



The State of Press Freedom in Southern Africa 2022

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

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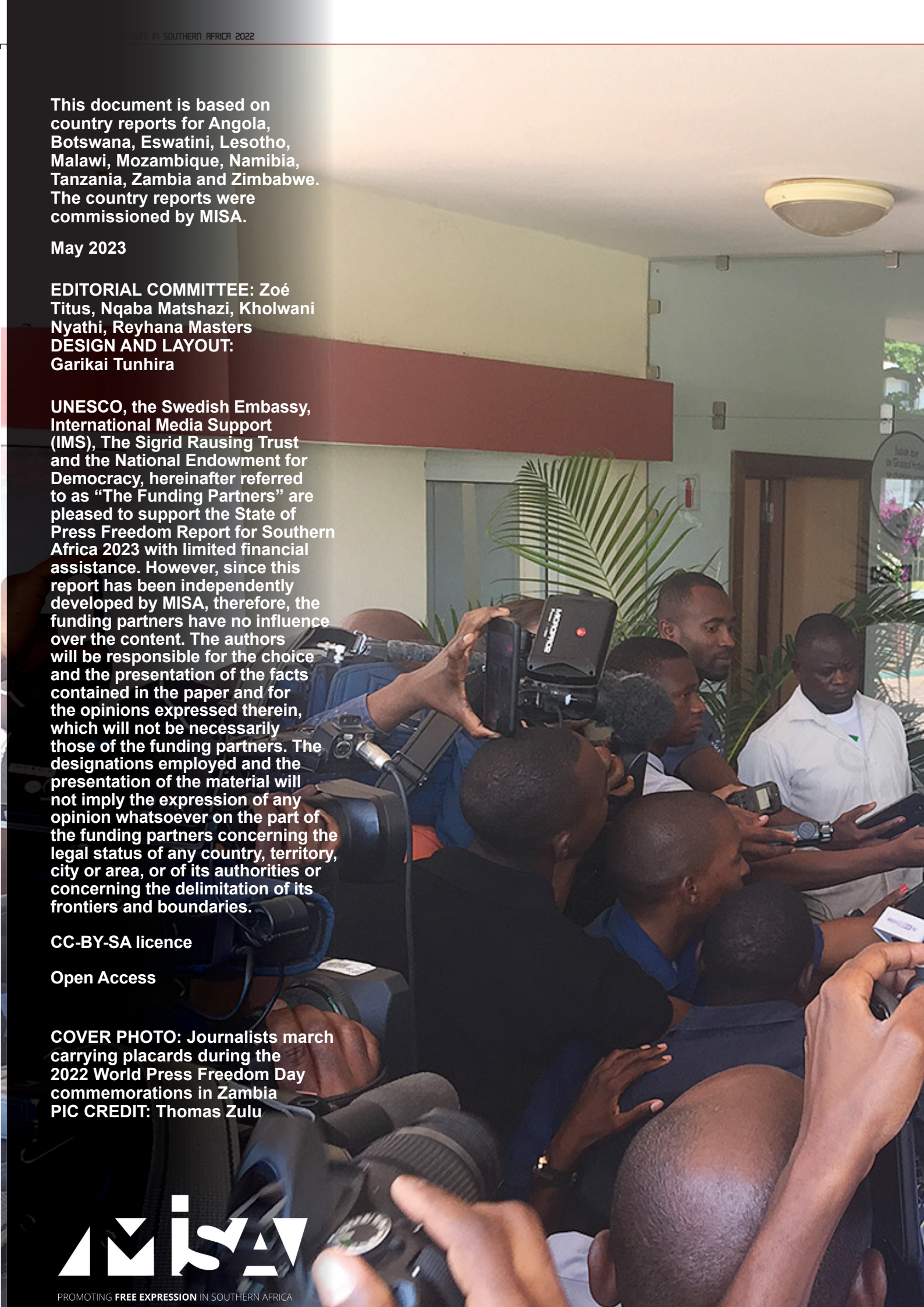
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COVER PHOTO: Journalists march carrying placards during the 2022 World Press Freedom Day commemorations in Zambia
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FOREWORD

SHAPING A FUTURE OF RIGHTS: FREEDOM OF EXPRESSION AS THE DRIVER OF ALL OTHER HUMAN RIGHTS

THE past few years have proven to be tough where it concerns the exercise and enjoyment of media freedom and freedom of expression in the Southern African region.

The rise of digital technologies has presented new challenges in terms of the legislative environments in the region.

Governments have responded by introducing cybersecurity laws, which instead of promoting freedom of expression and of the media, have had the opposite effect.

The COVID-19 pandemic once again gave an excuse for some authorities to promulgate laws that criminalise the publication of false information.

But research and extant judgments have shown that criminalising the publication of false information has a chilling effect on freedom of expression.

The COVID-19 pandemic should have taught us that the media are key partners when faced with disasters and other critical situations.

The right to freedom of expression, enshrined in Article 19 of the Universal Declaration of Human Rights, is a prerequisite and a driver to the enjoyment of all other human rights.

With this in mind, it is imperative that respective governments re-commit to ensuring that citizens across the Southern African region enjoy the right to access information and freedom of expression as envisaged by Sustainable Development Goal 16.10.

There has been a breathtaking slide in terms of freedom of expression and of the media in the region, which translates to the violation of other rights.

Freedom of expression is a driver of all other human rights and if citizens do not meaningfully enjoy this right, it is safe to conclude that other rights are also being violated.

The media and journalists play an essential role in verifying and disseminating information.

Their role is to create public spheres where ideas are thrashed out and the voiceless are heard.

This allows public participation and citizen engagement through platforms where complex matters are broken down to be understood by all.

Without a free flow of information, and the role of the media in this effort, cases of malpractice, corruption and human rights violations would remain hidden.

This year marks the 30th anniversary since the World Press Freedom Day was first commemorated.

It gives us a chance to introspect on whether the region is on track to attain its agreed press freedom goals following the Windhoek Declaration in 1991.

Suppose we are not where we want to be; in that case, there is need to engage collectively further to protect press freedom, reaffirm the vital importance of freedom of expression, and shape a future where human rights are at the centre of decision-making at the global, regional and national levels.

As UNESCO points out, there are four fundamental freedoms that are outlined in the preamble of the 1948 Universal Declaration of Human Rights — these are freedom of speech, freedom of belief, freedom from fear, and freedom from want.

It is, therefore, not incidental that freedom of speech comes first: this fundamental freedom is one that enables the exercise and enjoyment of all other rights.

It is important to point out that while all human rights are universal, interdependent, indivisible and interrelated; freedom of expression's



Journalists march carrying placards during the 2022 World Press Freedom Day commemorations in Zambia
PIC CREDIT: Thomas Zulu

function as an enabler for other human rights has been further explored by relevant United Nations treaty bodies and committees in charge of international instruments, who published their interpretation of provisions in the form of general comments or recommendations.

Thus, the 30th anniversary of World Press Freedom Day gives us an opportunity to once again emphasise the role and importance of free media in the enjoyment of other rights.

Now is the perfect time to address the future of human rights and shape how the challenges to freedom of expression will be met in the digital ecosystem and rapidly evolving information environment.⁽¹⁾

Furthermore, this year, and going into the future, the media faces new challenges that were unthinkable in the past such as surveillance, online bullying, particularly targeting female journalists, and the rise of information disorders.

This is compounded by the traditional threats that the media always has to contend with.

In light of the above, it is important that we all put our heads together to solve the problems that media workers face in Southern Africa.

At the topmost of the agenda will be promoting journalists' safety and ensuring an enabling environment for them to work in.

Key to that will be the ending of the issue of impunity. The 4Ps on the safety of journalists — Prevention, Protection, Prosecution and Partnership — are key to ending impunity.

When journalists are able to operate in an enabling environment, they can shine the light in dark corners, hold those with authority accountable and transparent as well as enhancing citizens' participation through access to information.

Therefore, if the region is to shape a future of entrenched rights, there is need to realise the importance of freedom of expression as the driver of all other human rights.

References

■ SHAPING A FUTURE OF RIGHTS: FREEDOM OF EXPRESSION AS THE DRIVER OF ALL OTHER HUMAN RIGHTS

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SOUTHERN AFRICA PERSPECTIVES: GOVERNMENTS RENEGING ON COMMITMENTS TO MEDIA FREEDOM



By Zoé Titus

ON 3 May 2021, the world affirmed its commitment to the principles of media freedom, freedom of expression, and access to information, through the adoption of the historic Windhoek+30 Declaration⁽¹⁾ in the city of its origin, Windhoek, Namibia.

The Declaration acknowledged the evolving media landscape, which has introduced new challenges such as a profound economic crisis and disruption of traditional media business models, as well as the proliferation, amplification, and promotion of disinformation and hate speech.

It further contemplated the enduring and emerging new threats to the safety of journalists and the free exercise of journalism, including killings, harassment of women, and offline and online attacks, continue to persist and even increase.

Despite noteworthy progress in just two years, through the adoption of Resolution 522⁽²⁾ by the African Commission on Human and Peoples' Rights (ACHPR) on the Protection of Women Against Digital Violence in Africa, and a renewed focus on the safety of journalists following the review of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity,⁽³⁾ governments in Southern Africa continue to renege on their responsibilities to uphold and guarantee these fundamental rights.

The persistent erosion of media freedom is

one of the most pressing challenges confronting southern Africa.

Despite constitutional guarantees of freedom of expression in the majority of countries in the region, the inconsistency and lack of political will to enforce these liberties, have given rise to numerous incidents of censorship, self-censorship, and constraints on free speech.

In certain cases, the individuals who express dissenting opinions or question established norms are vulnerable to harassment, persecution, or even physical violence.

Such actions subvert democratic principles and engender a chilling impact on the unrestricted dissemination of ideas and information, which are essential components of a well-functioning and healthy society.

It is, therefore, imperative not only to have constitutional protections of freedom of expression, but also to establish robust and independent institutions that can safeguard and advance these rights.

Disinformation is the new frontier of the war being waged against the media, amplified by a lack of understanding among the populace concerning the scope of the infodemic and its implications.

While disinformation is often attributed solely to the media sector, it is important to note that state-sponsored disinformation and misinformation campaigns, specifically targeting critical journalists and dissenting voices, are also prevalent.

This prevailing perception undermines the public's confidence in the media, which is further compounded by declining professional standards, contributing to the proliferation of disinformation.

Rather than engaging with stakeholders to address this increasingly complex phenomenon, governmental entities are opting for over-regulation of the media space and the criminalisation of journalism through legislation.

This approach has proven ineffective, with instances of disinformation continuing to rise.

To make headway in addressing this pressing issue, a comprehensive, multi-stakeholder, and multifaceted strategy is necessary.

SAFEGUARDING OUR DEMOCRACIES' FRONTLINE DEFENDERS

Journalists often find themselves as targets in the run-up to elections due to their integral role in the coverage of political events.

As such, it is the responsibility of governing authorities, including Electoral Management Bodies (EMBs) to discharge their roles with impartiality and also play a more prominent role to safeguard journalists, particularly during electoral campaigns.

Additionally, authorities must conduct thorough investigations into all attacks against journalists that may have occurred prior to the official commencement of campaigns.

Almost two thirds of the countries in the region are scheduled to hold elections within the next two years (i.e., 2023 and 2024).

It is anticipated, based on past experience, that such events will coincide with an upswing in the number of attacks directed towards journalists, both in the physical and virtual sense.

Compounding this is the multifaceted nature of the issues surrounding online disinformation, which presents a formidable challenge to society, particularly during election periods.

Regrettably, instead of collaborating with stakeholders to address the infodemic, the majority of governments have resorted to a knee-jerk reaction of over-regulating the media space and implementing punitive measures against journalists and media outlets.

In 2022, two SADC member states, Angola⁽⁴⁾ and Lesotho⁽⁵⁾, held general elections. In Angola, the run-up to the elections was marred by reports of attacks and harassment of journalists covering campaign events.

The Committee to Protect Journalists (CPJ) reported on attacks against Isabel Makitoko, António Sapalo and Wilson Capemba.

A correspondent for the United States (US) Congress-funded *Voice of America* was also reportedly detained for three hours while on

assignment to cover a protest against electoral irregularities ahead of the elections.

The reports of biased coverage by the media, as confirmed by both the Angolan Journalists Union (SJA) and the Angolan Regulatory Body for Social Communication (ERCA),⁽⁶⁾ are particularly alarming.

These have prompted calls for even further regulations on the media in an environment where a plethora of laws exist that already undermine media freedom, as well as the rights to freedom of expression and access to information.

Relatedly, Zimbabwe held by-elections in a number of wards and constituencies in 2022 and, in keeping with established patterns, instances of media violations showed a corresponding rise.

In 2021, a non-election year, the Zimbabwe chapter of the Media Institute of Southern Africa (MISA Zimbabwe) documented 21 incidents of physical attacks perpetrated against journalists. Subsequently, this number escalated by around 80 percent to reach 37 in 2022.

Given that a national election is slated for the latter half of 2023, there exists a legitimate concern that acts of aggression towards journalists will escalate.

On the other hand, Lesotho's high-stakes election, held against the backdrop of uncertainty surrounding the passing of electoral reforms and fears of further instability, was conducted smoothly in October 2022 with no incidents of attacks on journalists reported.

This may be attributed to the investment made in preparing the media for election coverage through collaborations between the MISA Lesotho chapter, the Lesotho Communications Authority (LCA), and the Independent Electoral Commission (IEC).

Journalists and the media in Eswatini continue to work under the most harrowing conditions. In July 2022, Prime Minister Cleopas Siphos Dlamini, upon the recommendation of Attorney-General, Sifiso Khumalo, declared South African online newspaper *Swaziland News* and its editor, Zweli Martin Dlamini, terrorist entities, invoking Eswatini's feared Suppression of Terrorism Act No.3 of 2008.⁽⁷⁾

This legislation is incompatible with Eswatini's international and regional human rights commitments, as well as the country's constitution and has been used excessively to silence dissent, curb free expression and ban certain political organisations.

CPJ reported on the brutal assault in February 2022 of journalist Nomthandazo Maseko by correctional officers in Matsapha, a town about 22 miles from eSwatini's capital Mbabane.

Maseko, a reporter for the privately owned news website *Swati Newsweek*, was livestreaming a protest by members of the Swaziland Liberation Movement (Swalimo) activist group outside the local prison, where two pro-democracy members of parliament have been held since their arrest on July 25, 2021.

In Malawi, the apprehension of Gregory Gondwe, the founder of the Platform for Investigative Journalism (PIJ), was precipitated by the organisation's exposé on payments endorsed by the attorney general to a businessman for contracts that were nullified due to fraudulent machinations.

During Gondwe's six-hour detainment, the authorities interrogated him about his sources.

Despite the safeguards provided by Malawi's access to information legislation, which endeavours to protect journalists' sources, the police proceeded to search the PIJ's premises,

confiscating Gondwe's electronic devices, and compelling him to divulge his passwords.

This trespass and seizure flagrantly breached Article 21 of the Malawi Constitution, which enshrines the entitlements to media freedom and privacy.

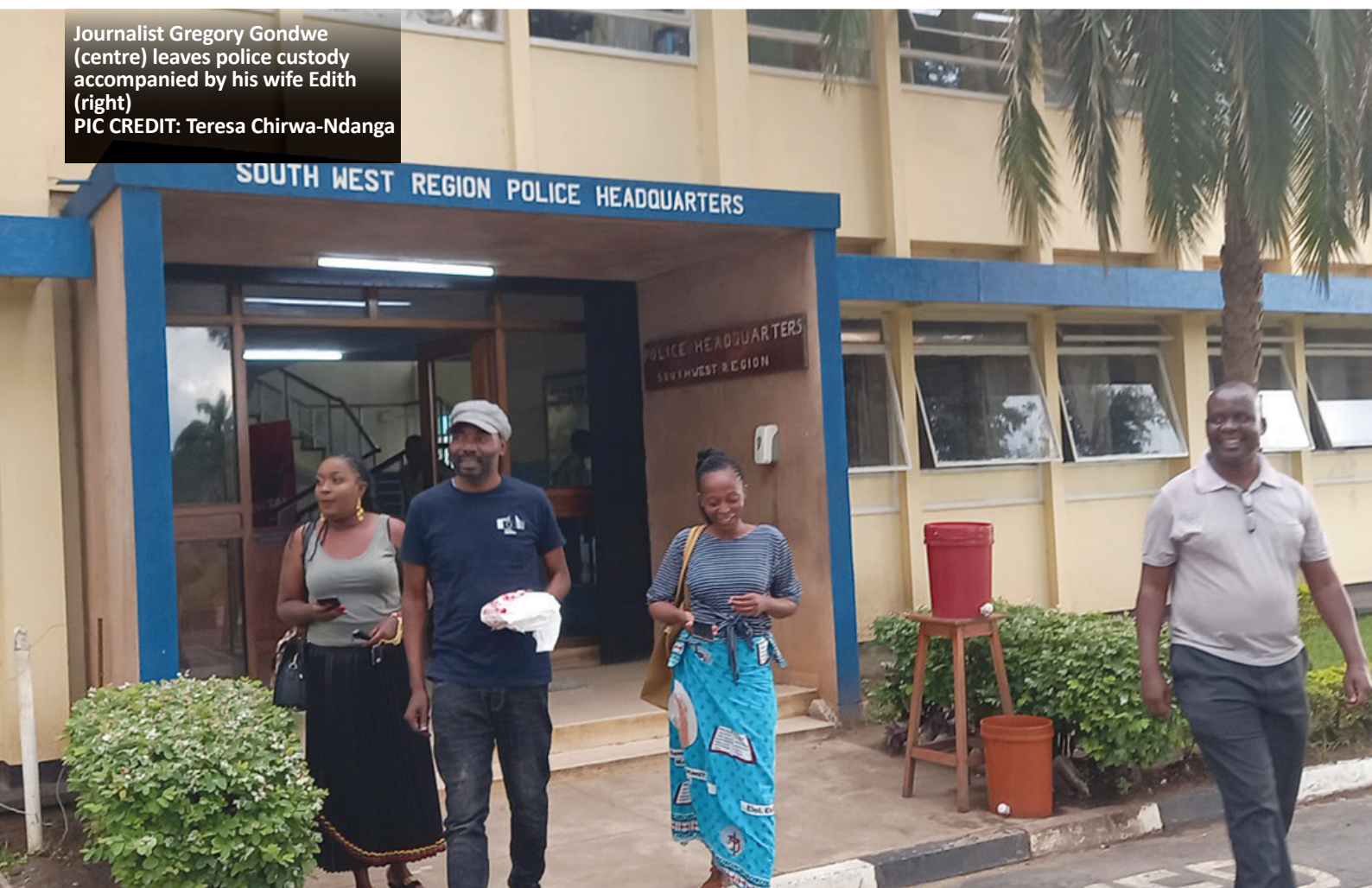
A mere 10 days after Gondwe's arrest, PIJ's website was hacked, which the Malawi chapter of MISA (MISA Malawi) condemned as "a serious attack on journalism, a violation of the right to access information, and a criminal offence under the Electronic Transactions and Cyber Security Act of 2016".⁽⁸⁾

Malawian journalists faced sustained threats during 2022. According to MISA Malawi, followers of a convicted church pastor attacked *Times Group* journalist Tiyese Monjeza and others reporting about the pastor's case at the Mulunguzi magistrate's court in Zomba City in April.

The authorities arrested, convicted, and imprisoned Monjeza's attacker.

In July, demonstrators in Lilongwe assaulted *Times Group* cameraman Emmanuel

Journalist Gregory Gondwe (centre) leaves police custody accompanied by his wife Edith (right)
PIC CREDIT: Teresa Chirwa-Ndanga



Simpokolwe, while in August, Mighty Mukuru Wanderers Football Club supporters assaulted *Times Group* journalist Imam Wali as he was taking photos at Dedza Stadium.

Zambian society, according to the 2021 African Media Barometer (AMB) report,⁽⁹⁾ is plagued by deep-rooted polarisation along ethnic-regional and political lines.

This phenomenon has not gone unnoticed by the media, a significant number of whom have taken to expressing empathy with particular political factions to safeguard their own existence and avoid retribution.

The AMB report further states that repercussions in the form of intimidation and unrestrained violence is perpetrated by politically affiliated groups.

For example, on December 31, 2022, and January 1, 2023, supporters of Zambia's ruling United Party for National Development (UPND) attacked two radio stations and disrupted broadcasts by the opposition Economic and Equity Party's president, Chilufya Tayali.

Similar incidents include threats issued to *City Television* reporter, Wellington Chanda by the Kasama District Commissioner (DC) and some provincial youth leaders from the UNDP, as well as an attack on *Petauke* journalist, Lovemore Phiri of *Pasme Radio*, also by suspected UPND cadres.

THE NEWSROOM AND ONLINE SPACES: A GENDER PERSPECTIVE

Several studies demonstrate a prevalent reality in which a substantial percentage of female journalists are systematically disempowered and disadvantaged in the newsroom environment.

This illustrates greater socioeconomic disparities, which are frequently replicated by institutional structures and procedures.

The intersectionality of these inequities, which are exacerbated by characteristics such as colour, ethnicity, class, and sexual orientation, increases the obstacles women journalists confront in their professional lives.

In instances where journalists face online or offline harassment on the basis of their profession, gender, sexual orientation, religion, ethnicity, or other similar attributes, there arises a profound sense of fear and trepidation, which

can effectively deter them from doing their work and engaging in meaningful discourse.

Such harassment can take various forms, including sexualised violence, harassment, disclosure of personal information such as residential addresses and places of employment, and threats against family members.

The ultimate outcome of this type of intimidatory behaviour is the impairment of information dissemination and collaborative endeavours, disproportionately affecting women and minorities, and their respective views.

Online violence, particularly, is said to be spilling offline. Late in 2020, UNESCO and the International Centre for Journalists (ICFJ) conducted a study that indicated that one in five of female respondents had encountered offline attacks that they suspected began online.⁽¹⁰⁾

Over the years, several studies have documented the effects of harassment experienced by women journalists.

The recent global study conducted jointly by UNESCO-ICFJ, titled *The Chilling: Global trends in online violence against women journalists*, investigated 16 countries and has revealed a notable rise in online violence against women journalists.⁽¹¹⁾

The study highlights the inextricable connection between online attacks, disinformation, intersectional discrimination, and populist politics.

Based on the experiences of women journalists, these revelations indicate that online harassment is growing and has become a ubiquitous problem for women journalists across the globe.

It demonstrates the psychological distress and impact of threats and other acts of intimidation on women journalists' work.

