establishment of good governance and durable economic, political, social and cultural development, prosperity and peace in Africa, and to the fight against corruption, famine, poverty, violent conflict, disease, and lack of education,

Reaffirm our responsibility as the global representative organisations of the owners, publishers and editors of the world’s press to conduct “aggressive and persistent campaigning against press freedom violations and restrictions”,

Reaffirm our commitment to freedom of the press as a basic human right as well as an indispensable constituent of democracy in every country, including those in Africa,

Note that Article 19 of the Universal Declaration of Human Rights guarantees freedom of expression as a fundamental right, and emphasise that freedom of expression is essential to the realization of other rights set forth in international human rights instruments,

Recall that those principles have been restated and endorsed in the 2002 Declaration on Principles of Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples’ Rights and the African Union, thus requiring member states of the African Union to uphold and maintain press freedom,

Recall also the 1991 Windhoek Declaration on Promoting an Independent and
Pluralistic African Press,

Observe that despite numerous opportunities for a free press to emerge from national independence, fully-fledged press freedom still does not exist in many African countries and that murder, imprisonment, torture, banning, censorship and legislative edict are the norm in many countries,

Recognise that these crude forms of repression are bolstered by the deliberate exclusion of certain newspapers from state-advertising placement, the burden of high import taxes on equipment and newsprint and unfair competition from state-owned media,

Note that despite the adoption of press freedom protocols and the repression of that freedom on a wide scale in Africa, the African Union in instituting its African Peer Review Mechanism under the NEPAD (New Partnership for Africa’s Development) programme has excluded the fostering of a free and independent press as a key requirement in the assessment of good governance in the countries of the continent, and

Identify as the greatest scourge of press freedom on the continent the continued implementation of “insult laws,” which outlaw criticism of politicians and those in authority, and criminal defamation legislation, both of which are used indiscriminately in the vast majority of African states that maintain them and which have as their prime motive the “locking up of information”,

Declare that

African states must recognise the indivisibility of press freedom and their responsibility to respect their commitments to African and international protocols upholding the freedom, independence and safety of the press, and

To further that aim by, as a matter of urgency, abolishing “insult” and criminal defamation laws which in the five months of this year have caused the harassment, arrest and/or imprisonment of 229 editors, reporters, broadcasters and online journalists in 27 African countries (as outlined in the annexure to this declaration),

Call on African governments as a matter of urgency to review and abolish all other laws that restrict press freedom,

Call on African governments that have jailed journalists for their professional activities to free them immediately and to allow the return to their countries of journalists who have been forced into exile,

Condemn all forms of repression of African media that allows for banning of newspapers and the use of other devices such as levying import duties on newsprint and printing materials and withholding advertising,

Call on African states to promote the highest standards of press freedom in furtherance of the principles proclaimed
in Article 19 of the Universal Declaration of Human Rights and other protocols and to provide constitutional guarantees of freedom of the press,

Call on the African Union immediately to include in the criteria for "good governance" in the African Peer Review Mechanism the vital requirement that a country promotes free and independent media,

Call on international institutions to promote progress in press freedom in Africa in the next decade, through such steps as assisting newspapers in the areas of legal defence, skills development and access to capital and equipment,

Welcome moves towards a global fund for African media development and recommends that such an initiative gives priority attention to media legal reform and in particular the campaign to rid the continent of "insult" and criminal defamation laws,

Commit WAN and WEF to expand their existing activities in regard to press freedom and development in Africa in the coming decade.

WAN and WEF make this declaration from Table Mountain at the southern tip of Africa as an earnest appeal to all Africans to recognise that the political and economic progress they seek flourishes in a climate of freedom and where the press is free and independent of governmental, political or economic control.

This Declaration shall be presented to: The Secretary-General of the United Nations with the request that it be presented to the UN General Assembly; to the UNESCO Director-General with the request that it be placed before the General Conference of UNESCO; and to the Chairperson of the African Union Commission with the request that it be distributed to all members of the African Union so that it can be endorsed by the AU at its next summit meeting of heads of state.

Cape Town, 3 June 2007
This 18th edition of *So This Is Democracy?* documents numerous media freedom and freedom of expression violations that MISA recorded in Southern Africa during the course of 2011. The critical monitoring and research function is at the core of MISA's work throughout Southern Africa and closely-linked with decisive action, both in terms of practical support to journalists and media policy advocacy.

Hence, it has become a continuous need to define the role of the media in a democracy. If information is power and informed citizens make informed choices, it means, therefore, that every democracy needs a free, independent and diverse media to facilitate the various interactions of citizens as well as capture their own national aspirations, hopes and dreams by productively promoting vibrant and robust debate on development-related issues.

In view of this understanding, attempts to hinder access to information therefore represent a devastating blow to democratic culture and stunts growth and development in any country because citizens are denied their right and power to actively participate in national processes, meaning that the intrinsic relationship between the democratisation project and advancement of media freedom, of which the promotion of access to information is an integral part, can only be ignored at own peril by all stakeholders, but more critically, the citizenry.

We make two key observations based on the analyses contained in this report.

One, as the strategies of beating journalists to a pulp, kidnapping or killing them or bombing printing presses lose their appeal in the region, the future of media repression will rely greatly on the threat of legal action against journalists or media houses. And, as long as media law reform agenda is held back, the more repressive governments will use outdated laws and the inherent colonial instruments of repression that come with such, to restrict media freedom and media growth in the region.

Two, what is clear in the year under review is that within the self-regulatory framework of the media, those who sit in Media/Press Councils/Tribunals will have to create some critical distance between themselves and the media they regulate in order to gain confidence from both the public and those who criticize them, mostly politicians. The self-regulatory image currently being portrayed by various Media/Press Councils/Tribunals in the region is that they are closely-linked, if not part of, the media institutions they watch over and therefore cannot inspire public confidence because of the question marks placed on their credibility given these seemingly intrinsic links. On the other hand, political oversight of the media remains undesirable and must be resisted – at all costs!

MISA remains committed to fighting for media freedom and freedom of expression in Southern Africa.