The ACHPR Resolution 522 on the Protection of Women Against Digital Violence in Africa calls on African governments to, among others: ⁽¹²⁾

- Review/adopt legislation that aims at combating all forms of digital violence, and expanding the definition of gender-based violence to include digital violence against women including cyber-harassment, cyberstalking, sexist hate speech among other ICT-related violations;

- Undertake research on digital violence against women. This research should include studies and the adjustment of crime statistics on digital violence against women to identify

legislative and non-legislative needs;

- Undertake mandatory and continuous training for practitioners and professionals dealing with victims of digital violence including law enforcement authorities, social and child healthcare staff, criminal justice actors and members of the judiciary;

- Implement victim-friendly and gender-sensitive policies when handling cases of digital violence against women;

- Undertake measures to safeguard women journalists from digital violence, including gender-sensitive media literacy and digital security training;

- Repeal vague and overly wide laws on surveillance as they contribute to the existing vulnerability of female journalists.

LEGISLATIVE FRAMEWORKS

This soft law instrument strengthens our free expression arsenal with a powerful tool to counter increasingly toxic online spaces and enable the work of female journalists in African newsrooms.

Article 9 of the African Charter on Human and Peoples' Rights and the revised 2019 Declaration on Principles of Freedom of Expression and Access to Information in Africa of the African Commission on Human and Peoples' Rights outline freedom of expression norms in Africa.

The principle of freedom of expression is an integral component of democratic societies and is enshrined in numerous international human rights instruments.

However, it is important to recognise that this fundamental right is not absolute and can be subject to permissible restrictions in certain circumstances.

In accordance with international human rights standards, such limitations must be recognised in law, proportionate to the legitimate aim pursued, and necessary in a democratic society.

Moreover, any restriction must be compatible with the underlying values of a democratic society, such as pluralism, tolerance, and open debate.

Any limitations on freedom of expression must

not stifle the exchange of ideas, opinions, and information necessary for the functioning of a democratic society.

The restriction must also not be used as a pretext to silence dissenting voices or to restrict criticism of the government or other powerful entities.

International human rights and press freedom standards require legal frameworks to repeal laws related to sedition and defamation and provide adequate protection for media practitioners and whistleblowers, which is currently lacking in most countries in the region.

An alarming pattern has emerged over a considerable period of time, where legislators appear to lack an appreciation of their responsibility to foster an environment that enables a diverse, pluralistic, and viable media ecosystem.

This is achieved through the implementation of regulatory measures that set progressive standards, as opposed to the prevalent tendency of fashioning regulations with the intent to constrain and manipulate media operations.

Prime examples from Southern Africa are the passage of Mozambique's Social Communications Law, which provides for the establishment of a body that is mandated to monitor journalists' conduct and register them to practice their craft.

Similarly, Botswana's downward trajectory (see table) is fast-tracked by the adoption of the Media Practitioners' Association (MPA) Act of 2022.

The primary objective of the legislation is purportedly to uphold professional journalistic standards and to safeguard and bolster the autonomy and self-determination of the media.

However, the proposed legislation primarily centres on the regulation of ethical practices and conduct in journalism, as well as the authority to license or disqualify journalists and media organisations.

Additionally, a Media Board established under the law is tasked with the responsibility of guaranteeing national security, public order, and public health, which are broad and ambiguous areas frequently exploited to suppress media freedom and independence.

Such influence is likely to make it challenging for journalists and media players to work without fear of intimidation and, ultimately, to self-censor.

2021		2022		Trajectory	SADC Ranking
Angola	103	Angola	99	↑	10
Botswana	38	Botswana	95	↓	8
Comoros	84	Comoros	83	↑	6
Democratic Republic of Congo	149	Democratic Republic of Congo	125	↑	14
Eswatini	141	Eswatini	131	↑	15
Lesotho	88	Lesotho	88	-	7
Madagascar	57	Madagascar	98	↓	9
Malawi	62	Malawi	80	↓	5
Mauritius	61	Mauritius	64	↓	4
Mozambique	108	Mozambique	116	↓	12
Namibia	24	Namibia	18	↑	2
Seychelles	52	Seychelles	13	↑	1
South Africa	32	South Africa	35	↓	3
United Republic Tanzania	124	United Republic Tanzania	123	↑	13
Zambia	115	Zambia	109	↑	11
Zimbabwe	130	Zimbabwe	137	↓	16

Reporters Without Borders Press Freedom Index 2021⁽¹³⁾ vs 2022⁽¹⁴⁾

The prevalent practice of criminalising defamation persists in the region and is entrenched in the majority of legislation.

In particular, Mozambique's Social Communications Law and Botswana's Media Practitioners' Association (MPA) Act contain provisions for criminal defamation, exemplifying a regressive approach to media regulation driven by a desire to exert control over the media and the information available to citizens.

Moreover, the Democratic Republic of Congo (DRC) is notorious for exploiting defamation laws to suppress dissenting voices, especially those of journalists who are critical of the government, or under the pretext of safeguarding national security.

On 17 August 2020, the Southern African Development Community (SADC) Heads of State collectively resolved to take proactive measures to counteract external interference, the adverse effects of fake news, and the abuse of social media, especially within electoral processes.⁽¹⁵⁾

Subsequent to this, several countries within the region, namely Botswana, Eswatini, Tanzania, Malawi, Zambia, and Zimbabwe, initiated an expedited process of law-making on

cybersecurity.

Meanwhile, Namibia and Lesotho are currently engaged in the development of cybersecurity and cybercrime legislation.

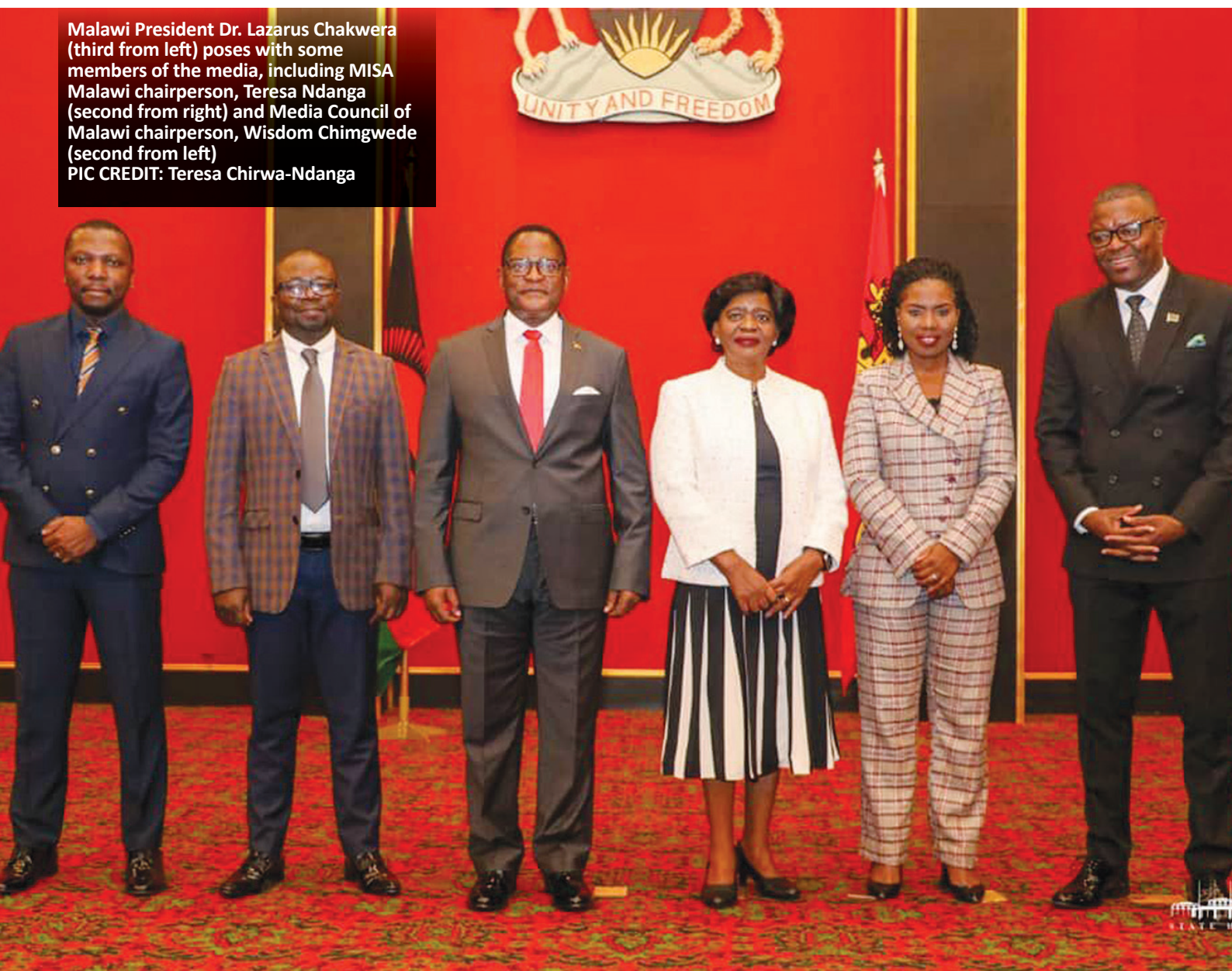
The consequential impact of this legislative trend has been a discernible constriction of the fundamental freedoms of expression and media freedom in the region.

Digital rights activist, Frederico Links, raises the alarm on what he perceives as the weaponisation of the law to constrict digital civic spaces.

This, in his view, is coupled with the "use of sophisticated spyware by some governments to ... intrude into and monitor people's lives, pervasive social media mediated disinformation souring online experiences, rampant cyber-criminal attacks and the dehumanising commercial surveillance economy, all of which combine to degrade Africans' online lives".⁽¹⁶⁾

Botswana, again, is a prime example. Thapelo Ndlovu writes that in 2020, Botswana was identified as one of seven African nations that spied on journalists using spyware sold by the Israeli-owned Cyprus-based company Circles.

Malawi President Dr. Lazarus Chakwera (third from left) poses with some members of the media, including MISA Malawi chairperson, Teresa Ndanga (second from right) and Media Council of Malawi chairperson, Wisdom Chimgwede (second from left)
PIC CREDIT: Teresa Chirwa-Ndanga



Equatorial Guinea, Kenya, Morocco, Nigeria, Zambia, and Zimbabwe were the other African governments named as Circles customers.⁽¹⁷⁾

He adds that midway through 2021, it was further revealed that Botswana was also a client of Cellebrite, a spyware company that sells phone-hacking equipment.

This technology, according to Ndlovu, has reportedly been deployed to extract data from the phones of journalists as part of a wider crackdown on the media.

It is against this backdrop — of the use of law and technology to enable the violation of data and online privacy — that the digital rights landscape in the country remains a cause for concern within local civil society.

The arrest of Chidawawa Mainje on 1 May

2022 over a WhatsApp political conversation raises serious concerns about the insidiousness of surveillance.

Mainje was charged under section 86 of Malawi's Electronic Transactions and Cyber Security Act of 2016 for allegedly insulting Malawi's President Lazarus Chakwera.

Since WhatsApp uses end-to-end encryption, this exchange was not visible to the general public. Nevertheless, authorities intervened to detain a person over a private exchange.

Equally, the circumstances surrounding the arrest of Malawian investigative journalist, Gregory Gondwe, [mentioned earlier] and the subsequent hacking of the website of the PIJ, where his work is published, would suggest the use of surveillance technology by authorities.

The incident gives credence to concerns that

cyber legislation is being used by governments against its own citizens, particularly journalists.

Similar concerns have been expressed by free expression campaigners in Namibia who have pointed out that the introduction of mandatory SIM card registration and data retention regulations might have a far-reaching impact on online privacy and data protection in the country.

The ACTION Namibia Coalition, a network of organisations campaigning for free expression and access to information-related rights, have noted that the regulations and conditions provide for continuous bulk or mass surveillance, which would undoubtedly undermine investigative journalism and pose threats to sectors where privacy, anonymity and confidentiality are

essential.⁽¹⁸⁾

EMPOWERING CITIZENS WITH INFORMATION

Southern Africa continues to lag behind other regions on the African continent in terms of the number of countries that have passed and implemented Access to Information (ATI) laws, thereby rendering the protection of the right to access information inaccessible to a vast majority of citizens in the region.

This is in spite of the widespread recognition of the transformative and developmental potential

Country	Access to Information law	Implementation status
Angola	✓	X
Botswana	X	X
Comoros	X	X
Democratic Republic of Congo	X	X
Eswatini	X	X
Lesotho	X	X
Madagascar	X	X
Malawi	✓	✓
Mauritius	X	X
Mozambique	✓	✓
Namibia	✓	✓
Seychelles	✓	✓
South Africa	✓	✓
United Republic Tanzania	✓	✓
Zambia	X	X
Zimbabwe	✓	✓

inherent in this right.

Presently, only eight out of 16 member states of the Southern African Development Community (SADC) have adopted ATI laws.

Of those countries that have passed such laws, a mere seven have advanced to the implementation stage, underscoring the limited traction of this legislative framework in the region.⁽¹⁹⁾

This disclaimer is particularly relevant as explained by the joint Free Press Unlimited – Africa Freedom of Information Centre 2021 Synthesis Report on the Assessment of the Implementation of SDG Indicator 16.10.02.

They observe that:

... while the right to information, and legislation and constitutional guarantees securing the legality of this right is intrinsically important to transparent and accountable democratic governance, right to information does not necessarily equate access to information ... What is equally imperative to consider is governments, Ministries, Departments and Agencies (MDAs), civil society, the media and stakeholders and their ability to play their part in effective Right to Information (RTI) implementation. This means assessing both political will and having a consultative dialogue, but also considering and addressing capacity issues such as sensitisation, training, punitive action for non-compliance, the building of strategic partnership between government and civil society and the new innovative possibilities of Information Communication Technology (ICT) to ensure that citizens have de facto access to the right to information as a fundamental freedom and human right.⁽²⁰⁾

SHRINKING CIVIC SPACE

In Southern Africa, the current landscape is marked by a shrinking civil space, as governments seek to exert greater control over civil society, thereby limiting their ability to operate independently and hold those in power accountable.

Governments are employing various tactics to intimidate activists, journalists and human rights organisations.

This has resulted in a deterioration of the operating environment for civil society organisations, with restrictions on citizen participation and freedoms of association and assembly, arbitrary arrests, enforced disappearances, torture, and threats of

closure and deregistration of non-governmental organisations.

Governments have resorted to using state machinery, including law enforcement and security services, as well as the judiciary and legislative arms of government, to limit the activities of civil society organisations.

Moreover, they have used subtle means such as imposing cumbersome NGO registration processes to restrict the operating space for civil society.

National governments have further limited civic space by promulgating restrictive laws and policies that violate the freedoms of association and assembly.

Examples of such governments include Zimbabwe, Zambia and Malawi, where civil society organisations face cumbersome registration processes and foreign funding regulations that silence any criticism of the state and state apparatus.

This trend is due, in part, to governments' focus on national security and economic development, which has led them to view civil society organisations as foreign agents that pose a threat to national interests.

Zimbabwe's legislature passed the ominous Private Voluntary Organisations (PVOs) Amendment Bill in December 2022 which, upon review, would have the effect of silencing civil society, freedom of association and ultimately freedom of expression.

This is further worsened by amendments to the Criminal Law (Codification and Reform) Act, which will sound the death knell for freedom of association and freedom of expression.

In other parts of the region, such as Namibia and South Africa, there has been a recent trend of justifying laws on NGO registration or other regulations under the pretext of combating money-laundering and terrorist financing. While these concerns may have merit, they can also be exaggerated to justify excessive government control over NGOs, intentionally or unintentionally.

The consequences of such retrogressive laws and policies are that civil society organisations find it increasingly challenging to mobilise, speak out, and hold governments accountable.

In some countries, governments have accused civil society organisations of being anti-economic development and a threat to national security, further limiting their ability to operate freely.

Increasingly there is a need to acknowledge the interconnectedness of the right to freedom of expression and the right to peaceful protest.

Freedom of expression includes the freedom to articulate viewpoints and engage in peaceful protests.

Through peaceful protest, individuals can effectively voice their grievances, contest power structures, and urge for change.

In Lesotho, Kopano Makutoane, a student at the National University of Lesotho (NUL), was tragically shot and killed during a demonstration on the university's Roma campus on 16 June 2022, when police opened fire using live ammunition.

Following the announcement that the National Manpower Development Secretariat had cut the monthly stipends of students by more than 50 percent, a number of students marched to the campus to protest this reduction in their allowances.

Lesotho's Transformation Resource Center (TRC), the International Commission of Jurists (ICJ), and the Southern Africa Litigation Centre (SALC) denounced the excessive force used by police, particularly the use of live ammunition against unarmed student protestors.

They rightly pointed out that the "right to protest, which is part of the right to peaceful assembly, is protected under international human rights law, which recognises the importance of protests, demonstrations, and pickets as a catalyst for social and political change."

In the second half of 2022, anti-government civil unrest and violence associated with the pro-democracy movement, erupted in Eswatini.

Multiple anti-government rallies were held by students, police forces, and labour organisations to demand better working conditions and pro-democracy reforms.

Authorities bolstered security and sent military soldiers in response to the protests, which allegedly resulted in fatalities.

This was the second major political crisis to strike Eswatini in the preceding two years. Multiple waves of protests reportedly resulted in 80 deaths and over 200 injuries between June and October of 2021.

In October 2022, protesters and opposition supporters in Malawi marched in opposition to the rising cost of living and suspected corruption.

Joshua Chisa Mbele, the chairperson of Action Against Impunity, a network of civil rights organisations that organised the demonstration, accused the government of misusing money Malawi received to combat COVID-19, among other alleged infractions.

A protester said that the situation in the country was deteriorating, with food prices becoming too expensive and medication becoming scarce.

CONCLUSION

In August 2022, thousands of South Africans marched towards the office of President Cyril Ramaphosa, seeking price reductions.

Inflation had reached about eight percent, the highest level in 13 years, and around one-third of South Africans were unemployed.

Southern Africa is grappling with a complex political, economic, and social crisis that threatens the exercise of freedom of expression, media freedom, access to information and associated rights.

This crisis is characterised by numerous interrelated factors, including corruption, political repression, economic instability, and social inequality.

We are witnessing an intensifying of crackdown on journalists, human rights activists, leaders of social movements, political activists, and trade unionists who have exposed gross human rights violations, authoritarian tendencies, corruption, lack of service delivery, and social justice issues.

Their attempts to hold national governments and leaders accountable for development, good governance, and respect for human rights and the rule of law have been met with violent force, including physical assaults, arbitrary detention, torture, murders, intelligence monitoring, breaches of cyber laws to shut down the internet, and enforced disappearances.

Elections, including pre-, during-, and post-election phases, have increased restrictions on association and assembly.

This is the treacherous path that the media in Southern Africa is forced to navigate, often finding themselves caught in the crosshairs of power, politics and corruption.⁽²¹⁾

Despite the slow recovery from the devastating impact of COVID-19 on its viability, the media in Southern Africa still faces one of its greatest

challenges: economic viability.

This challenge undoubtedly impacts media freedom and freedom of expression, as limited financial resources, high operational costs, and limited access to information make it difficult for media outlets to provide quality journalism, investigate and report on sensitive issues, and fulfill their role as watchdogs of society.

These factors make the media vulnerable to pressure and intimidation from powerful interests, leading to self-censorship and a lack of critical reporting on sensitive issues.

Despite the challenges, there are also encouraging signs of progress. Civil society organisations, human rights groups, and

independent media outlets are working tirelessly to promote media freedom and access to information.

These groups play a critical role in advocating for policies and laws that protect and promote media freedom, as well as developing the capacity of journalists and media professionals.

The establishments of new multi-stakeholder networks and coalitions, among them the Spaces of Solidarity (SOS) Forum.

The Forum, comprising 21 member institutions, have committed to address the four thematic issues: shrinking civic space, access to information, cyber security regulation and safety of journalists.

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PRESS FREEDOM UNDER SEVERE STRAIN IN SOUTHERN AFRICA



By Hlengiwe Dube

INTRODUCTION

IN Africa, standards on freedom of expression are provided for under Article 9 of the African Charter on Human and Peoples' Rights and elaborated in the African Commission on Human and Peoples' Rights' 2019 Declaration on Principles of Freedom of Expression and Access to Information in Africa.

All constitutions in Southern Africa provide for freedom of expression and some specifically reference freedom of the press.

Countries such as Namibia and South Africa are ranked highly in terms of press freedom in indices such as the World Press Freedom Index.

On the other hand, Eswatini and Zimbabwe are ranked lowly on these indices as the media environment in those contexts is constrained by intimidation and surveillance, among other challenges.

As international human rights standards dictate, permissible restrictions on freedom of expression should be recognised in law, proportionate and necessary in a democratic society.

For instance, in the case of South Africa, the constitutional right to freedom of speech excludes hate speech, and propaganda for war and speech that incites violence.

The status of press freedom in Southern Africa

reveals that some of the approaches in the region are not in conformity with international human rights and standards on press freedom that emphasise the protection of media practitioners; repeal of laws relating to sedition and defamation; protection of sources and whistleblowers.

Some of the evident challenges to press freedom are censorship, harassment of media practitioners, gaps in whistleblower protection, challenges of media sustainability and the plethora of information disorder that is enabled and perpetuated by the internet enabled digital technologies.

Although universal, equitable, affordable, and meaningful access to the internet has not been achieved in Southern Africa, the digital space continues to grow tremendously and the nature of journalism and the media landscape continues to significantly evolve.

Media entities are using social media platforms such as *TikTok*, *YouTube*, *Facebook* and *Twitter* to reach audiences, who have mainly migrated online.

Online content creators in this context have become significant players in the provision of information and public interest news content as legacy media struggle with monetisation and adaptation online.

While media pluralism and diversity have significantly improved in the region, the landscape continues to exhibit both progression and regression as characterised by consolidation and capture of media by the political elite and those connected to authorities and politicians as the media space opens up.

MISA Zimbabwe characterises this development as "plurality without diversity".

This report is a brief highlight of some of the developments in press freedom in 2022 in the Southern African region.

DEVELOPMENTS IN THE LEGAL FRAMEWORK

During the period under review, there were some notable developments in the legal

frameworks that are related to press freedom.

Mozambique's Social Communications Law, provides for the establishment of a body that is mandated to monitor journalists' activities and is also charged with the responsibility to register those that belong to the journalism fraternity.

In Botswana, the Media Practitioners' Association (MPA) Act of 2022 was passed.⁽¹⁾ The Act repeals the Media Practitioners Act of 2008, which provided for the establishment of the Media Council.

It establishes the Media Practitioners Association (MPA) which oversees a system that requires registration of media practitioners, with "the required academic knowledge of, and practical experience in, journalism", affiliated with the Botswana Editor's Forum, the Botswana chapter of the Media Institute of Southern Africa, the Botswana Media Council or the Botswana Media and Allied Workers Union.

A registered practitioner is expected to be a "fit and proper person", who is required to abide by the code of ethics.

A media board is elected by the registered members, which then appoints an ethics and conduct committee.

The role of the committee is to develop the code of ethics and ensure its adherence. There were concerns that Parliament passed the Bill without adequate public scrutiny, which is not the norm in an open democratic society.

Some of the substantive criticisms is that, while it is designed to be an independent body with a mandate to "ensure the maintenance of high professional standards" in journalism and to "promote and protect the freedom and independence of the media", it presents a threat to freedom of expression including press freedom.

It places the government in a position to exert unwarranted control of the media industry, which is a hindrance and a threat to free press.

⁽²⁾ Such influence is likely to make it difficult for journalists and media players to operate in fear of intimidation and eventually self-censor.

Ethics are also critical in the election context. In Lesotho, a reporting pledge was introduced that required journalists to sign up and adhere to professionalism and ethical considerations in the coverage of elections.

According to MISA Lesotho, this initiative "improved the working environment for journalists in the country as they covered the

2022 elections." It seems, it also reduced the complaints against the media as a result of the improved ethical standards.⁽³⁾

CRIMINAL DEFAMATION

Criminalisation of defamation is still common in the region and remains largely an unresolved feature that significantly impacts press freedom.

It continues to feature in most statutes, which is an indication of the limited tolerance to criticism, mainly by the political actors.

In Mozambique, the new law on communications makes it difficult for journalists to criticise the president.

In Botswana, the code of ethics that will be developed in terms of the Media Practitioners' Association Act will include criminalisation of defamation. Most countries have a Penal Code in their statutes that criminalise defamation.

In the Democratic Republic of Congo (DRC), defamation laws are still being notoriously used against dissenting voices, including journalists that are critical of the government and sometimes for national security reasons.⁽⁴⁾

In Zambia, although the constitution expressly provides for freedom of expression, section 69 of the Penal Code unjustifiably limits this right.

It provides that "anyone who brings the name of the president into hatred, ridicule, or contempt or publishes any defaming or insulting matter, commits an offence".

The punishment for the offence was a jail term of up to three years. (This law was repealed in December 2022).

The presence of criminal defamation makes it difficult for journalists to cover issues relating to governance and possibly critical to political actors, although in the public interest.

International standards have progressed and require political actors to exercise a greater degree of tolerance to criticism.

States are also required to review the legal framework and ensure that limitations to free expression are compatible with international human rights standards.

These measures include repealing laws that criminalise sedition, insult and publication of false information and amendment of criminal laws on defamation and libel in favour of civil

sanctions.⁽⁵⁾

PUBLICATION OF FALSE NEWS

The publication of false news in its various forms has become a common feature of the media landscape.

In response, States have adopted legal and other approaches to curb this information disorder. Some of the counterterrorism, cybercrime or computer crime legislations that have been introduced across the region provide for the publication of false information.

In Lesotho, the Cybercrime and Computer Related Crimes Act has provisions that criminalise publication of fake news, with a punishment of a fine or imprisonment. It is critical for journalists to check to ensure the credibility of what they publish.

In addition there has to be a balance between the protection of freedom of expression and stifling the proliferation of false news. Mozambique's law on counter terrorism also criminalises publication of false news related to counterterrorism.

With the vague formulation, it places a wide discretion on State authorities to determine what could be published, which potentially restricts free speech.

Human rights approaches should be adopted to address the information disorder that undermines the quality of news that the public consume from the media.

ARRESTS AND SAFETY OF JOURNALISTS

The safety of journalists is generally not guaranteed even in countries that are ranked poorly in terms of freedom of expression.

In November 2022, the International Press Institute (IPI) identified Zimbabwe as having the largest number of press freedom violations (at least 12) in sub-Saharan Africa.⁽⁶⁾

Some of the identified journalists were subjected to physical assault. In Angola, under the current dispensation of President João Lourenço, there are reports of victimisation of journalists, particularly for criticising the

president. Ultimately, journalists resort to self-censorship to avoid harassment.

In Malawi, the Platform for Investigative Journalism (PIJ), well known for covering stories on corruption, became the target of harassment by law enforcement agents and website hacking⁽⁷⁾.

In March 2022, Gregory Gondwe, an investigative journalist and managing director of the PIJ, was arrested for publishing a story about the country's Attorney General (AG), Thabo Chakaka Nyirenda, focusing on the Anti-Corruption Bureau (ACB).⁽⁸⁾

Their computers and mobile phones were confiscated in addition to being compelled to reveal confidential sources.

The essence of the matter was that the PIJ's story was "based on a leaked legal opinion" of the AG to the ACB. The AG pointed out that:

"While we espouse free speech tenets and rights of the press, it is irresponsible to leak my legal opinion on a sensitive matter like this one. I take great exception and I will be taking legal steps against whoever is involved in this kind of conduct."⁽⁹⁾

There is also a notable growing trend of harassment of female journalists, mainly from members of the public and political figures generally and on online platforms.

The South African case of Karyn Maughan, a journalist, is a classic example. The former president, Jacob Zuma is privately prosecuting Maughan as of October 2022.

In the case, Maughan is accused of disclosing the former president's medical records. The harassment impacts the professional and personal lives of female journalists.

An example of online harassment involves another South African female journalist, Julia Madibogo, whose cell phone number was publicly shared on social media by an influencer, Faith Nketsi, in April 2022 following Madobogo's request for a comment on Nketsi's wedding.⁽¹⁰⁾

In another incident, in a tweet, Maughan was referred to as a "dog" that needs to be kicked harder by Carl Niehaus, a Zuma apologist, in reaction to her comments on the case of the public protector's fitness for office that is under parliamentary enquiry.⁽¹¹⁾

Regarding the protection of female journalists, according to principle 20(6) of the 2019 Declaration of Principles on Freedom of

Expression and Access to Information in Africa, States are called to take specific measures to ensure their safety, including addressing all gender specific concerns that entail harassment, intimidation, sexual and gender based violence.

Harassment of journalists also increases during election times where they are subjected to arrests and physical violence as well as other forms of intimidation.

However, in the case of the October 2022 elections in Lesotho, there was no violence that is characteristic of the country's previous elections.⁽¹²⁾

As per the 2019 Declaration of Principles on Freedom of Expression, access to Information in Africa places an obligation on States to guarantee the safety of journalists and other media practitioners including prevention of attacks, extra-judicial killings, torture and other forms of violence or ill-treatment.⁽¹³⁾

PRESS FREEDOM AND COUNTERING TERRORISM

It is the mandate of the State to ensure national security and adopt the relevant measures to address security challenges such as terrorism.

In Mozambique and Eswatini in particular, this obligation has been overstretched and encroaches into the freedom of expression arena.

In Mozambique's northern region of Cabo Delgado province, several terrorist attacks have been experienced.

The 2022 Law on the Prevention, Suppression and Countering Terrorism and Proliferation of Weapons of Mass Destruction is likely to have a negative impact on press freedom in the country.

Among acts that are punishable under the law is reproduction of statements about terrorism and spreading false information about the conflict in the Cabo Delgado region.⁽¹⁴⁾

The punishment entails a 12-year jail-term. The law also criminalises publication of what is regarded as classified information pertaining to terrorism.

This law is likely to stifle reporting on the insurgency in the public interest. It also has the potential to lead the media to self-censor and scare whistleblowers.

In Eswatini, the democracy movement continues to demand constitutionalism and rule of law. The movement is driven by journalists, other media practitioners and human rights defenders.

While no terrorist attacks have been recorded, the anti-terrorism framework is broadly framed to include dissenting voices demanding the entrenchment of tenets of democracy such as rule of law, judicial independence, respect for human rights such as public participation as enemies of the State and terrorists.

The anti-terrorism mission directly affects journalists. In July 2022, for instance, the government of Eswatini declared journalist and editor Zweli Martin Dlamini, a terrorist and classified his publication, *Swaziland News*, a terrorist entity.⁽¹⁵⁾

In its anti-terrorism agenda, the government devotes resources to go after those labelled as terrorists and their enablers.⁽¹⁶⁾

The anti-terrorism mandate of the State should not be unjustifiably applied in ways that unreasonably limit the right to freedom of expression, including freedom of the press.

Without undermining the veracity of the damage that acts of terror can cause, any measures should be proportionate and respect human rights.



STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION (SLAPP)

The South African Constitutional Court adjudicated on a free speech case in which environmental activists were sued for defamation by a mining company.⁽¹⁷⁾

The activists were sued for R14 million. SLAPPs of this nature, by being exorbitant and time intensive, are being used to undermine efforts to exert accountability and frustrate public dissent and participation. Essentially, SLAPPs have a chilling effect on freedom of expression, including press freedom.

SURVEILLANCE OF JOURNALISTS AND MEDIA PRACTITIONERS

With the proliferation of the use of technology, targeted surveillance of journalists increases. However, the nature and extent of surveillance targeted at journalists in Southern Africa is not well documented and the UN Special Rapporteur on Freedom of Expression and Opinion raised it as a concern across the world.⁽¹⁸⁾

The Mozambique 2022 law on the prevention, suppression and countering terrorism provides for the adoption and installation of electronic surveillance in public and private places as a means of preventing acts of terror.

The legislation places an obligation on telecommunications service providers to contribute to the prevention, repression and combating of terrorism through adoption of measures targeted at their users.

However, while there is clarity on these measures, from a free press perspective these could include mass and targeted surveillance.

This potentially presents a chilling effect on journalists, who are required to guarantee the confidentiality of their sources, particularly when reporting on sensitive stories and in cases where sources prefer to remain anonymous.

Being on the radar of surveillance has implications on the right to privacy, which is an important aspect of free press.

In terms of court decisions, so far the most notable case on surveillance on journalists in Southern Africa is that of the South African Amabhungane Centre for Investigative Journalism v. Minister of Justice and Correctional Services.

It is indicative of the importance of upholding the right to privacy when it comes to the practice of journalism.

The High Court and Constitutional Court concurred that some provisions of the interception of communication law were unconstitutional.⁽¹⁹⁾

The invalidity and unconstitutionality created opportunities for unlawful targeted surveillance on journalists.

Surveillance is a necessary element of governance. However, States should desist from practising mass surveillance in favour of targeted surveillance, which should be conducted within the confines of international human rights law and standards.

The standards entail the presence of independent oversight mechanisms, and a legal framework that allows for surveillance to be authorised through an independent mechanism and employ the relevant safeguards.

WHISTLEBLOWER PROTECTION

Another threat to press freedom is the fragility of whistleblower protection. Most Southern African countries have some form of whistleblower protection frameworks in place.

However, there seems to be implementation gaps that endanger the lives of those who, in good faith, expose wrongdoing such as corruption.

In South Africa, for example, while the contribution of whistleblowers in fighting corruption is widely acknowledged and that whistleblowers are an integral part of press freedom, their protection is not guaranteed.

A legal framework exists, but it has loopholes and the Department of Justice committed to addressing the gaps.

According to Justice and Correctional Services minister, Ronald Lamola, the government is working hard to tighten laws to protect whistleblowers.

The minister emphasised a collaborative effort to ensure that the government and companies implicated by whistleblowers are held accountable.

It is anticipated that the media will be an important partner in the process, particularly in exposing those who victimise citizens, who blow the whistle on corruption and other unethical practices.⁽²⁰⁾

The proposed amendments to the law are envisaged to benefit journalists, who rely on sources that include whistleblowers whose confidentiality and other forms of protection have to be firmly guaranteed in the law and in practice.

Although there are no notable developments in other countries, whistleblower protection is generally weak across the region.

ACCREDITATION OF LOCAL, FOREIGN JOURNALISTS AND MEDIA HOUSES

From an administrative perspective, accreditation of journalists and media houses may be necessary.

It is relevant in managing media work such as accessing events, sources, and other journalistic privileges. It is, in some instances, necessary for professionalism and accountability purposes.

However, the fees that are paid for accreditation should not be prohibitively costly. The Zimbabwe Media Commission (ZMC) set the 2022 accreditation fees for journalists working for local and foreign media houses.

The fees are as follows:

JOURNALISTS

Category	Application	First time accreditation Fee	Renewal Fee	Late renewal Fee
Local journalist		US\$20	US\$15	US\$10
Local journalist working for a foreign media house	US\$50	US\$150	US\$150	
Foreign journalist manning a representative office for a foreign media service		US\$50	US\$300	
Temporary accreditation for foreign journalists	US\$50	US\$150 Productions & projects US\$2 500	US\$50	
Special accreditation	-US\$15 -US\$30 (SADC) -US\$40 (Rest of Africa) -US\$50 (Others)			

MEDIA HOUSES

Category	Application	Registration	Renewal	Late renewal Fee
Mass media service	US\$300	US\$2 000	US\$1 000	US\$500
Community mass media service	US\$200	US\$1 000	US\$800	US\$500
Production and digital platforms	US\$200	US\$1 000	US\$800	US\$500
News agencies	US\$200	US\$1 000	US\$800	US\$500
Foreign mass media service or news agency	US\$500 & US\$1 000 complementary permit administration fee	US\$3 000 (captured as permission to operate)	US\$800	

According to MISA Zimbabwe, the fees were prohibitory, exorbitant and beyond the reach of many".⁽²¹⁾

MISA viewed this as contrary to the "African Commission on Human and Peoples' Rights' position that onerous conditions of accreditation are akin to censorship and endanger the right to receive and impart information".⁽²²⁾

Concerns have also been raised about dual accreditation in Zimbabwe as already accredited journalists are required to be accredited again by Zimbabwe Electoral Commission (ZEC) to cover elections, something deemed bureaucratic and cumbersome with costs being a potential barrier for some journalists.

While there are restrictions for accreditation of foreign journalists, South Africa fares better in this regard and hosts close to 200 journalists from other countries, who report on South Africa and also cover the continent at large.⁽²³⁾

Among other requirements for foreign journalists is a valid work permit. Considering the backlog that the South African Department of Home Affairs is burdened with, it is not clear whether this also affects the accreditation process.

Mozambique, unlike South Africa, does

not easily allow accreditation of foreign journalists.⁽²⁴⁾

CONCLUSION

The report has, in summary, shown that although there are positive developments across the Southern African region, meeting the international standards is still work in progress and in some instances, states are regressing.

There is evidence of a plethora of challenges that hinder the practice of independent journalism and also the continuation of restrictive measures that do not promote press freedom.

Journalists who face intimidation, harassment and other forms of violence, in most instances are confronted with the reality of impunity and diminishing political will to protect media workers.

As a way forward, it is imperative for states in Southern Africa to adopt the necessary practical measures and implement the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa.

The calls on States to create a conducive environment for the exercise of freedom of expression, and ensure protection from

interference both online and offline.

As countries in the region prepare for elections, it is pertinent for media houses to adhere to professional and ethical standards and also for States to create a conducive environment for reporting during elections.

With the harsh economic climate in most countries and the effects of the COVID-19

pandemic, sustainability is a conundrum that continues to confront the media industry.

Efforts should be made to boost funding targeted at the media in order to create more opportunities in the digital environment by enhancing the requisite infrastructure, enhancing digital media skills and adopting the necessary media reforms that promote media freedom.

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ONLINE AND OFFLINE HARASSMENT OF WOMEN JOURNALISTS



By Molly Chimhanda,
Kagure Gacheche
and
Susan Makore

THE digital world holds immense potential to amplify the voices of women, girls, non-binary and marginalised minority groups.

However, the misuse of social media and other digital technologies has given rise to new forms and manifestations of gender-based violence; and exacerbated pre-existing forms of gender-based violence through their scale, speed, and reach.

The implications of this are an ecosystem that is rooted in structural gender inequalities where in most instances the design, access, use and communications are, in some countries, disproportionate.

This often makes gender-based online abuse and harassment reflect and exacerbate offline discrimination and gender disparities.

Online and offline gender-based violence against women journalists continues to be of concern with women journalists continuing to be disproportionately targeted on various platforms online⁽¹⁾ and offline⁽²⁾.

This has become a global issue with far-reaching consequences for the media profession.

Getting women to stay in newsrooms is already difficult as toxic and hostile working environments lead to stress, anxiety, depression, burnout, cynicism, a lack of motivation and feelings of self-doubt on a personal level.

Their leaving the industry has far-reaching implications for gender equality and inclusion as well as freedom of expression and diversity in the media on a wider scale.

The impact of online violence can be personally and professionally devastating for the individual journalists targeted.

They also radiate — affecting their families, sources, colleagues and audiences. Increasingly, online violence is also spilling offline.

A UNESCO-ICFJ survey of nearly 1,000 journalists in late 2020 found that 20% of women, who responded had experienced offline attacks that they believed had originated online⁽³⁾.

For years, various studies have documented

the effects of harassment for women journalists. The most recent, a global study under UNESCO-ICFJ⁽⁴⁾, looks into 16 countries and reveals that there has been “sharp increase in online violence against women journalists and reveals how these attacks are now inextricably bound up with disinformation, intersectional discrimination, and populist politics”.

The revelations based on experiences of various women journalists point to how online harassment is growing and has become a ubiquitous problem faced by women journalists around the world.

It demonstrates the psychological distress and impact of threats and other acts of intimidation on women journalists’ work.

The hard facts from this study, “*The Chilling: Global trends in online violence against women journalists*” were summarised as follows:

- Online attacks have real-life impacts. Not only do they affect mental health and productivity, but physical attacks and legal harassment are increasingly seeded online.
- Misogyny intersects with other forms of discrimination. Women journalists, who are also disadvantaged by racism, homophobia, religious bigotry and other forms of discrimination face additional exposure to online attacks, with worse impacts.
- Gendered online violence intersects with disinformation. While orchestrated disinformation campaigns weaponise misogyny to chill critical reporting, reporting on disinformation can be a trigger for heightened attacks.
- Online attacks against women journalists have political motives. Political actors, extremist networks and partisan media are identified as instigators and amplifiers of online violence against women journalists.
- Social media platforms and news organisations are still struggling to respond effectively. In the context of an increasingly toxic information ecosystem, platforms are seen as major enablers for online violence. When women journalists turn to them or their employers in the midst of an online violence storm, they often fail to receive effective responses and even face victim-blaming behaviour.

Although 73% of women respondents in the UNESCO-ICFJ global survey underpinning this study said they had experienced online violence in the course of their work, only a quarter (25%; n=179) had reported this to their employers.

This indicates that many women journalists, who are frequently structurally disempowered and disadvantaged in newsrooms only escalate the more extreme instances of online violence with their employers.

The reluctance to report and escalate when attacks occur can be linked to systemic failings such as unsympathetic, misogynistic, patriarchal or otherwise hostile workplace cultures, poor leadership, fear stemming from a lack of clear and established reporting procedures, and/or a lack of a formal protocol to deal with the problem.

These findings echo those of similar research done on sexual harassment in the media by WAN-IFRA Women in News in 2020-2021⁽⁵⁾.

The research covered 20 countries in sub-Saharan Africa, the Arab region, Southeast Asia, Central America and Russia.

In Africa, study respondents came from eight countries — 40% of them reported having faced physical or verbal sexual harassment.

Yet, 73% of those affected did not report these attacks. The reasons for remaining silent included a fear of facing negative consequences, a lack of reporting mechanisms, fear of being labelled negatively and the fear of being out of a job.

A lot of the examples in the UNESCO-ICFJ study reveal examples of women being attacked for not only being journalists, but also being women: calling their credibility into question, compromising their personal safety and having facts about their work ethic questioned.

This shows how abuse of online platforms to further agendas (political or otherwise) brings in the complications associated with making social media companies accountable for the actions that occur on their platforms.

While various countries have protection mechanisms in place to provide a relatively quick and easy way for harm to be reduced, including by getting harmful posts or messages taken down or disabled, while at the same time giving people appropriate room for freedom of expression; it is clear that addressing the challenge of online harassment is bigger and requires concerted efforts from various players.

In Zimbabwe, Faith Zaba, editor of the *Zimbabwe Independent*, endured online attacks⁽⁶⁾ after being appointed as editor for that publication in 2019.

While it is regrettable that her appointment was met with resistance and an onslaught of attacks on her person, questions around her competency and innuendos regarding the reasons behind her appointment swirled on social media; it is clear that women can be reduced to misogynistic narratives simply because of their gender.

In her words, Ms Zaba recalls that:

"I was attacked on social media for more than a month. Trolls on Twitter said my rise would result in the collapse of the Zimbabwe Independent. They described my appointment

as the end of independent journalism. They labelled my elevation as state capture ... Sexual innuendo and connotations were thrown at me. They went as low as attacking my children, making some serious allegations about their paternal parentage. ... My 27 years of experience and professionalism were thrown out the window. The fact that I acted as editor on several occasions, sometimes for months at a go, did not matter. They attacked my integrity."

Women in male dominated professions have to endure gender bias and stereotypes that are embedded in "soft wars" that are meant to undermine their ability to conduct their work properly.

The media is regarded as a prism of society and these misguided efforts to underrate and discredit the accomplishments of one of their own could make some well-meaning employers elsewhere think twice before appointing deserving women to top positions for fear of backlash.

The fact that women, who succeed in male domains are disliked, women who work harder and are more qualified are viewed with suspicion, women who promote themselves are less hireable, women who negotiate for higher pay are penalised, and women who express themselves more are given lower status shows that the time to promote a culture where these biases are checked and addressed is way overdue.

We need to learn to celebrate achievements of both men and women equally where they are due. Normalising presenting such accolades offline impacts online stereotypes and biases.

The fact that journalism is deemed unsafe for women is based on elevated misogyny that has seen women journalists being impacted by hate speech, threats of violence and harassment, both online and offline.

It has meant that there is an intergenerational chilling effect and impact on women's political participation.

Witnessing or experiencing gender-based online harassment and abuse can discourage political and other ambitions of adolescent girls and young women journalists and lower their participation in civic and political debate, both online and offline.

Self-censorship becomes prominent as fear of backlash after voicing opinions means women sometimes hold back when online. The sense of "identifiability" experienced online makes users more toxic.

Faith Zaba, editor of the Zimbabwe Independent
PIC CREDIT:
Faith Zaba via Facebook



“As the result of a hostile environment and distinct socialisation patterns”, media researchers Simone Abendschön and Gema García-Albacete concluded that “the online environment imposes additional obstacles to women’s willingness to discuss politics.”

Women’s voices are often ignored and belittled, and a constant stream of harassment, from threats of violence and “doxxing” to image-based sexual abuse and sexualised disinformation, has inhibited women’s voices.

Acts of harassment that take place online also often have consequences for women; they experience physical danger and threats of rape and death in some instances.

We, therefore, have to continuously question what happens to our societies when abuse stifles the voices of already underrepresented women who work in the media.

Harassment impacts on journalistic passion, which is the motivation that gets people into the business.

It has been observed that in many countries, women are excluded from top editor and manager positions.

A WAN-IFRA Women in News report⁽⁷⁾ into who holds top leadership positions in 192 media organisations across 17 countries found glaring gaps in gender representation.

On average, women hold only 10% of business lead positions (as CEOs or managing directors) and only 31% of editorial leads (such as editor-in-chief).

This means that issues that affect women journalists such as misogynistic online

violence, may be less likely to be prioritised at a decision-making level because their voices are underrepresented at the table.

This could also affect the understanding that women journalists face specific challenges when it comes to gender-based violence.

Creating a safe media environment, along with an end to impunity for crimes committed against journalists, is essential if society is to continue to receive reliable information produced by media professionals.

Journalists need to be able to do their jobs without fear or intimidation. This means paying attention to the risks that exist online and offline, and addressing them.

Removing one of the biggest barriers to understanding the level of risk is the fact that journalists do not report abuse.

Professional media organisations need to pay greater attention to emerging risks to journalists’ safety by committing to setting up departments that receive reports of offline and online harassment, and advocate for legal action.

One of the gaps identified in research on journalists’ harassment is a lack of adequate reporting mechanisms.

Professional platforms have an opportunity to address this gap. And because there is strength in numbers, they are more likely to get the attention of the industry and government stakeholders to advocate for change.

Professional organisations can also create safe spaces that bring a variety of voices to the table, and provide channels to identify repeat harassers and stop them.

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■ ONLINE AND OFFLINE HARASSMENT OF WOMEN JOURNALISTS

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COUNTRY REPORTS

■ ANGOLA: RESTRICTIVE ENVIRONMENT HINDERS MEDIA FREEDOM



By Dércio Tsandzana

INTRODUCTION

THE scarce information coming out of Angola is a strong indicator of the current landscape, which is tainted by government censorship and repression.

This suppression is reinforced through severe actions by state security forces, arbitrary detentions, a restrictive legal and policy framework and restrictions to the rights to freedom of expression and peaceful assembly.⁽¹⁾

This was most apparent in the lead up to the elections with a crackdown on protests throughout the year, repression of political dissent, intimidation, arbitrary detentions as well verbal and physical attacks on the media.⁽²⁾

In one significant incident, Ludmila Pinto, the wife of broadcaster and opposition politician Claudio Pinto, was brutally assaulted and threatened.⁽³⁾

RSF REPORTERS WITHOUT BORDERS

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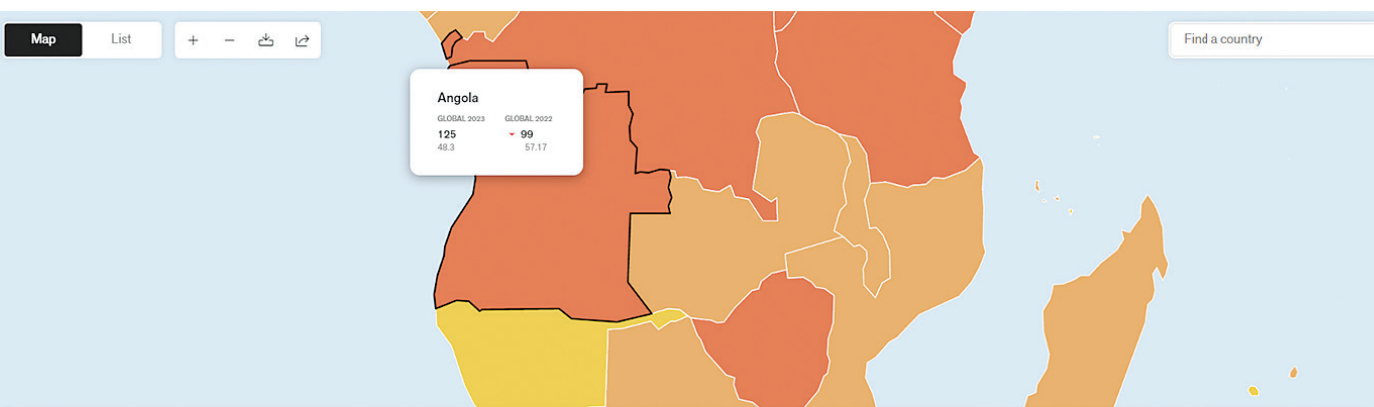
2023

Global score

Analysis 2023

Methodology

BAROMETER



AFRICA

Angola

The installation of a new president, João Lourenço, in September 2017 ended four decades of rule by the dos Santos family, but it did not mark a turning point for press freedom. Censorship and control of information still weigh heavily on Angolan journalists.

[See country fact-file](#)

INDEX 2023		INDEX 2022	
125 / 180	Score : 48.3	99 / 180	Score : 57.17
POLITICAL INDICATOR	137 / 43.57	POLITICAL INDICATOR	100 / 52.83
ECONOMIC INDICATOR	163 / 31.79	ECONOMIC INDICATOR	127 / 35.03
LEGISLATIVE INDICATOR	125 / 51.21	LEGISLATIVE INDICATOR	106 / 61.11
SOCIAL INDICATOR	126 / 54.71	SOCIAL INDICATOR	75 / 73.00
SECURITY INDICATOR	104 / 60.20	SECURITY INDICATOR	97 / 63.87

Freedom of expression and media freedom are provided for in Angola's constitution. In addition, online rights are protected through the 2011 Law on Electronic Communications and Information Company Services.

In January 2017, the then President Eduardo dos Santos passed the Press Law and also assented to the Pacote legislativo da comunicação social — the Television Law, Broadcast Law, Journalists Code of Conduct, and statutes for the establishment of the Angolan Regulatory Body for Social Communication — a body responsible for regulating social media content.

The shortcomings of the Press Law is that it defines certain conduct as "criminal" in unclear and sweeping terms and establishes excessive penalties for those crimes, including defamation.

It also includes provisions that may result in excessive limitations on press freedom; and it provides for the establishment of licensing procedures for private TV and radio broadcasters that are largely subject to the discretion of governmental bodies.

LEGAL AND REGULATORY FRAMEWORKS

While Angola's constitution and legal framework provide for media freedom and freedom of expression, the array of legislation

regulating the media impedes these rights.

Hanging as a threat over the media sector is a bundle of five laws passed by parliament in 2016 referred to as the Social Communication Legislative package — which directly impact on the media.⁽⁴⁾

Former President dos Santos also passed the Press Law, which inhibits the work of the media, criminalises defamation and most importantly limits freedom of expression.

Recommendations that have been brought forward during Angola's UPR process are that it must:

- ❖ Repeal criminal defamation laws
- ❖ Amend Act No. 1 of 2017 to remove mandatory registration of journalists
- ❖ Repeal the offence of sedition
- ❖ Remove criminal liability for the spread of false news

Angola was applauded for being one of the first African countries to pass access to information legislation in the form Law 11/02 of 16 August 2002 on access to documents held by public authorities.

The major drawback is that the government has not done enough to implement the legislation. If anything, government bodies are seemingly protected from disclosing information, especially around state security.

Recommendations made to the government



to pave the way for concrete implementation of this law include:

- ❖ Collaboration with civil society to develop and implement a comprehensive Freedom of Information action implementation programme with clear actions, time frames and resources to advance the right to information in the country

- ❖ Setting up the Freedom of Information Monitoring Commission provided for under the current Freedom of Information Act

- ❖ Amend the Freedom of Information Act to bring it in line with regional and international standards

SAFETY OF JOURNALISTS

The Angolan government has a history of harassing and suppressing journalists, who report on sensitive topics, including elections.

This creates a climate of fear and discourages journalists from reporting on political issues, leading to a lack of independent and critical reporting on elections as was the case during the 2022 polls.

Furthermore, the low level of digital literacy and access to technology among the population also limit the ability of the media to effectively reach and inform citizens during elections.

This exacerbates the challenges posed by the limited media freedom and lack of diversity in the media landscape.

MEDIA PLURALISM AND DIVERSITY

The lack of diversity in the media landscape is visibly apparent. Angolans experience a limited range of sources of information, with state media dominating the terrain.

Public/state radio still maintains a monopoly over shortwave, with only one station covering more than 90 percent of the territory in 12 of the many existing languages.

Of the 120 radio stations in the country, only 20 are privately owned and only two — *Rádio Ecclesia*, linked to the Catholic Church, and *Rádio MFM* — are regarded as independent.

When President João Lourenço was first elected in 2017, he was initially more accessible than

his predecessor, but in ensuing years, he has adopted a firmer approach in his engagement with the media.

Only five media outlets are invited to his press conferences and each is limited to two questions, with no follow-up.

MEDIA INDEPENDENCE

The concentration of ownership is the most critical limitation Angola's media sector has to contend with.

The lack of diverse political, cultural and social points of views, largely results from the fact that the media is state-dominated or it represents the interests of the politically powerful.

This has resulted in partisan reporting and a great deal of censorship. This partisan approach to reporting was in evidence during the presidential and general elections of August 2022, with state media being accused of violating rules of impartiality, balance, and transparency.

Journalists striving to uphold professional standards or attempting to report objectively, often find themselves under attack.

Journalists working on investigative stories bear the brunt of these confrontations — in the form of threats, assaults or arrests and more specifically lawfare, also known as the use of legal systems and institutions to damage or delegitimise an opponent, or to deter individual's usage of their legal rights.

President Lourenço, expressed his support for media practitioners following a march organised by the Union of Angolan Journalists (SJA) on 17 December, 2022, to protest attacks against professional journalists.

INTERNET ACCESS AND AFFORDABILITY

Angola is strategically positioned for digital growth, as it has submarine cables, which bring fast and good quality internet.

However, the internet is only accessed by around 27 percent of the population, with the main hurdle being the cost of data, which is expensive when compared regionally and internationally.

Most citizens access the internet through their

Angola
President
Joaõ
Lourenço



mobile devices, with cities being more favoured by internet providers compared to rural areas, due to viable consumer populations and better infrastructure such as roads and electricity.

Angola has five internet service providers and three Pay TV providers, and speed and quality are reasonable in Luanda and the main cities.

However, the country's poor and failing internet infrastructure outside the main city centres, continues to hinder users' ability to access the internet consistently and without disruption.

The government, through its promoted project Angola Online22 and the private sector have made a concerted effort to establish free wireless hotspots as internet access remains prohibitively expensive for many people, especially in rural areas.⁽⁵⁾

Moreover, connectivity charges are still high in relation to the minimum and average national wage.

Increasing accessibility is crucial as the use of social media and other online platforms to disseminate information and bypass government censorship has been steadily increasing.

These platforms have provided a space for citizens to express their opinions and share information freely.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

The details required for Angola's compulsory SIM card registration process – citizens are required to provide an identity card or driver's licence and tax card.

Visitors have to produce a passport with a valid visa, this is both prohibitive and limiting. Such preconditions may not be easy for those without official documents (migrants), which may mean exclusion from the process.

SIM cards must be registered directly with INACOM, the ICT regulator that operates under government oversight.

While Angola has not been flagged for snooping on its citizens, it is one of the states reported to have bought the infamous Pegasus software in 2020, which stems from the good relations Angola's ruling party has with Israel.

Angola's restrictive laws, which make it criminal to insult the president or spreading "fake news" also apply online.

Outside general technical disruptions, Angola has not recorded politically motivated internet shutdowns.

As Nigerian based Paradigm Initiative reports, Angola is a country that has a relatively fair digital rights record and the Law on Electronic Communications and Information Company Services, adopted in 2011, provides for citizens' rights to privacy and security online.⁽⁶⁾

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■ BOTSWANA: FREEDOM OF EXPRESSION FACES HEADWINDS



By Queen Mosarwe

INTRODUCTION

BOTSWANA'S long held reputation as the region's most politically and economically stable country has taken a bit of a knock.

The country has experienced a decline in media freedom with the government further tightening its grip on the media.

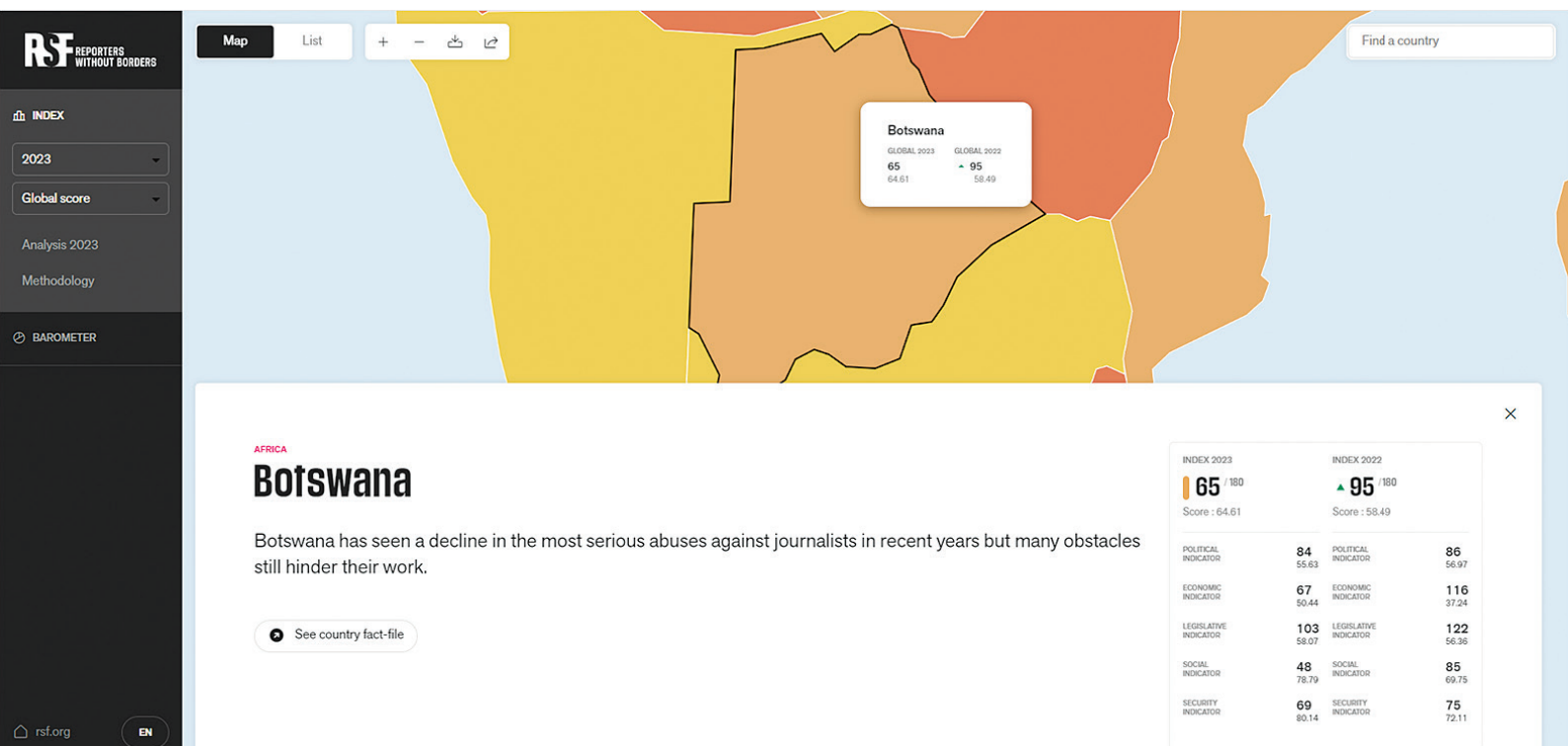
The rivalry between incumbent President

Mokgweetsi Masisi and his predecessor Ian Khama is just one of the reasons Botswana's reputation is taking a knock.

Initially downplayed by President Masisi and his government, the Council on Foreign Relations points out that this feud "persists in generating distracting headlines" and "the spectacle is depressing and pulls focus from the important issues the country needs to address to build on its decades of development successes."⁽¹⁾

As Botswana's privately-owned online platform, INK Centre for Investigative Journalism aptly described it: "The night that former president of Botswana, Ian Khama, escaped under the cover of darkness into neighbouring South Africa, marked a loss of innocence in Botswana's usually stable, harmless politics. Tensions between Khama and his handpicked successor, current President Mokgweetsi Masisi, have spilled out into the open. It threatens to inflame tribal malaise and destabilise a country once known for its sparkling diamonds and thriving economy."⁽²⁾

At the centre of this hostility is the role and authority asserted by Botswana's domestic spy agency — the Directorate on Intelligence and Security Services (DISS).



DISS was established under Khama's leadership with loosely defined powers and directly answerable to him and was allowed wide-ranging powers to arrest, seize and detain without warrant; all of which was legitimised through the Intelligence and Security Services Act of 2007.

The initial optimism that the media freedom landscape would improve after Masisi became president in 2018 has been diminished by the continuing legacy of DISS in threatening and harassing journalists under his leadership.

While there is no doubt that the climate of fear under Khama was far more pronounced, this succeeding administration's reaction to certain situations require close monitoring as the potential for the government to abuse its authority is a lurking threat.

According to the 2022 Freedom House report, Botswana maintained its 2021 ranking of 72 out of 100 countries on the Global Freedom Score, but it pointed out that media freedom remained under threat.⁽³⁾

Botswana authorities are said to be routinely using digital forensics technology to spy on

journalists, including those who are detained.

The country's media landscape, especially the broadcasting sector, is still dominated by State-run media outlets who exhibit pro-government bias.

An International Press Institute (IPI) fact-finding mission during the period under review concluded that the public media served as the ruling Botswana Democratic Party (BDP) mouthpiece to the exclusion of other voices.⁽⁴⁾

LEGAL AND REGULATORY FRAMEWORKS

An intervention by the regional chapter of the Media Institute of Southern Africa over the highly contentious Criminal Procedure and Evidence (Controlled Investigations) Act contributed to the Botswana government's decision to remove some contentious clauses.

In their interaction with government officials and other stakeholders, MISA highlighted worrying aspects of the bill, which included

Botswana President
Mokgweetsi Masisi



the right to warrantless communications interception and surveillance.

MISA also pointed out that the inclusion of the contentious clauses would have a chilling effect on the ability of the media to conduct its work as well as on the right of all persons to privacy and it would also damage the good reputation Botswana has as a stable and democratic country.⁽⁵⁾

This reputation can be preserved through Article 12 of Botswana's Constitution, which guarantees freedom of expression.

In practice, however, a culture of fear thrived under former President Khama, to an extent that it cultivated an atmosphere of mistrust and trepidation, alongside inherent self-censorship. While the situation has eased considerably under current President Masisi, there are several laws that restrict freedom of expression.

These laws, which remain in Botswana's statutes and target the media, have been described by critics as unconstitutional because they give the authorities discretionary powers to impose penalties on critics.

Media freedom campaigners such as MISA Botswana believe a long-term solution would be the enactment of laws that promote transparency, accountability, and independence in the media industry.

One such deficiency is the lack of an access to information law and advocates have emphasised that the adoption of such a law will facilitate a culture of transparency and openness in Botswana's government institutions.

During their meeting with the International Press Institute delegation, the government confirmed that it is looking into passing freedom of information legislation before Botswana's 2024 general election.

It is hoped that the process will be inclusive and consultations will include all stakeholders to ensure that it can be effectively implemented and reflects established and universally accepted access to information standards.

Of notable significance, during the period under review, was the government's decision to repeal the contentious Media Practitioners Act and replace it with the Media Practitioners Association Act, which has been described as a threat to the freedom of the media as well as its independence.

While it is being passed as a measure to shape and maintain high professional standards in

journalism, it seeks to regulate the media.

The law establishes a statutory media board, which will regulate journalists' conduct and introduce a register of journalists and media enterprises in the country.

Although the government will not be involved in the accreditation process, the mechanism being instituted can be manipulated by the government.

"The Act reinforces Botswana criminal defamation laws by insisting these must be incorporated into the new code of ethics" reports the *Daily Maverick*.⁽⁶⁾

MEDIA PLURALISM AND DIVERSITY

With a population of 2.5 million people, Botswana's media sector grapples with viability and sustainability issues.

This is exacerbated by the fact that the government is the largest advertiser in this limited market and so advertising has been weaponised.

With no criteria directing how the government distributes advertising, the authorities use this money "to reward friendly coverage and punish critical reporting".

There is little linguistic diversity and almost all print media is exclusively in English; except the state-owned *Daily News*, which publishes some of its content in Setswana.

Radio and television are the two mediums that offer content in vernacular languages.

What is of concern is the numerous lawsuits being initiated against journalists and media outlets.

These strategic lawsuits against public participation are meant to tie up media outlets in a costly exercise, stifling critical voices and encouraging self-censorship.

It also has a psychologically damaging impact on the journalists in question and the management team as it has the potential to financially cripple an outlet and force its closure.

Strategic lawsuits against public participation (SLAPPs) have a detrimental impact on media diversity and media independence.

MEDIA INDEPENDENCE

The Botswana Democratic Party has been in power since 1966 and so their hold over state media is strong. Editorial independence within government media institutions is non-existent.

“The party’s influence over the country’s democratic institutions is extensive and the media sector is no exception. State media in Botswana — which are the principal source of news for many people in the country, especially in rural areas — largely operate as mouthpieces for the party. And the BDP has outsized influence over the media market through its instrumentalisation of publicly funded advertising” reports IPI.⁽⁷⁾

There have been calls for urgent reforms to ensure that the state media operates freely from government and political interference.

Similarly, due to the polarised media environment, privately-owned media are bound to take an opposition approach, which may compromise independence and fairness of the media.

INTERNET ACCESS AND AFFORDABILITY

Botswana is a large territory with a low

population density, which makes provision of communications services, particularly to rural areas expensive.

About 70 percent of mobile internet prices are attributable to the extensive rollout of 3G and 4G rural coverage base stations.

According to Datareportal, there were 1,48 million internet users in Botswana. The country’s internet penetration rate stood at 61 percent of the total population in 2022.

Such a high penetration rate has given rise to new online media platforms and content creators who offer alternative narratives to public media, which are under the firm control of the presidency.⁽⁸⁾

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

Botswana is one of the countries in the region that has been categorically identified as having purchased surveillance technology.

Police and intelligence agencies routinely seize reporters’ equipment — including mobile phones, cameras, and laptops — without any legal basis nor a warrant.

The government also routinely uses digital

Journalist Tsaone Basimanebotlhe



forensics technology to spy on journalists, including those who are detained.

Several journalists, who have been arrested in the past, have had their phones hacked by security agencies.

In one bizarre incident, police had a warrant to collect political journalist Tsaone Basimanebotlhe's cell phone, over an article she did not even author.

She was then forced to provide her password and her phone was reported to have been analysed by Cellbrite system.

In 2022, *Moeladilotlhoko News Boiler* director Tshupo Sethibe was arrested by police who took his laptops and cellphones including passwords to access his devices.⁽⁹⁾

In 2018 Botswana passed the Data Protection Act and the Cyber Crimes and Cybersecurity Act. Both were passed using international standards, which guarantee rights and freedoms.

However, the Criminal Procedure and Evidence (Controlled Investigations) Bill allows interception of communications with judicial oversight.

GENDER AND THE MEDIA

Despite Botswana once being lauded for having the only woman owned media outlet in the region, the sector largely remains a male dominated industry.

Culture plays an integral role in the way in

which the media covers issues and introduces subjects.

Men's voices are more pronounced both as subjects and as sources and their opinions are highly regarded.

Women tend to voice their opinion more strongly on radio especially on call in programmes. Yet it is still men who are dominant despite the fact that radio stations are targeting female listenership.

The Voice and *The Monitor* are the only two mainstream newspapers that have women at the helm.

A noteworthy development is the establishment of the online news platform, *The Argus Online* which is run by three women journalists.

Although Botswana had no reported cases of sexual harassment of female journalists in 2022, the World Association of News Publishers (WAN-IFRA) says failure to report and manage sexual harassment continues to harm African media.

An eight country (including Botswana) study carried out by the organisation revealed that nearly one in two women have been sexually harassed at work along with one in five men and about two in five of gender non-confirming individuals.⁽¹⁰⁾

The research exposed lack of trust in organisations, complete failure of management and lack of systems that effectively deal with sexual harassment, which means that abused female journalists in Botswana could be suffering in silence.

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■ ESWATINI: TENSIONS, SELF-CENSORSHIP RIFE IN MEDIA LANDSCAPE



By Mancoba Mabuza

INTRODUCTION

YEARS of autocratic rule and repression under the leadership of King Mswati III came to a head over the last few years.

Despite being brutally quelled, periodic protests persist in Eswatini. The high level of intolerance against any form of criticism

is enduring and the murder of Swati human rights lawyer Thulani Maseko in January 2023, is indicative of the risk that human rights defenders, activists and outspoken opponents of King Mswati III and his government, face on a daily basis.

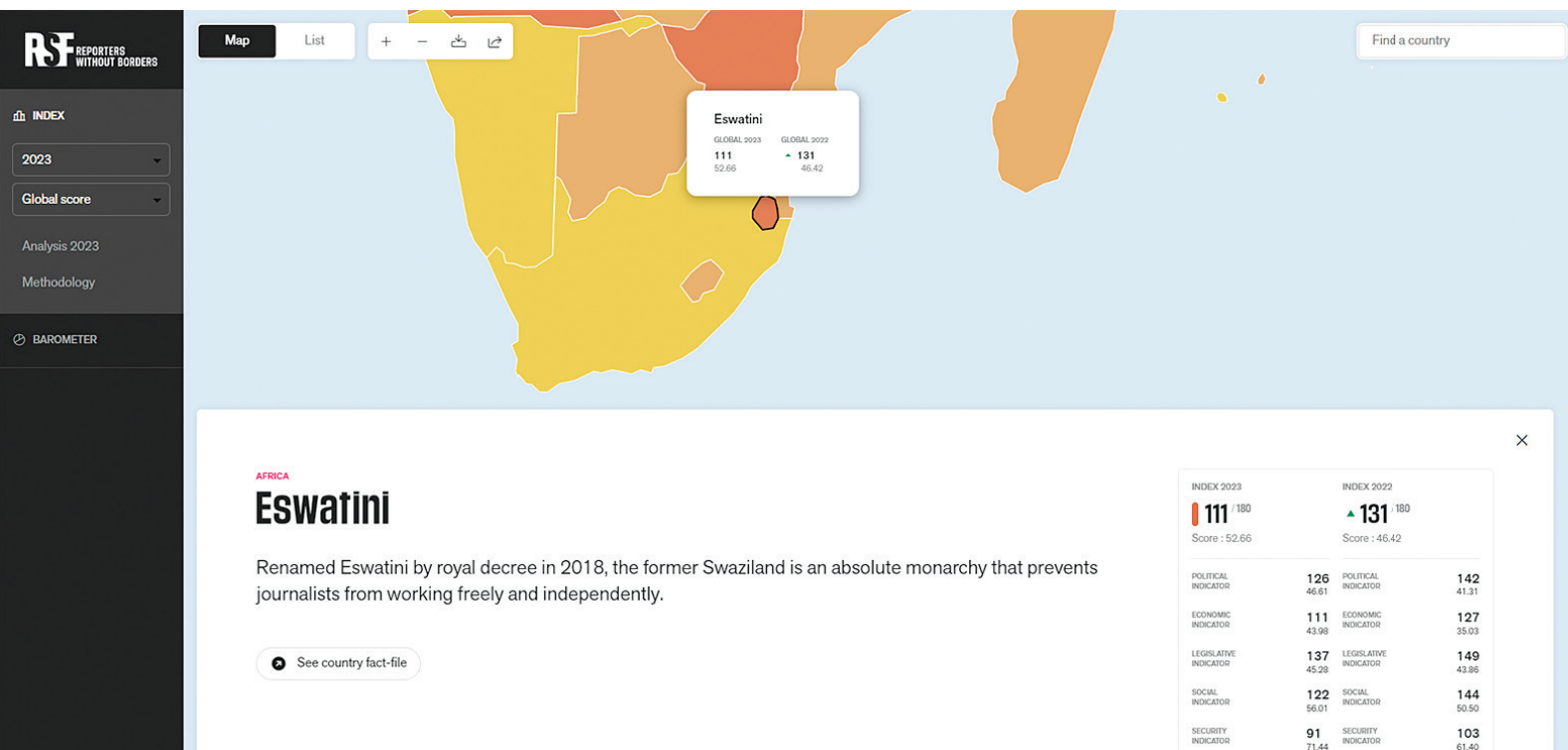
Press freedom and freedom of expression are cripplingly constrained and the safety of journalists is wantonly disregarded.⁽¹⁾

Tensions have remained high since the wave of protests began in 2021 and the situation continues to deteriorate as Eswatini prepares for scheduled elections in September this year.

Police brutality is common and the excessive use of violence against protestors is meant to intimidate citizens into silence.

Impunity is widespread because the government does not investigate, prosecute, or administratively punish officials, who commit human rights abuses.

There was strong pushback from citizens with dissenting voices becoming stronger and intermittent demonstrations growing in volume and becoming more pronounced.



LEGAL AND REGULATORY FRAMEWORKS

Citizens and journalists find it difficult to assert their rights to freedom of expression and this fear is largely driven by the constrictive legislative framework that governs the country.

This is because Eswatini has approximately 32 laws that restrict freedom of expression and media freedom.

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

Eight years after the notion that Civicus and Lawyers for Human Rights made in their submission to the Universal Periodic Review process stating that the SSA Act “has been used to target human rights defenders and activists who call for democratic reforms and are critical of the excesses of the Swazi regime,” still holds true.⁽²⁾

In the same way, the STA has been described

as leading to violations of the rights of freedom of expression, association and assembly.

This was proved by Eswatini Prime Minister Cleopas Dlamini’s declaration in June 2022 that journalist Zweli Martin Dlamini and his publication, *Swaziland News* were “specified entities” that “knowingly facilitate the commission of terrorist acts” under the STA.

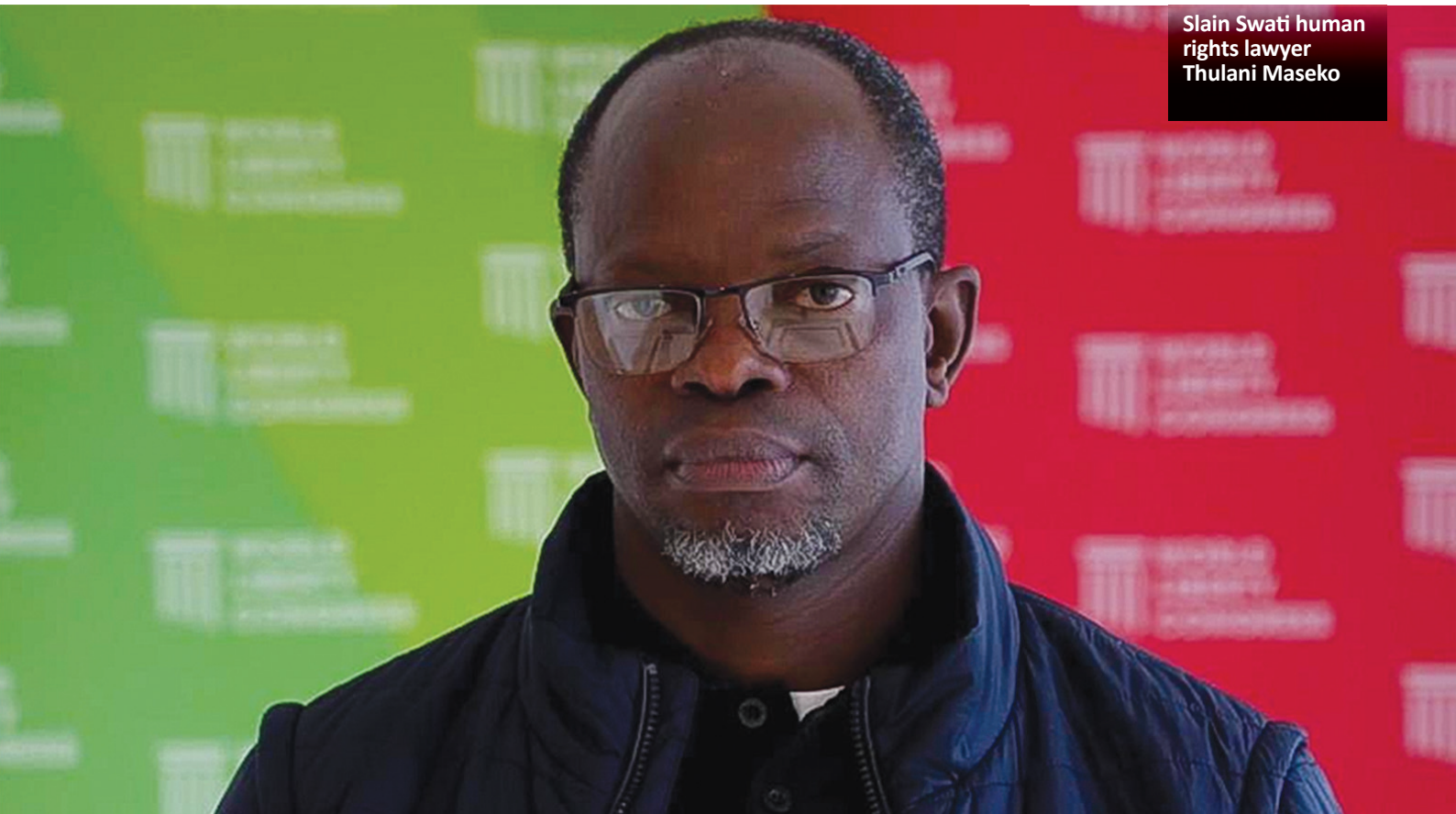
Along with criminal defamation laws that are used to punish the media for investigative reporting, there are also traditional laws and rules that restrict media practice.

As pointed out in the African Media Barometer report of 2018: “as a journalist, you can’t take a picture of the king’s car, or the king’s wives as they exit the car.”⁽³⁾

MEDIA PLURALISM AND DIVERSITY

The state domination of the media landscape is demonstrated by its total control over the broadcast media, including the only privately-owned TV channel, *Channel Yemaswati*.

The privately-owned *Times of Eswatini* and the *Eswatini Observer* are owned by the royal



Slain Swati human rights lawyer Thulani Maseko

family through the Tibiyo Taka Ngwane Trust.

With the strong control over the broadcasting sector, there is no room for adverse reporting on the monarchy or any of its family members.

Even in the run-up to elections, it is doubtful that the opposition will be able to fully participate in airing their views on state controlled radio or television.

Even the entry of a new player, the Rubicon Africa Media Group, which publishes the *Eswatini Financial Times*, *Eswatini Daily News* and *Eswatini Sunday News* is viewed with suspicion.

Based on the stories carried by the publications, there is speculation that those behind the financing are linked to the royal family.

MEDIA INDEPENDENCE

The fact that freedom of expression is so highly constrained makes it challenging for the media to assert their right to report objectively or fairly on the diversity of issues in the country.

The independence of the media is inherently inhibited by cultural norms, which do not encourage the challenging of those in power and obstructive laws, which are used as weapons against critical media and journalists focusing on investigative reporting.

All this, along with the persistent threat of physical attacks has resulted in self-censorship, which ultimately impacts on media reporting with a measure of independence.

Over the years both *The Nation* and *Swaziland News* have paid the price for their critical reporting.

As mentioned earlier, just last year, *Swaziland News* and editor Zweli Martin Dlamini's extensive coverage of the country's pro-democracy movement led them to being declared specified entities under the STA.

As the Southern African Litigation Centre pointed out "such legislation [STA] has proved a helpful cover for authoritarian States to target those critical of the State under the guise of dealing with terrorism".⁽⁴⁾

SAFETY OF JOURNALISTS

Several journalists faced questioning, detention, or other forms of violations for their

reporting or their own political activity during 2020 and 2021.

Numerous journalists fled the country in 2020 after being detained and physically assaulted by police for doing their work.

Reporters Without Borders, in its 2022 World Press Freedom Index, ranked Eswatini 131 out of 180 countries, stating that the country prevents journalists from working freely and independently by maintaining total control over the broadcast media, infiltrating newsrooms, and spying on, arresting and harassing journalists.⁽⁵⁾

Swaziland News, an online publication that is critical of the government, was banned and, together with its editor Zweli Martin Dlamini, declared "terrorist entities" in 2022.⁽⁶⁾

The Human Rights Watch Report for 2022 states: "In July, Prime Minister Cleopas Sipho Dlamini published an order declaring South African based online publication, *Swaziland News*, and its editor, Dlamini, 'terrorist entities'. He made the order on the recommendation of the Attorney General, Sifiso Khumalo, who accused Dlamini of publishing articles 'that instigate violence, the burning of public and state property, the seizure of state power and the overthrow of a lawful government'."⁽⁷⁾

INTERNET ACCESS AND AFFORDABILITY

The Kingdom of Eswatini is ranked as one of the poorest countries in the Southern African region, and it has a tainted human rights record.

Both these factors have a heavy bearing on internet access and affordability for one of Africa's two remaining absolute monarchs.

While internet penetration is good at 58 percent, only 19 percent of the population has access to the internet, as the majority are in rural areas and earn low incomes. The internet is still widely accessed by those in urban areas.

SURVEILLANCE AND PRIVACY OF INFORMATION

In 2022, the kingdom passed two laws, which deal with digital rights and protection of privacy – Computer Crime and Cyber Crime Act and the Data Protection Act.

Both laws were passed after the 2021 political unrest that had gripped the country. These laws are believed to have been created to counter opposition groups mobilising on Facebook.

The cyber law was criticised for having loopholes which could be used to persecute critics instead of its official application of protecting citizens from cybercrime.

The Data Protection Act is generally in line with international best practices, but as a fairly new law, time will tell if the necessary laid out procedures are followed.

In terms of surveillance, the state uses its security agencies to spy on critics, without any checks and balances.

Mobile service providers are at the mercy of the state and are compelled to implement internet shutdowns once instructed, there could be a possibility that the kingdom also compels them to share information about subscribers. Eswatini last implemented an internet shutdown during pro-democracy protests in 2021.

GENDER AND THE MEDIA

Culture plays a strong role in the way women

are treated and reported on since societal expectations are that they play a differential role.

Sexism and gender violence against women and children are rampant and can be regarded as an inevitable outcome of a deeply patriarchal and sexist society, rooted in structural violence against the most vulnerable in society in general.

Power relations between men and women are highly unequal. The condition of women also finds expression in the media space.

Inasmuch as the editorial face of certain publications has women, the structural fact is that the patterns of ownership and influence have not shifted from men who preside over the Eswatini media, in real terms.

For instance, none of the publications, including online, are owned by a woman, from the print publications such as *Times of Eswatini* and *Eswatini Observer*, to the online publications.

However, credit must be given to the Eswatini media in general for reporting about gender-based violence (GBV) issues, to the point that there is a huge public debate as to whether or not the government should declare GBV a national disaster.⁽⁸⁾

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■ LESOTHO: CHANGE BRINGS HOPE



By Maleshoane Ratsebe

New contenders entered the scene while former dominating challengers — namely Motsoahae Thomas Thabane of the All Basotho Convention and Pakalitha Mosisili of the Democratic Congress — were absent.

The concerns that swayed citizens and scored the Revolution for Prosperity party a victory, centered on governance and fiscal prosperity.

It has been predicted that for this transformative process to translate into a less erratic future, there is need for the new leadership to focus on critical issues curbing corruption, fostering economic prosperity and looking at much needed fundamental reforms to the structure of government.⁽²⁾

INTRODUCTION

LESOTHO'S October 2022 parliamentary elections seemingly closed the chapter on political volatility and promised to introduce change that looks as though it will pave a way for a more stable political landscape.

After years of a politically charged atmosphere, this election heralded a new era, where the focus was on issues rather than personalities.⁽¹⁾

LEGAL AND REGULATORY FRAMEWORK

The promising signs that Lesotho's legislative framework was poised for change was when all the major parties in Parliament signed a pledge in May 2022 to pass the Omnibus Constitutional Bill by the end of June.

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Lesotho

GLOBAL 2023: 67 / 180 (Score: 64.29)
 GLOBAL 2022: 88 / 180 (Score: 59.39)

AFRICA

Lesotho

Press freedom is fragile in Lesotho. Abuses against journalists are not uncommon and the media lack independence.

[See country fact-file](#)

INDEX 2023		INDEX 2022	
67 / 180	Score : 64.29	88 / 180	Score : 59.39
POLITICAL INDICATOR: 51 (64.38)	ECONOMIC INDICATOR: 104 (44.85)	POLITICAL INDICATOR: 85 (57.37)	ECONOMIC INDICATOR: 102 (40.14)
LEGISLATIVE INDICATOR: 112 (55.97)	SOCIAL INDICATOR: 76 (68.47)	LEGISLATIVE INDICATOR: 119 (57.31)	SOCIAL INDICATOR: 72 (74.00)
SECURITY INDICATOR: 30 (87.78)		SECURITY INDICATOR: 88 (68.11)	

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However, this process was impeded, when, in preparation for elections, parliament was dissolved before the bill could be passed into law.⁽³⁾

In the post-election period, there is an expectation that Lesotho's incoming leadership will continue to engage with the dogging issues of floor crossing, coalitions and formation of governments.

As suggested in *The Conversation*: "After the elections the new parliament must pass a new reforms law. Such a law ... must carefully delineate the role of stakeholders such as government, other political players, civil society, experts, and, much more importantly, the public."

This reform process should also deliberate on removing limitations to freedom of expression while ensuring media freedom, access to information and the right to privacy become fundamental rights.

Limitations to freedom of expression are on the grounds of security, public health and morality — and so this broad definition allows for the imposition of unwarranted restrictions.

In practice, Lesotho has a weak framework to ensure human rights are protected in line with international standards, as it is yet to appoint a Human Rights Commission in 30 years.

MEDIA PLURALISM AND DIVERSITY

Despite a constitutional amendment, which seeks to ensure "the regulation of access to information held by the state, state organs, private entities or civil society in order to realise the right", the absence of a solid access to information law compromises media pluralism and diversity.

This diversity of content is further compromised by the spate of attacks on the media in recent years. High levels of self-censorship and instances of corruption further hamper diversity of news.

The tendency to focus on political leadership and powerful figures has resulted in community news and social justice issues being sidelined.

Lesotho's modest economy is unable to support a daily paper and this also points to the fact that the country's revenue structures and streams are largely dependent on neighbouring South

Africa, which in turn influences the way in which news is sourced, packaged and disseminated.

MEDIA INDEPENDENCE

Advertising plays a huge role in self-censorship among journalists in Lesotho. With 80 percent of advertising revenue coming from the government, media outlets and journalists are unwilling to cause offence by holding the government accountable in any form or manner.

The corporate sector holds the same sway and so the media overlook any instances of malfeasance and wrong doing by large companies who use the withdrawal of advertising revenue as a threat. This has significantly impacted on the independence and professionalism of the media.

During an African Media Barometer workshop, which included media practitioners, civil society members pointed out the general bias in reporting in the country, especially in the state-controlled media which tends to focus "solely on ministers and other government officials".

This partisan reporting is also evident in privately owned media as many journalists tend to focus on cultivating relationships with the powerful and elite, resulting in a propensity to overlook corruption.

However, through the vigorous advocacy efforts made by MISA, an attempt was made to restore trust in the media through an election reporting pledge committing to professional and ethical journalism.

The pledge, which was signed by journalists in the country, ahead of the elections, is also thought to have contributed to reduced tension between the media and state security agents and political activists.

SAFETY OF JOURNALISTS

Violence, threats, arbitrary arrests, intimidations and harassment of journalists by political activists and state security agents during the election cycles of the previous years have been omnipresent in Lesotho's body politic.⁽⁴⁾

However, the 2022 general elections bucked the trend, with no reports of any media violations. This is testament to the advocacy work that was done by organisations such as MISA Lesotho and UNESCO ahead of the elections. In 2022,

Nthomeng Majara's election as the first woman deputy prime minister in Lesotho in November 2022 raised hope for women in the country to hold top posts



Lesotho did not record any media violations.

Well ahead of the elections, a number of journalists signed an elections reporting pledge; a declaration of practical, ethical and professional reporting throughout the electoral process.

The pledge had the buy-in from the Lesotho Communications Authority. This improved the working environment for journalists and in turn, there was a reduction in complaints filed with the Lesotho Communications Authority (LCA) against journalists.⁽⁵⁾

INTERNET ACCESS AND AFFORDABILITY

More than half of Lesotho's population has access to the internet, with penetration standing at 51 percent, the majority of which access it through mobile phones.

While there is a steady growth in internet use, a major hurdle is the high cost of internet, which may be competitive regionally, but still prohibitively out of reach for many Basotho.

The geographical size of this small nation gives it an advantage over other countries, as it boasts of having at least 90 percent of its population with 3G internet access.

This good national coverage of the internet could have exponentially improved internet access beyond the current statistics.

Lesotho can be a poster example of how independent communications regulators must act in protecting digital rights.

In 2016 during its national elections, the government had proposed a social media shutdown, a request Lesotho's Communications Authority rejected demanding a legal basis for such an order. A shutdown has never taken place in Lesotho.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

While there have been no reported cases of the state spying on citizens, Lesotho is at high risk of state surveillance, as the government can legally circumvent freedom of expression using a claw-back clause in the Constitution.

In 2012, Lesotho enacted the Data Protection Act meant to regulate the collection of personal information in line with international standards.

Most worrying is the National Security Services Act which empowers the minister to intercept communications, inconsistent with the standard of having a judge make such a decision.

GENDER AND THE MEDIA

History was made when Nthomeng Majara was elected as the first woman deputy prime minister in Lesotho in November 2022.

In fact, last year's election saw a marginal increase of 25 percent in the number of women, who managed to claim their space in parliament.

There is renewed hope that with the presence of a woman in such an authoritative position could be put the issue of gender based violence high on the agenda.

The issue of gender based violence, which was identified as the most important women's-rights issue by almost two-thirds (64 percent) of citizens in a 2018 Afrobarometer survey, will now be on a priority list for the government to address.⁽⁶⁾

The gender issue in the country is particularly evident in the media sector, as there are a large number of women entering journalism training institutions but very few of them occupy decision making positions, as these are dominated by men.

This is further impeded by the lack of equal opportunities and sexual harassment policies in media outlets.

This in some way translates to news coverage being adverse as women are largely covered as victims in news stories, while men continue being portrayed as people with authority and the heroes in communities.

The negative portrayal of women is most prevalent on radio, with presenters often voicing shocking, misogynistic views.

However there has been a marked improvement and women and their achievements are becoming newsworthy.

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■ MALAWI: CHALLENGES OUTWEIGH PROGRESS IN MEDIA LAW REFORM



By Teresa Temweka
Chirwa-Ndanga

INTRODUCTION

DURING 2022, press freedom violations in Malawi increased, with the government attempting to restrict press freedom and intimidate journalists and media practitioners.

Even more staggering was the government's

decision to shut down broadcast media outlets for non-payment of the exorbitant annual licence fees set by the Malawi Communications Regulatory Authority (MACRA).

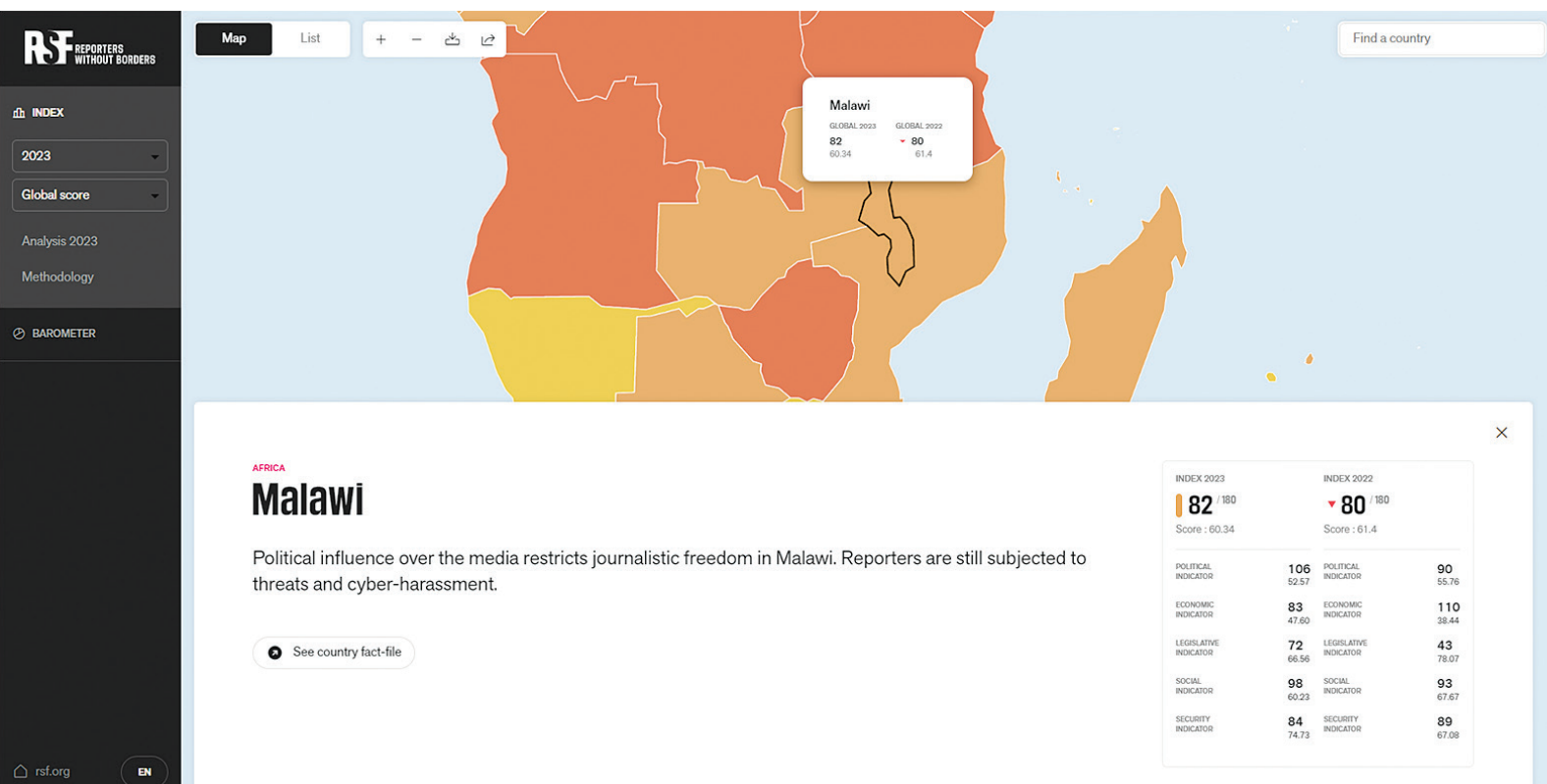
Numerous appeals were made by media houses asking for a grace period that would allow them to recover from financial difficulties caused by the COVID-19 pandemic.⁽¹⁾

Alongside the constriction of media and civic space, the government provided moments of triumph.

For the first time in the history of Malawi, a sitting president celebrated World Press Freedom Day through an engagement with journalists to understand their concerns.

In November 2022, parliament amended Malawi's Penal Code by repealing sections 50, 51, 52 and 53, which provided for seditious intention, seditious offences, forfeiture of machine and prohibition of publication and legal proceedings on sedition.⁽²⁾

LEGAL AND REGULATORY FRAMEWORKS



Malawi's constitutional guarantees on press freedom and access to information are negated by over 40 pieces of legislation on the statute book that have the potential to suppress press freedom.

The breakthrough in 2022 was the repeal by the Malawi government of sedition and insult laws, especially ones on insulting the president, which successive governments in Malawi have used to restrict freedoms of expression and opinion and silence critical voices.

To illustrate shrinking civic space, the government enacted the Non-Governmental Organisations Act in March 2022.

The law contains provisions that threaten the independence, existence and operations of non-governmental organisations.

These restrictions include a very narrow definition of an NGO and could exclude a large number of organisations; it calls for mandatory registration and provides the regulatory body with excessive discretion granted and authority to suspend, cancel and revoke registration; prohibits "electioneering and politicking" by NGOs; and spells out disproportionate criminal sanctions against organisations and their leaders for non-compliance with the Act.

MEDIA PLURALISM AND DIVERSITY

Malawi reportedly has 57 public, private commercial, private religious and community-owned and operated radio stations in Malawi.

However, the impact of COVID-19 may have resulted in a reduction of media outlets still operating and of course budget cuts also led retrenchments in media houses. This in turn impacts on the diversity and plurality of the media.

The country's broadcasting regulatory body, Malawi Communications Regulatory Authority (MACRA), carried out the largest radio and television station closures in Malawi's history due to delays in payment of annual licence fees without consideration of the challenges that the media faced and continue to face.

Some broadcasting stations looked for additional support from their communities, while one media outlet took out a loan.

In other instances, members of staff relinquished their salaries to pay towards the licence fees.

The revocation of licences impacts heavily on not just on media freedom but also on citizens' access to information rights, particularly because radio is the most popular and easiest medium to access on the African continent.

However, both the regional and local chapter of the Media Institute of Southern Africa undertook a vigorous advocacy campaign around the issue by making a presentation to Parliament and



writing to the President over the issue.

With support from the MISA Regional Secretariat, MISA Malawi also organised a conference with the Malawian broadcast sector and government officials to discuss the closure of stations and concerns of the broadcasting sector in relation to payment of licence fees.

MEDIA INDEPENDENCE

Radio broadcasting is dominated by the state-owned Malawi Broadcasting Corporation. The two public radio stations licensed to broadcast nationally, MBC- 1 and MBC 2, are both regulated by the 2016 Communications Act.

In their World Press Freedom rankings, Reporters Without Borders explains: “most media operate on very tight budgets, which undermines their independence. Their financial survival often depends on what they are paid in return for providing political support. The practice of *chimpondamthengo*, under which reporters are paid for covering an event, is widespread. It gets its name from the symbolic remuneration offered to traditional doctors.”⁽³⁾

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

The arrest of journalist Gregory Gondwe in 2022 highlighted Malawian state ability to use phone call logs to extract information.

Gondwe, the managing director of investigative news website Platform for Journalists (PIJ) was arrested after he refused to disclose the source of a memo that was leaked from the attorney

general’s office.

During his six-hour detention, police demanded he reveal his source and also searched the PIJ’s office and confiscated Gondwe’s cellphone and laptop, forced him to disclose his passwords, and then returned his devices the following day.⁽⁴⁾

As the International Press Institute reports: “a week after his arrest, the website of PIJ was hacked and taken offline by unknown entities. The police denied any involvement in the hacking incident.”

GENDER AND THE MEDIA

Reporting on a UNESCO study on women in the tech industry, Mali Kambandu, Communications and Knowledge Management Consultant at UNCDF indicated that:

❖ Cultural barriers in Malawi make it difficult for women to participate in the sector not only as consumers of digital products and services but also as suppliers. Women are most often expected to prioritise home and family needs with careers in technology and digital innovation seen as too time consuming. These traditional gender roles often lead to less participation of women in these sectors

❖ Lack of role models in the digital innovation sector. Despite three Malawian innovation hubs (mHub, Mzuzu e-Hub and Ntha Foundation) being founded or co-founded by young women, male dominance and cultural barriers have limited the number of female role models in the sector. Role models play a crucial role in inspiring other women and creating pathways for women to enter and participate in the sector without which fewer women and girls view digital innovation as a viable career path.⁽⁵⁾

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■ MOZAMBIQUE: INDEPENDENT JOURNALISM UNDER THREAT



By Ernesto Saul Nhapanze

INTRODUCTION

MOZAMBIQUE like most southern African countries' independence was ushered in by a liberation struggle.

Typical of most countries whose independence came through revolutionary movements, the relationship between authorities and the media has often been an uneasy one.

with the media continues being constrained, as the government grapples to contain the insurgency and conflict in Mozambique's northern province of Cabo Delgado.

To this day there has been no substantive inquiry into the forced disappearance of Ibraimo Mbaruco despite repeated requests to President Felipe Nyusi by regional, continental and international media freedom advocacy organisations to conduct a thorough investigation.

Encompassing this, is the culture of impunity that makes the practice of independent journalism difficult.

During the period under review authorities failed to investigate growing cases of violations targeting journalists.

While media violations dropped to 11 reported cases in 2022 from 23 the year before, journalists continue to operate in an environment engulfed by fear and intimidation.

As the country heads towards local elections in 2023 and general elections in 2024, there has been a noticeable shrinkage in the country's civic space.⁽¹⁾

Over the last few years, the tenuous relationship

This closure dates back to the tenure of former

AFRICA

Mozambique

Felipe Nyusi's reelection as president and a fragile peace deal with former army rebels have not slowed the worrisome decline in press freedom in Mozambique.

[See country fact-file](#)

INDEX 2023		INDEX 2022	
GLOBAL SCORE	102 / 180	116 / 180	
Score	56.13	49.89	
POLITICAL INDICATOR	115 / 49.17	123 / 46.06	
ECONOMIC INDICATOR	91 / 46.51	100 / 40.31	
LEGISLATIVE INDICATOR	70 / 66.98	105 / 61.62	
SOCIAL INDICATOR	83 / 65.29	153 / 47.25	
SECURITY INDICATOR	119 / 52.73	118 / 54.21	

President Armando Guebuza, who regularly deployed heavy handed tactics on the media.

While President Nyusi portrays himself as an ordinary citizen determined to protect human rights, the landslide victory that secured him a second term was characterised by unprecedented levels of election related violence and other irregularities.

“Thus he is increasingly perceived as power-hungry and adamantly committed to protecting his own image and interests,” according to a BTI country report on Mozambique.⁽²⁾

The use of legislation to obstruct civil society organisations from strengthening their work around public interest and social justice issues is becoming a dominant trait of the current government.

The introduction of the Creation, Organization, and Operation of Non-profit Organizations Bill is one such example.

It has been presented under the guise that in complying with Financial Action Task Force (FATF) regulations, Mozambique is seeking to curtail money laundering activities.

Conversely, there are certain clauses of the legislation heavily focused on over-regulating non-governmental organisations and curbing their activities instead.

In a country where the political economy of private media is intrinsically linked to activities carried out by CSOs, the law will have serious ramifications on independent voices supported by donor funding.

LEGAL AND REGULATORY FRAMEWORKS

To understand the principles behind the configuration of Mozambique’s media framework, one has to understand the composition and structure of its democratic institutions such as Parliament.

While in principle Mozambique is viewed as a democratic state, the hegemonic tendencies of the Frelimo party clarifies why preservation of the status quo appears to be the preoccupation of successive governments.

As the Navigating Civic Spaces in Mozambique report explains: “Historically, the party-state has firmly censored the freedom of expression and participation of citizens and groups.”⁽³⁾

Barriers to the work of the media include changes to the Criminal Code in 2014, defining defamation of senior state officials as a crime against state security.

Similarly, the social communications law seeks to create statutory media regulation and limit the presence of foreign correspondents, and the broadcasting law will restrict what the government calls foreign content.

While Law 34/2014 — the law on the right to information — and the respective regulation — Decree 35/2015 — essentially paves the way for the right to information as guaranteed in Article 48 of the Constitution — the problem lies in the implementation.

Although various public bodies have set up websites and taken to social media to interact with citizens, the drawback is that it is surface level engagement and lacks a strategic and co-ordinated approach.

Detailed information related to financial audit reports, public contracts or even public procurement reports or topical information is still closely guarded with public officials and institutions turning to the Law on State Secrecy to deny access to information of public interest.⁽⁴⁾

MEDIA PLURALISM AND DIVERSITY

While both government-owned and independent news media exist in the country, a significant number of media outlets are directly or indirectly controlled by the authorities or members of the ruling party, Frelimo, which considerably undermines their independence.

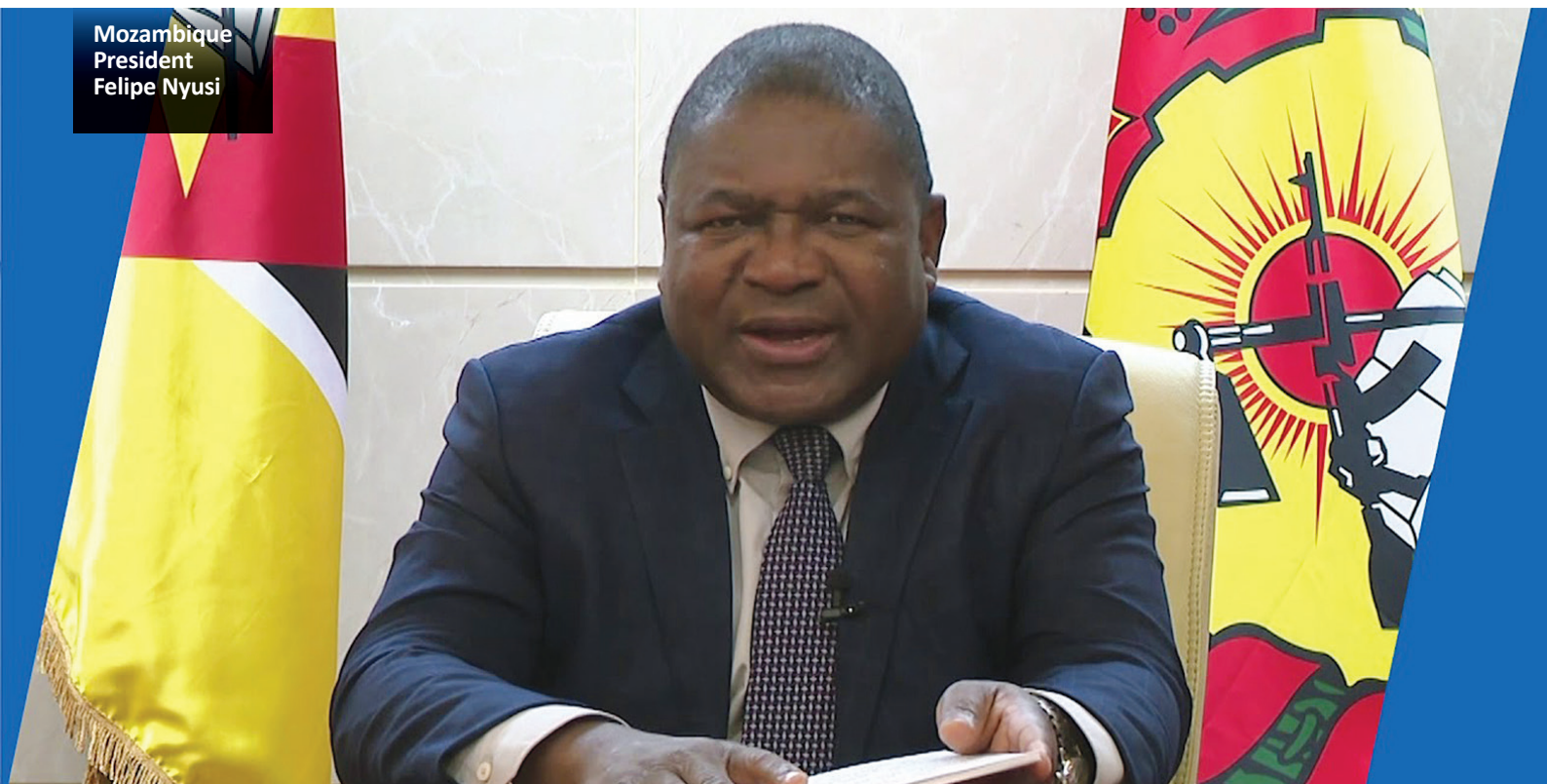
Television, which is a popular medium in Mozambique, is government controlled through the local editorial offices of *TVM* — a national network.

STV, a popular private channel and Portuguese *RTP Africa* and Brazilian-owned *TV Miramar* are widely-watched. State-run *Antena Nacional* radio is extremely popular.

State-controlled daily *Noticias* is the leading newspaper, while *O País* is the most popular independent daily.

Savana and *Canal de Moçambique* are independent weeklies with a fairly high profile.

Mozambique
President
Felipe Nyusi



An assessment by International Media support indicates that Mozambique's media is in decline, with community radio stations (CRS) under the umbrella body of the Forum for Community Radio Stations in Mozambique (FORCOM) and others outside this network struggling to maintain operations with notable challenges in replacing and upgrading equipment.⁽⁵⁾

MEDIA INDEPENDENCE

One can argue that to understand the independence of the media, one has to understand the concept of political economy which attempts to explain dynamics in running media organisations.

The four Cs of political economy namely context, collective behaviour, conflicting interest, and change can help in explaining why authorities and political elites linked to Frelimo would pursue a hegemonic agenda, which is against the grain of media freedom.

With the public media sector's sustainability heavily reliant on state funding, it makes it challenging to provide news and information with the impartiality and plurality required of it.

Although the bulk of media organisations are under the firm control of the state and Frelimo acolytes, there is a notable contribution of alternative sources of information and news from the few smaller, independent outlets that

are part of the media landscape.

However, an International Press Institute report warns that: "Independent journalism in Mozambique is facing considerable legal, political, and economic pressures."⁽⁶⁾

A state sanctioned media blackout on the raging conflict in Cabo Delgado in the northern parts of the country has led to high levels of self-censorship as journalists reporting on the insurgency face the risk of intimidation, harassment, assaults, arrests and other more dire confrontations.

INTERNET ACCESS AND AFFORDABILITY

Mozambique's digital transformation has undergone rapid acceleration since 2020, although only 21.7% of the population were internet users in January 2021 according to analysis from Kepios. Most of these were through low-speed mobile networks.

According to the Digital Mozambique report, Mozambique's population stood at 32,62 million in 2022, an increase of 2,1% on the 2021 figure.

The statistics show that the country has a largely youthful population and the median age is 17,9.

There were about 7,54 million internet users in the country in January 2022. The country's internet penetration rate stood at 23,1% of the total population.⁽⁷⁾

The impact of the COVID-19 pandemic led companies and users to move to online platforms to remain sustainable throughout the pandemic by establishing remote work systems.

However, the high cost of devices, especially smartphones, a low 48% literacy rate, and unfamiliarity with the internet pose major barriers to internet connectivity.

The number of social media users in Mozambique at the start of 2022 was 9,3%. This suggests that social media platforms could be playing a minimal role in providing an alternative to government-controlled platforms.

According to the United States Department of Commerce (2022), Mozambique's digital transformation brings new threats to end-users, which include the government and the private sector surveillance.

These public and private entities face looming challenges and risks from the online storage of information of citizens who depend on public services.⁽⁸⁾

GENDER AND THE MEDIA

The literacy rate of women is considerably low, with only 44 percent of women in urban areas being literate, while the illiteracy rate of women

in rural areas is as high as 70 percent.

The insecurity status of women is exacerbated by poverty, limited economic prospects, pressure to marry young and high levels of gender-based violence.

As is the case in the region, the voice and agency of women and youth continue to be sidelined in the media — as both subjects and sources.

An innovative Women In News (WIN) initiative which looks into how gender-responsive media can effectively increase women's economic empowerment has the potential to introduce changes.

The concept explores how content for women entrepreneurs can be sustainably funded and produced to benefit women entrepreneurs.⁽⁹⁾

JOURNALISTS FROM RURAL COMMUNITIES

The political and military conflict in the north of the country involving extremists and the Mozambican defence forces marks the overall context in which freedoms of the press and expression have suffered.

The escalation of the conflict, which prompted regional forces and other allies like Rwanda to intervene, has made the practice of journalism risky for journalists operating in rural settings particularly in the north of the country.

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■ NAMIBIA: A MIXED BAG FOR THE MEDIA INDUSTRY



By June Shimuoshili

INTRODUCTION

NAMIBIA has been steadfast in maintaining its reputation for upholding media freedom in Africa.

In 2022 Namibia moved six places up on the Reporters Without Borders World Press Freedom Index rankings from 24 to 18.

Despite this impressive movement, Namibia was knocked out of its position of being first on the African rankings by Seychelles.⁽¹⁾

Namibia's primarily incident free scenario is a combination of government's political will to uphold rights and an enabling and unrestricted environment that allows for civil society organisations to thrive.

This enables CSOs to vigorously push back when policy frameworks or government actions are considered unwarranted.

However, the freedom that Namibians have come to enjoy is subtly and slowly being chipped away.

This indiscernible shift on the Namibia political landscape is translating into the narrowing of civic space as the ruling party focuses on the retention of power.

Under the COVID-19 emergency regulations of 2020, which remain in force, publishing false news about the pandemic was criminalised.

Those committing such an offence could be fined N\$2,000 (US\$108) or given a maximum prison sentence of six months.

RSF REPORTERS WITHOUT BORDERS

INDEX

2023

Global score

Analysis 2023

Methodology

BAROMETER

rsf.org

Map List + - ↻ ↺

Find a country

Namibia

GLOBAL 2023: 22 / 180 (Score: 80.91)

GLOBAL 2022: 18 / 180 (Score: 81.84)

AFRICA

Namibia

Freedom of the press is firmly anchored in Namibia, historically one of Africa's best-ranked countries in RSF's World Press Freedom Index. The political and legislative environment is conducive to the free exercise of journalism.

See country fact-file

INDEX 2023		INDEX 2022	
22 / 180	Score : 80.91	18 / 180	Score : 81.84
POLITICAL INDICATOR	29 / 75.75	POLITICAL INDICATOR	37 / 72.97
ECONOMIC INDICATOR	21 / 70.78	ECONOMIC INDICATOR	17 / 69.80
LEGISLATIVE INDICATOR	29 / 79.81	LEGISLATIVE INDICATOR	22 / 82.98
SOCIAL INDICATOR	18 / 87.73	SOCIAL INDICATOR	8 / 91.60
SECURITY INDICATOR	22 / 90.48	SECURITY INDICATOR	12 / 91.84

With the public becoming more vocal around issues of social justice, authorities have responded by attempting to ban demonstrations.

When this has not been feasible, the police have come down heavily on both protestors and the media, with officers tear gassing and arresting demonstrators and deleting footage or destroying equipment belonging to the media.

During the May 2022 “Chinatown demonstrations”, as they were referred to, two protesters were arrested and a journalist was accidentally shot.

The group of young Namibians were protesting what they considered to be unfair state support for Chinese entrepreneurs.⁽²⁾

In numerous other instances the media have been daunted by the government’s new policy of deploying military paratroopers to control certain events.

As explained by one journalist: “When the SFF [Special Field Forces] arrive on the scene, you know you shouldn’t be there, or something will happen to you. When we see them, we know that we as the media are more prone to attack ... and they are increasingly present where people gather in large numbers.”⁽³⁾

It is undoubtedly evident that Namibia’s ruling party focus on retention of power has contributed to a steady shift of intolerance which in turn has translated into the narrowing of civic space.

LEGAL AND REGULATORY FRAMEWORKS

Article 21 of Namibia’s constitution guarantees freedom of expression, including media freedom. In addition to this, Namibia has also ratified various international and regional agreements that support the freedom of the media.

The constitutional guarantee of freedom of expression is not, however, supported by subsidiary legislation.

Instead, there are laws that inhibit this right. The Defence Act of 2002 prohibits reporting related to the army, which is deemed to impact negatively on national security, and both the Protection of Information Act of 1982 and the Official Secrets Act of 2004, limit the sharing by government of state-held information.

Under the COVID-19 emergency regulations

in April 2020, publishing false news about the pandemic was criminalised.

Those committing such an offence could be fined N\$2,000 (US\$108) or given a maximum prison sentence of six months.

Legislation that supports freedom of information but is not yet operational includes the Whistleblower Protection Act of 2017 and the Access to Information Act that was signed into law at the end of 2022.

Civil society organisations that had been pushing for the enactment of access to information legislation applauded the move and are also pressuring the government to fast-track the implementation of the law, fearing bureaucracy and budget constraints could delay the move for years.

The Media Institute of Southern strongly believes the passage of the ATI law will enhance Namibia’s reputation as a beacon of freedom of expression and democracy, not only just in Southern Africa and Africa, but also across the world.⁽⁴⁾

MEDIA PLURALISM AND DIVERSITY

The pandemic had a debilitating impact on the viability and sustainability of the Namibian media and the effects are still being felt, long after COVID-19 restrictions were lifted and operations have gone back to normal. This has reduced the range of the media.

The already struggling community broadcasting sector was crippled further and many of the smaller stations are still grappling to stay in operation.

An informal policy dating back to 2015 confined the placement of government advertising in state media.

Although privately owned media are allocated a small portion of advertising money, the bulk of advertisements are placed in the state media.

Even when it comes to information dissemination, private newspapers do not always get ministerial responses to questions as quickly as state-owned media does, especially the NBC.

MEDIA INDEPENDENCE

While there may be instances of editorial control, indications are that professionalism has been improving and so journalists at the Namibian Broadcasting Corporation and other state media institutions are pushing back.

Another instrument in upholding media independence is the establishment of the ombudsman's office.

Founded and set up by the Editors Forum of Namibia, the office of the media ombudsman forms a part of the self-regulatory mechanism that receives complaints about the media by the public.

Experience has shown that the self-regulation system is more accessible, quicker and cheaper than the courts in dealing with complaints.

Since it involves editors being judged by their peers, it also has a particularly strong authority.

The challenge, however, is that the media ombudsman's office, which is run on a part-time basis, is that it is virtually a one-person show, with some support from an intern.

There is a lack of capacity, as there is no actual office, budget, permanent support staff or other resources.

In May 2022, radio journalist Elifas Bonifatius reportedly fractured his ankle after he was shot with a rubber bullet by the Namibian Police at China Town while covering a demonstration by the Namibia Economic Freedom Fighters political party.

The matter is currently in court and drew a lot of interest from a number of editors in Namibia.

Lawyers condemned the manner in which the police used force in breaking down demonstrations.

Police generally offer protection to journalists during protests, but in this case the law enforcement agents did not warn media workers prior to firing warning bullets.

The state does not explicitly protect media practitioners, and state officials are sometimes heavy-handed when handling journalists.

According to fesmedia Africa, no independent or investigative body investigates attacks on the media, although there is an official police complaints department.⁽⁵⁾

On February 12, 2022, Namibian police briefly detained freelance investigative reporters John Grobler and Nrupesh Soni for allegedly trespassing at the GoHunt Namibia Safaris farm in the Omaheke region, east of the capital, Windhoek, because they used a drone to film elephants on private property.⁽⁶⁾

SAFETY OF JOURNALISTS



Namibia President
Hage Geingob

The pair were investigating the alleged illegal sale of pregnant wild elephants, which were purchased during a government auction by unknown groups from Dubai.

Police are reported to have arrived at a roadblock where they took the duo to a police station for a four-hour detention after which their vehicle's security system was disabled and its memory card seized.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

While surveillance has not been an issue, Namibia introduced mandatory SIM card registration in 2022, requiring subscribers to re-register their SIM cards with their biometrics and digital IDs.⁽⁷⁾

The government said SIM card registration was a national initiative aimed at facilitating the investigation of crimes committed with the aid of mobile devices.

It said there had been an increase in the use of digital and online services, providing opportunities for Namibians to embrace virtual teaching and learning, mobile banking, and online shopping.

Therefore, national safety and security agencies must be capacitated to ensure a safe digital environment, the government said.

GENDER AND THE MEDIA

As is the case in most African countries, there is a large number of women journalists in the newsroom, but they are absent from the

leadership structures.

Women as sources of news and subjects continue to be sidelined. This is most visible when political discussions are taking place. Women are largely excluded from the serious conversations and are very rarely featured on political programmes.

Some private media houses were seen to be unfair or inaccurate in their reporting, particularly on issues about women, leading to one-sided reports, character assassinations and voices being undermined in society.

THE IMPACT OF COVID-19

At one point, President Hage Geingob tried to use the pandemic to curtail access to information by initially using the Namibian Broadcasting Corporation as the only conduit of information.

A case in point is how the initial COVID-19 state press briefings were deliberately restricted to the public broadcaster, the Namibian Broadcasting Corporation.

These briefings were opened up to other sectors of the media following objections from private media editors and journalists.

COVID-19 related restrictions impacted heavily on the operations of the media sector – resulting in huge losses of advertising revenue, which culminated in the closure of a number of print publications.

During the pandemic, salaries of staff, who had not been retrenched were cut and outlets have yet to restore wages to pre-COVID-19 levels.

The severe reduction in advertising during and after COVID-19 restrictions is making it unsustainable for media to survive.

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TANZANIA: MEDIA LAW REFORM PROCESS LACKS MOMENTUM



By Elizabeth Riziki

INTRODUCTION

LAST year's commemorations of the Africa regional World Press Freedom Day in Tanzania were not only historic in the sense that it was held in the country, but it also set the tone for normalising relations between the state and the media.

This is a marked shift from yesteryear statistics recorded over the past six years where media outlets were shut down while journalists

were harassed, intimidated and kidnapped for exposing corruption.⁽¹⁾

Former President John Magufuli, who died in March 2021, was considered hostile to the media to maintain his stronghold.

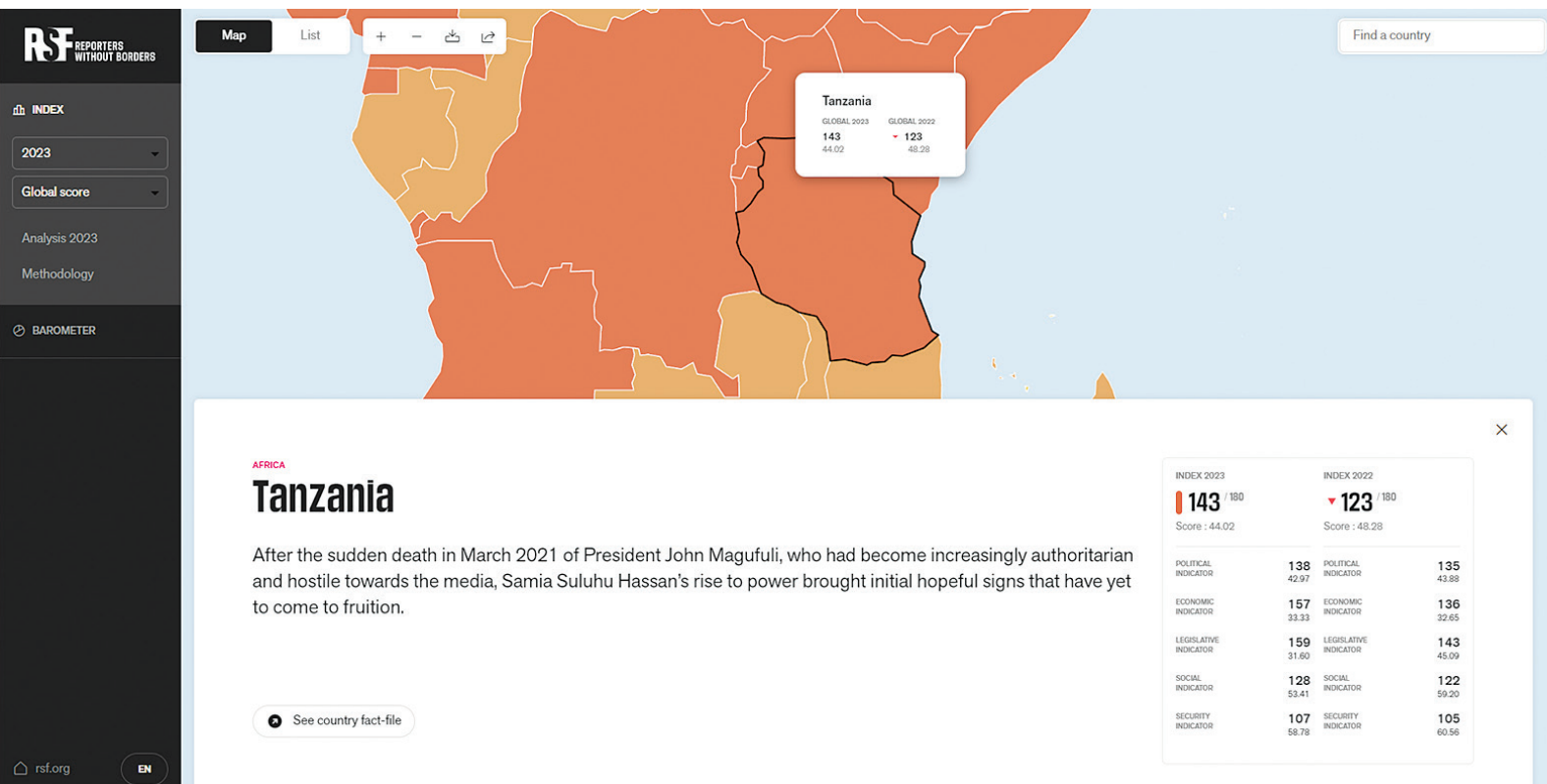
During his term, Tanzania tumbled down the world press freedom index, from 71 in 2016 to 124 in 2021, out of 180 countries.⁽²⁾

His successor, Samia Suluhu, adopted a more liberal stance. In her first month in office, Suluhu announced plans to break with the past which made Tanzania continue being infamous for violations of press freedom.

She then instructed the minister of information to lift some media bans imposed during President Magufuli's tenure.⁽³⁾

During Magufuli's tenure, a Zanzibar journalist was apprehended by authorities in 2021 on suspicion of making a video in which someone from the ruling party criticised Zanzibar's President Hussein Ali Mwinyi.

After President's Suluhu appointment, four newspapers known for being critical of the government and "offering alternative views" had their licences reinstated after years-long



bans.

“Tanzania respects the freedom of the media and that comes with responsibilities. The media is crucial to the development of society but must play within the laws established and must help African governments achieve their objectives,” President Suluhu, the chief guest and keynote speaker said at the 2023 World Press Freedom Day Commemorations in Arusha.

This marked the turning point in Tanzania’s media landscape. In 2022, Reporters Without Borders said that Magufuli “had become increasingly authoritarian and hostile” toward media and that President Suluhu’s rise to power has “brought initial hopeful signs that have yet to come to fruition.”

Engagements and advocacy campaigns by media stakeholders have also played a critical role in reducing the number of media violations.

The number of press violations went down from an average of 20 cases per year for the year 2020 and 2021 to three cases in 2022.

While significant gains have been achieved, arrests of journalists are still prevalent in Tanzania.

For example, it was reported that eight journalists were arrested in the first two months of 2022

With the next elections due in 2025, it is hoped that the current media environment will be maintained as stakeholders continue monitoring and engaging developments.

LEGAL AND REGULATORY FRAMEWORKS

Tanzania has a raft of media laws regulating print, electronic and online platforms. In Tanzania, it is imperative to note that media and broadcasting regulation are not according KAS “Union Matters” and, therefore, the governments of both mainland Tanzania and Zanzibar are entitled to pass laws for the regulation on these matters in their respective territories as they see fit.⁽⁴⁾

Public criticism of the government has resulted in punitive action in some cases. Authorities used the Cybercrimes Act to bring criminal charges against individuals who criticised the government.

Citizens and the media enjoy the right to free

expression as stated by Section 18(1) of United Republic of Tanzania’s constitution, but the right is not absolute.

This right has, however, been undermined by the continuous passing and enacting of a series of repressive regulations over the years.

Pieces of legislation such as the Tanzania Cybercrimes Act of 2015 have been criticised as being ultra vires to the Constitution.

Stakeholders, including journalists, feel that the law can be used by state actors to undermine the right to freedom of expression online. The law was enforced again in 2021.

According to a Freedom House Report on Tanzania, censorship of media reporting on security matters remained in place under President Suluhu.

Authorities require a permit for reporting on police or prison activities both on the mainland and in Zanzibar, and journalists need special permission to cover meetings of the National Assembly or attend meetings in the Zanzibar House of Representatives.⁽⁵⁾

Anyone publishing information accusing a Zanzibari representative of involvement in illegal activities is liable to a fine, three years’ imprisonment, or both. The government may fine and suspend newspapers without warning.

The government of Zanzibar controlled content on the radio and television stations it owned but allowed discussions on media policy reform to take place.

There were government restrictions on broadcasting in tribal languages, and broadcasts in Kiswahili or English were officially preferred.

Tanzania also has libel/slander laws which law provide for the arrest, prosecution, and punishment for the use of seditious, abusive, or derogatory language to describe the country’s leadership. The law makes defamation a criminal act.

The concept of national security has also been used to muzzle the media as it authorises the police to raid and seize materials from newspaper offices and authorises the minister responsible for overseeing media to “prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety”.

Limiting internet freedom is another way in which authorities in Tanzania curtail freedom of expression.

Authorities restricted access to the internet and monitored websites and internet traffic. According to the country's statutes, online material deemed "offensive, morally improper" or that "causes annoyance" is prohibited, and those charged with violating the regulations face a substantial monetary fine or a minimum sentence of 12 months in prison.

The law criminalises the publication of false information, defined as "information, data, or facts presented in a picture, texts, symbol, or any other form in a computer system where such information, data, or fact is false, deceptive, misleading, or inaccurate."

MEDIA PLURALISM AND DIVERSITY

As of March 2020 Tanzania had 183 radio stations, 43 TV stations, 229 newspapers and magazines in mainland Tanzania and 22 blogs and online news sites.

Internet penetration has grown to 37.60 percent in the country further diversifying information sources in the country.⁽⁶⁾

According to the Electoral Institute for Sustainable Democracy in Africa, private mass media in Tanzania proliferated rapidly in the early 1990s with the liberalisation of press freedoms, to the extent that mainland Tanzania now offers a wide variety of public and private publications and radio stations. This in turn gave rise to alternative voices and growth in

divergent views.

Television is still relatively under-developed in Tanzania, with the state television dominant throughout the country.

In contrast, liberal press laws that were enshrined in the 2001 Media Bill on the mainland do not apply to press freedom in Zanzibar, and as a consequence there is no private media produced locally in Zanzibar.

However, Zanzibar receives several daily and weekly publications produced on mainland Tanzania. Media in Zanzibar is, therefore, heavily dominated by the state.

In terms of media access, radio is the most influential news medium, due to its relative affordability and wide coverage.

Television coverage tends to be restricted to urban areas and those rural areas that have a regular supply of electricity. The media publishes content in Swahili and English.

INTERNET ACCESS AND AFFORDABILITY

The cost of accessing the internet is quite high in Tanzania. However, the past few years have seen a reduction in the price of data.

The high cost of data has resulted in the overdependence on legacy media instead of new alternative platforms.



Tanzania President
Samia Suluhu Hassan

In an effort to manage the cost of accessing the internet, internet access and affordability of data have been incorporated into the Tanzania National Information and Communications Technology Policy of 2016.⁽⁷⁾

For example, the data from 2019 and 2022 shows that the price paid per one megabyte has decreased from an average of Sh40 per megabyte to Sh8 per megabyte.

While the price per megabyte seems to decrease, it must be noted that most people are subscribing to data bundles rather than using the internet without them.

Independent estimates show that there are 6.10 million social media users in Tanzania, which translates to 9.8 percent of the total population.

Analysis reveals that social media users in Tanzania increased by 700,000 (+13 percent) between 2021 and 2022.

GENDER AND THE MEDIA

Tanzania is largely a paternalistic state, where principles of gender equality are generally undermined.

Despite calls for gender mainstreaming, cases of sexual harassment and lack of job security for female journalists in the country remains worrisome.

Feminist organisations are concerned that this issue has been overlooked for years, making a number of female graduates in journalism prefer either not to practice the profession or get into the industry and face male

dominance.

Tanzania Media Women Association (TAMWA) director Rose Reuben said surveys have revealed many incidents of harassment of women journalists in newsrooms and those seeking jobs in the media industry.

However, in most situations, these cases are not reported, making it difficult to resolve cases of sexual abuse of female journalists.

Closely linked to that is the rising issue of cyber-bullying of female journalists. Through training and raising awareness to key stakeholders, some of these issues can be addressed.

THE IMPACT OF COVID-19

Tanzania's attitude towards COVID-19 changed when President Suluhu came into power. Her predecessor was a famous COVID-19 denier, with Tanzania developing a level of notoriety during Magufuli's tenure.

The Cybercrimes Act, which criminalises the publication of falsehoods, made it impossible for journalists to report freely on the pandemic, while discussion on the disease on social media was muted thanks to the law.

A report on media viability in Tanzania warns that the financial challenges exacerbated by the COVID-19 pandemic and the attendant impact on the quality of content will be major issues of concern.

Legacy media also face challenges of high registration costs and this has been made even worse by the financial challenges brought by the COVID-19 pandemic.⁽⁸⁾

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ZAMBIA: IN THE RIGHT DIRECTION BUT MORE NEEDS TO BE DONE



By Thomas Zulu

INTRODUCTION

FROM the moment that Haikande Hichilema was elected as head of state in 2021, there have been high expectations from him.

Citizens envisaged President Hichilema would get them out of the quagmire of corruption, a steadily declining economy, high inflation, worsening human rights and contracting civic

space.

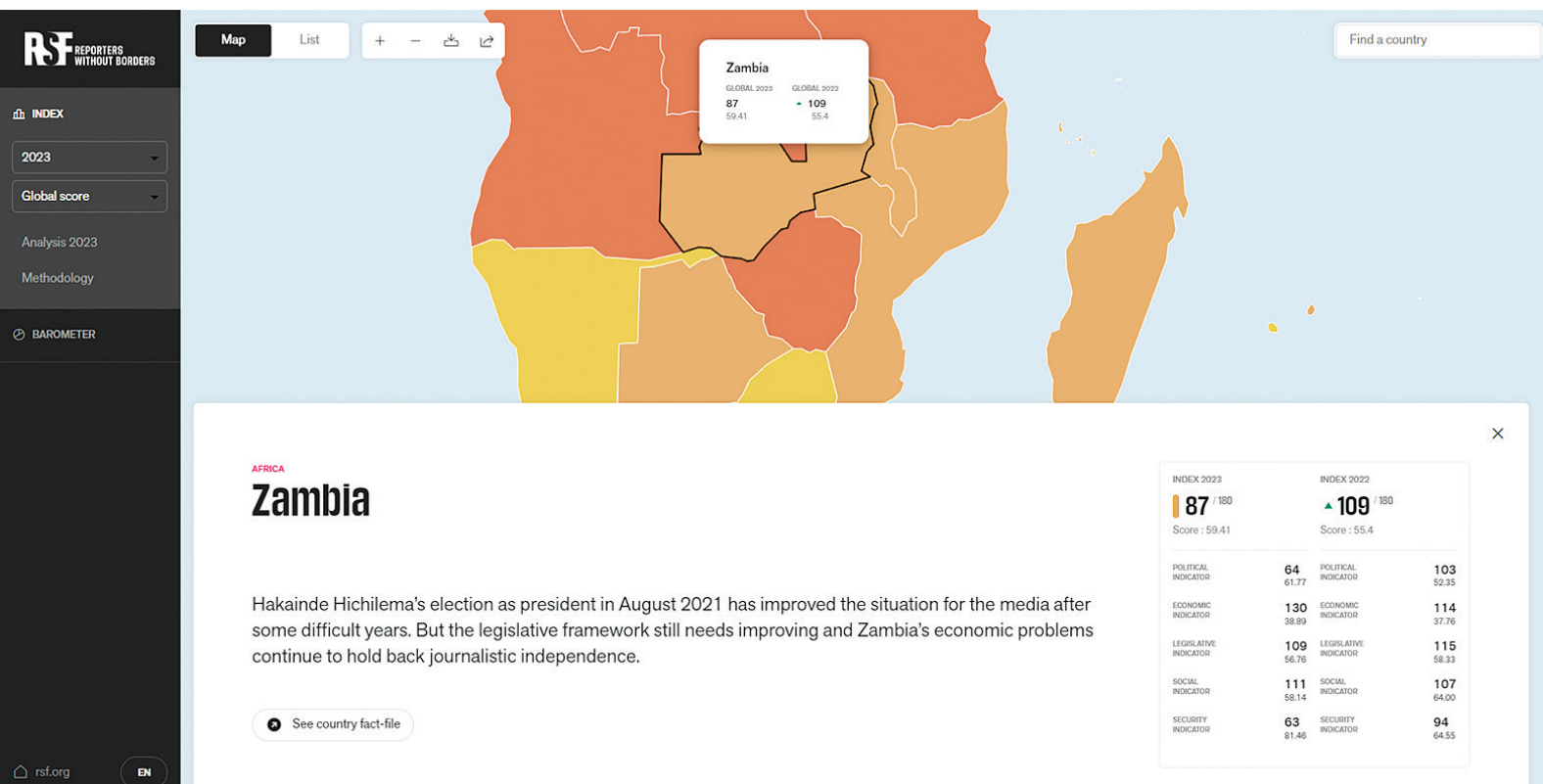
After all, his electoral victory was a break from the historical stranglehold on power by leaders with liberation struggle credentials.

During former President Edgar Lungu's term, the media freedom landscape was characterised by the closure or suspension of private media outlets not amenable to government control, the denial of government advertising revenue to these outlets; the absence of coverage of the opposition in state-controlled media; and the alleged enforced early retirement or transfer of government employees based on perceived party or tribal affiliations, as outlined in a research report by Action Aid.⁽¹⁾

While President Hichilema may have overstated what he is able to accomplish, he has "ushered in a new style which is not only distinct from his predecessor but also sets him apart" from his regional counterparts.⁽²⁾

He is decisively reducing excessive public expenditure, has made himself accessible to the public, is working on curbing corruption and has thrown open the political space, which was largely shut off to the opposition.

From the onset, he also reached out to the



media and assured the sector that his incoming administration would improve the freedom of expression and media environment.

This was welcome news after years of decline under former President Lungu.

A year into his presidency, Hichilema assented to the Penal Code (Amendment) Act number 25 of 2022, which repealed section 69 of the Penal Code and essentially abolished the death penalty and revoked criminal defamation of the president.

This was particularly significant considering the numerous arrests of social media users sharing videos and content critical of the president.⁽³⁾

The revocation of criminal defamation of the president was welcomed by the media given that this law had been in place since 1965, keeping the media wary of speaking truth to power.

When announcing the deletion of the restrictive clauses, which criminalised defamation, President Hichilema tweeted “promised to amend laws that inhibit democracy, human rights, good governance & basic freedoms”.

There are those who believe that by fulfilling some of his promises, he has restored trust between public officials and the citizens; in fact his supporters wax lyrical over his economic transformation and democratic reforms.

While he has received positive reviews, others think that President Hichilema has not delivered as much as expected.

In an analysis that appeared in *African Arguments*, academic Sishuwa Sishuwa claimed: “The positive coverage Hichilema is receiving in western circles contrasts sharply with growing criticism at home ... Much of the disillusionment centres on the economy.

“On democratic reform, Hichilema has disappointed too. After over a year in office, his administration is yet to repeal repressive legislation that undermines democracy, nor enacted any that promotes human rights and strengthens accountability.”⁽⁴⁾

LEGAL AND REGULATORY FRAMEWORKS

A blemish that marks Zambia’s otherwise progressive reforms is the presence of obstructive legislation that remains on the statute books such as the Public Order Act and

the Cyber Crimes and Cyber Security Act of 2021, which contain repressive clauses.

When passed, the Cyber Crimes and Cyber Security Act of 2021, was criticised for being aimed at policing the cyber space and gagging freedom of expression and speech of government critics and opponents.⁽⁵⁾

While there are a number of positive aspects to the law, the Act falls short on the protection of individual rights to privacy, anonymity and freedom of expression online.

Many provisions in the law are vague and overly broad and extend the powers of state authorities to restrict and punish online expression.⁽⁶⁾

The current administration was also expected to look into amending Zambia’s Public Order Act of 1955, which has been primarily used to restrict the civil liberties of citizens.

The vague and overly broad provisions of the Public Order Act (POA) 1955 have been cited for limiting rights to freedom of expression, peaceful assembly and association during Lungu’s tenure.

The police have used it to shut down student protests, arrest human rights defenders and popular musician Pilato.

Despite promises dating back to the early 2000s, Zambia has still not finalised the adoption of an access to information law.

Over the years, numerous advocacy organisations have been pushing to have the law advanced through parliament but successive governments have committed to the process and then stopped short of signing.

In January the Africa Freedom of Information Centre (AFIC), the Panos Institute Southern Africa, and MISA Zambia made a vigorous appeal to the President to enact the ATI law prior to the Summit for Democracy held in Zambia in March 2023.⁽⁷⁾

Also on centre stage is the issue of media self-regulation, which has been an ongoing conversation on the Zambian media landscape. While there have been a number of auditions for such a mechanism, they have never materialised into an enduring initiative.

The conversation was kick-started by the President during a radio interview when he emphasised the need for journalists to enhance their skills and promote professional standards. He went on to urge the fraternity to regulate itself.

Shortly thereafter, the permanent secretary in the Ministry of Information and Media, Kennedy Kalunga explained that with the enactment of the Zambia Institute of Public Relations and Communications Act No.11 of 2022, the government had paved the way for the media to regulate itself.

As reported in the *Zambia Monitor*, the minister said, “this law empowered public relations and communication practitioners in Zambia to manage their affairs independent of the government”.⁽⁸⁾

MEDIA PLURALISM AND DIVERSITY

The Zambian media landscape is fairly rich in terms of diversity, with at least 120 privately owned radio stations around the country.

The national broadcaster, the Zambia National Broadcasting Corporation (ZNBC), has three TV channels and three radio stations.

The state owns and runs two daily newspapers, the *Times of Zambia* and the *Daily Mail*. Two of the most popular and influential newspapers — *The News Diggers*, *Mast* and *Daily Nation* are privately owned.

There are 42 privately owned TV channels, including the influential *Prime TV*, *Diamond TV* and *MUVI Television*.

Sustainability and viability remain the biggest challenge for this thriving sector.

MEDIA INDEPENDENCE

The public broadcaster, the Zambia National Broadcasting Corporation (ZNBC), maintains that it is editorially free and not under the direction of the information ministry, as has regularly been alleged.

In the past, the state broadcaster routinely took partisan sides in its political reporting. The jury is still out on whether there has been a significant change since the introduction of the



Zambian President
Hakainde Hichilema

new government.

The major challenge on the media scene is the polarisation with media outlets reporting in extremes.

Journalists tend to report for or against the establishment and there is not enough analysis. This is starting to change and investigative journalism is a growing field.

Existing laws make it challenging for journalists to access information and the Penal Code 1955 is an enduring threat, which has resulted in many journalists practicing self-censorship

INTERNET ACCESS AND AFFORDABILITY

Poor infrastructure and high mobile telecommunications tariffs have inhibited the practice of rural reporting.

Mobile telephony operators, for instance, are quite reluctant to deploy equipment in remote areas without electricity supplies due to costly overheads.

High costs of data and poor communication infrastructure have largely made internet access a luxury for many.

According to Statica, one gigabyte of mobile internet in Zambia costs, on average, US\$1.36 dollars in 2022.

Out of 47 plans measured in Zambia, the lowest price observed was US\$0.45 per 1GB, for a 30 day plan whereas the most expensive plan, 1GB cost US\$30.60.⁽⁹⁾

According to Datareportal, there were 5,47 million internet users in Zambia in 2022. Internet penetration stood at 28,5% of the total population in 2022.⁽¹⁰⁾

Digital rights are not yet enshrined in Zambian law and, hence, citizens rely on international human rights instruments in exercising these rights.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

The Cyber Crimes and Cyber Security Act, which authorises the state to monitor private

citizens has been criticised by online content creators as violating the right to privacy.

For media and journalists, such laws derail their ability to carry out investigative reporting and play their watchdog and agenda setting role adequately.

GENDER AND THE MEDIA

The media tend to pay less attention to covering issues impacting youth, women and children and even then the coverage favours men, whereas women tend to be negatively portrayed.

The media ecosystem in Zambia is male dominated and as such it is rare to find female journalists in senior positions in newsrooms.

The introduction of the Women In News initiative under WAN-IFRA is playing a critical role in mentoring women journalists so they contribute significantly and impactfully in changing the newsroom power dynamics.

One of the major challenges in the industry is the high levels of harassment targeting women in newsrooms.

There is also sexual harassment among young female journalists, especially private media institutions. Young women journalists are particularly vulnerable and are at risk of being fired when they refuse to give in to their senior colleagues.

CONTENT CREATORS

The relationship between traditional media and citizen journalists or other online content creators has, since the emergence of the latter, been defined by suspicion and uneasiness.

Technological changes have resulted in ethical violations leading to calls for more regulation of the profession.

Delays in reaching a common position within the Zambia Ethics Council (ZAMEC) Bill, speaks volumes of the subtle animosity between the emerging content creators and legacy media.

COMMUNITY RADIO

Community Radio stations are critical key players in access to information, as they

broadcast predominantly in the languages of the communities they serve.

Community radio stations play a key role in ensuring access to information and freedom of expression, particularly for those communities with limited access to the mainstream media.

To succeed, radio stations need to assess their own media environments and operating contexts and incorporate that knowledge into their strategic thinking.

There are challenges that threaten the very existence of community radio stations. The fact that community radio stations subsist on voluntary energy from community members, most of whom are not adequately trained in broadcasting and in management.

Some challenges include:

- ❖ Weak financial base and fundraising ability by community radio personnel: Community radio stations in Zambia struggle with a weak financial base, which compromises their capacity to hire and retain qualified staff, and manage and maintain equipment

- ❖ These factors inhibit their ability to produce high quality programming, thereby weakening their potential to attract sponsored programmes, which can in turn contribute to strengthening their financial base

Limited skills in analysing economies of scale:

While struggling with a weak financial base, in some instances, community radio stations are unable to reach where their economies of scale exist and where diseconomies of scale are.

For instance, a frequently asked question has been: why do some community radio stations operate 24 hours in a situation where the cost of running the station between 11pm and 5am costs more than the station can generate during that time and the listenership is very minimal? Who pays for those costs?

The costs include electricity, personnel and other overhead costs. Some experts argue that while we say community radio stations face sustainability challenges, Zambia still boasts over 150 radio stations.

However, the state of some of these radio stations speaks volumes about the challenges that this sector faces.

If unaddressed, the vibrant community radio sector of Zambia may become a thing of the past

Therefore, there is need to continuously address these challenges facing community radio. These include capacity development (in programming and content generation as well as business management skills), as well as governance and management of community radio stations as part of sustainability), among others.

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ZIMBABWE: MEDIA LAW REFORM AGENDA STALLS AS CIVIC SPACE SHRINKS



By Lesley Moyo

INTRODUCTION

THE environment in Zimbabwe continues to be characterised by a shrinking civic space, which is also evident in the operations of the media sector.

This can mostly be attributed to a confining

legal system that has limited freedom of expression as well as the work of the media.

The government's commitment to a legal reform process provides a semblance of a democratic and inclusive process, but recommendations based on local, regional, continental and international human rights standards have largely been ignored.

The Cyber and Data Protection Act, the impending Private Voluntary Organisations Amendment Bill, which is awaiting the president's signature, and the proposed Patriot Bill — which is in essence an amendment to the Criminal Law (Codification and Reform) Act — will have the net effect of silencing dissenting voices.

Advocates for the amendment to the Criminal Law (Codification and Reform) Act say they want the proposed law to punish Zimbabweans who put out "unpatriotic" ideas and statements.

If passed, the law will have the potential to stifle press freedom and digital rights and bears testimony to the lack of political will from the government to fully commit to ensuring full enjoyment of these rights.

The screenshot shows the RSF Index 2023 interface. On the left is a navigation menu with options like 'INDEX', '2023', 'Global score', 'Analysis 2023', 'Methodology', and 'BAROMETER'. The main content area displays a map of Africa with Zimbabwe highlighted. A tooltip for Zimbabwe shows its global score of 126 in 2023 (down from 137 in 2022) and a score of 48.17. Below the map, the Zimbabwe country profile is shown, including a table of indicators for 2023 and 2022.

AFRICA		INDEX 2023		INDEX 2022	
Zimbabwe		126 / 180	Score : 48.17	137 / 180	Score : 44.94
POLITICAL INDICATOR	143 / 42.08	POLITICAL INDICATOR	150 / 40.30		
ECONOMIC INDICATOR	135 / 37.58	ECONOMIC INDICATOR	139 / 32.40		
LEGISLATIVE INDICATOR	106 / 57.39	LEGISLATIVE INDICATOR	127 / 54.17		
SOCIAL INDICATOR	96 / 60.80	SOCIAL INDICATOR	136 / 54.50		
SECURITY INDICATOR	137 / 42.98	SECURITY INDICATOR	131 / 43.34		

The media situation in Zimbabwe has improved slightly since the dictator Robert Mugabe's ouster in 2017. Access to information has increased and self-censorship has declined.

[See country fact-file](#)

It is evident that a dated law like criminal defamation is being used to override newer and progressive laws.⁽¹⁾

LEGAL AND REGULATORY FRAMEWORKS

As mentioned before, the promise made by President Emerson Mnangagwa to institute legal reforms has to a certain extent been carried out but has then been nullified by the subsequent reintroduction of contentious clauses through new pieces of legislation.

While the repeal of the Access to Information and Protection of Privacy Act and the Public Order and Security Act provided a triumphant moment, it was a short-lived celebration as the government swiftly introduced the Freedom of Information Act and the Zimbabwe Media Commission Act which brought in aspects that once again introduce restrictions instead of enhancing the work of the media or making information more accessible.

For instance, at the end of 2021, the government enacted the Cyber and Data Protection Act, which reintroduces the criminalisation of the publication of false information despite the Supreme Court of Zimbabwe having previously discarded it as having a chilling effect on exercising the right to freedom of expression.⁽²⁾

The Private Voluntary Organisations (PVO) Amendment Bill, which has been passed by parliament and now awaits President Mnangagwa's signature, threatens the right to freedom of assembly and freedom of expression.

It also provides the government with extensive powers to interfere in the governance and activities of civil society organisations without substantive justification.⁽³⁾

The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, together with fellow special rapporteurs had previously written to the Parliament of Zimbabwe imploring it not to pass the law as it would severely narrow civic space in the country.⁽⁴⁾

MEDIA PLURALISM AND DIVERSITY

Independence of the media remains a challenge

considering that the government controls the majority of the mainstream news platforms, while businesspeople and politicians aligned to the state also own and control a significant number of the licensed media outlets.

This in turn has resulted in a media landscape that lacks diversity of opinion and has compromised the media's capacity to ensure transparency or to hold the government and the corporate accountable for their actions.⁽⁵⁾

Zimbabwe moved towards attaining the three-tier system of broadcasting as aspired to in the Windhoek Declaration.

The government has licensed 14 community broadcasting stations, with six stations having been launched.

Failure to transform the Zimbabwe Broadcasting Corporation into a truly public service broadcaster means Zimbabwe continues to fall short of having a true three-tier system of broadcasting.

The drawback is that in what appears to be a dramatically changing landscape, which gives the appearance of being broadened, actually remains a controlled space, as these licences have been awarded through the lens of political affiliation.

Zimbabwe's media space continues to lack diversity regarding the participation and representation of marginalised groups. Women, youth and sexual minorities have struggled to find space in the local media.

While women play a pivotal role in the development of Zimbabwe's media landscape, their contribution has gone unrecognised as they are excluded from leadership and decision making positions.

MEDIA INDEPENDENCE

Zimbabwe's mainstream media industry is largely controlled by the government through the Zimbabwe Broadcasting Corporation (ZBC).

ZBC runs the only terrestrial television station in the country, a situation that has been prevailing for 43 years since the country gained its independence.

The state broadcaster also runs six radio stations, which have the widest reach in the country.

Six more terrestrial television stations were

granted licences and of these only three have started operating on satellite television rather than on terrestrial platforms as required by the law.

Questions have been raised on the ownership of the newly licensed radio and television stations, with the owners said to be either linked to the government or the governing Zanu PF party.

One of the television stations, *Zimpapers Television Network (ZTN)* is owned by the government-controlled Zimbabwe Newspapers (Ltd) (Zimpapers).

Zimpapers owns *The Herald*, *Chronicle*, *The Sunday Mail*, *Sunday News* and the only two local language newspapers *Kwayedza* and *Umthunywa*. This just serves to illustrate the government's tentacles on the country's media industry.

The ownership and control of the private media is quite murky. This has given rise to a speculation that the media is captured by political elites which in turn generates different forms of self-censorship.⁽⁶⁾

Studies on media capture in Zimbabwe have not been definitive and the absence of an in-depth ownership survey is required as it is almost certain that the media is in the hands of a few who are linked to the ruling elite. This could be a classic case of plurality without diversity.⁽⁷⁾

Realising that government control of private media is increasingly pervasive, a number of senior journalists have branched out and set up online investigative journalism start-ups.

These start-ups are vibrant, but under-resourced and lack the capacity to operate as sustainable and viable business models.

INTERNET ACCESS AND AFFORDABILITY

In 2022 the Postal and Telecommunications Authority of Zimbabwe (POTRAZ) reported that the internet penetration was 65.3 percent.

Zimbabwean President
Emmerson Mnangagwa



However, analysts have argued that this statistic is a façade as it mostly speaks to the availability of internet network and not the percentage of the country that can afford a connection.⁽⁸⁾

However, statistics by the government regulator show that 34 percent of internet traffic in Zimbabwe is mainly for accessing instant messaging platform WhatsApp.

This provides fertile ground for information disorders as people who rely only on WhatsApp for their news have no way of verifying what they consume.⁽⁹⁾

Among the major challenges are the creation of information bubbles and echo chambers as well as the spread of misinformation and disinformation.

While there should be unlimited access to online services, there have been instances of internet throttling in Zimbabwe to prevent access to live streaming services.

This is a common threat during election periods which tilts the playing field against opposition actors who have less control of the media.⁽¹⁰⁾

SAFETY OF JOURNALISTS

Zimbabwe's elections are often highly charged and this often translates to violence. In 2022, the country held by-elections in a number of constituencies and as has become the norm, there was an upsurge in media violations.

To put this in perspective, in 2021, which was not an elective year, media rights advocacy group, the Media Institute of Southern Africa (MISA) Zimbabwe Chapter recorded 21 cases where journalists were attacked.

In 2022, this number jumped by more than 70 percent to 37 cases. With a general election due in the second half of the year, there is a real likelihood that there will be an escalation of attacks against journalists.

One of the prominent cases saw AMH journalists Chengeto Chidi and Blessed Mhlanga being arrested for allegedly taking pictures within a polling station.

They were detained and arraigned before the courts. They also had their equipment destroyed during their arrest.

The two were eventually acquitted, but the court process was energy sapping and costly.

While it might look like the authorities are acting within the spirit of the law, such arrests and court processes — which hardly ever lead to convictions — have the effect of promoting self-censorship. This is detrimental to the goals of access to information.

In 2022, at least four journalists were arrested for contravening provisions of the Cyber and Data Protection Act.

The state is yet to prosecute any case using that particular law, but the number of arrests could also induce self-censorship among journalists.

With the internet increasingly becoming ubiquitous, there are real fears that more journalists and citizens could be arrested.

Media advocacy groups argue that Section 164C of the Criminal Law (Codification and Reform) Act, as amended through the Cyber and Data Protection Act, which relates to publishing false data messages intending to cause harm fails to meet the three-pronged test, which requires legality, proportionality and necessity.

SURVEILLANCE AND PRIVACY OF ONLINE COMMUNICATIONS

Zimbabwe was named as one of the three Southern African countries that obtained surveillance equipment from an Israeli firm.

The government has not been transparent or accountable in how it has deployed that surveillance equipment.⁽¹¹⁾

In 2021, the Minister of Information, Publicity and Broadcasting Services, Monica Mutsvangwa intimated that the government had set up teams to monitor what people receive and send online, a clear indication of the pervasiveness of surveillance online.⁽¹²⁾

With elections due later in 2023, the governing Zanu PF party has been sending unsolicited messages to Zimbabweans canvassing for their votes.

This is an indication that the party has access to registered voters' biometric data and this could be in contravention of the Cyber and Data Protection Act.

The Post and Telecommunications Regulatory Authority – which is the data authority – is yet

to respond to questions from media advocacy groups on the possible breach of privacy.⁽¹³⁾

GENDER AND THE MEDIA

Female journalists find themselves on the periphery of senior positions in media houses and in the mainstream media, only two newspapers have female editors, namely the *Zimbabwe Independent* and the *Sunday Mail*.

A female managing editor was appointed by *The Herald* and the state broadcaster, ZBC, is headed by a female chief executive officer.

A 2022 report by Women in News indicated that in media houses in Zimbabwe, only 12 percent had a female business lead, while 18 percent of the media houses had a female as editorial lead.

The study surveyed 15 media organisations — nine of them were described as top outlets and six start-ups they described as “others of interest”.⁽¹⁴⁾

Despite advocacy on the need to ensure there are more female journalists in senior management positions, the media sector remains largely male dominated.

One of the reasons cited for the lack of female journalists in editorial positions is what has been described as rampant sexual abuse of female journalists.

Research has shown that women in the media are subject to sexual harassment which mostly goes unreported as they fear being stigmatised and losing their jobs.

The Women in News report states that, globally, at least 40 percent of the female journalists that responded to their survey have been sexually harassed in the workplace.

However, despite this high number, only 20 percent of victims of sexual harassment have reported these cases.

The low number of reported cases was due to either fear of reprisals, fear of loss of jobs or



AMH journalists
Chengeto Chidi (right)
and Blessed Mhlanga
were arrested for
allegedly taking pictures
within a polling station

lack of means and processes to file such reports.

The rise of new technologies such as the internet and social media has also seen an increase in what has been defined as online gender based violence or ICT-enabled gender based violence.

Women journalists, activists and politicians have been especially targeted to prevent them from sharing their opinions on pertinent issues that affect Zimbabwe as a community.

These attacks take on misogynistic, aggressive and even violent undertones. What makes the effort to end online attacks on women more difficult is defining online harassment.

This has made monitoring, documenting and reporting online gender-based violence an onerous task.

Regarding the issue of inclusion and diversity Afrobarometer 2020 states that It is common to have other voices speak "on behalf of" minorities, but the minorities themselves are not heard.

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) issues are never positively covered (specifically by the ZBC).

Due mainly to comments that have been made on LGBTIQ issues by the former president, this community continues "suffering in silence." As they are continuously stereotyped which has fuelled discrimination.⁽¹⁵⁾

CONTENT CREATORS

Zimbabwe has experienced a significant growth of an active online community which has been sustained by a growing crop of content producers who keep their audiences busy.

This notion is supported by Chirimambowa and Chimedza (2022) who note that, concomitant to these rising statistics on social media in Zimbabwe has been the exponential growth of new media operations such as *Bustop TV*, *Magamba TV*, *CITE (Centre for Innovation and Technology)*, *Big Saturday Read*, *Gravitas Bulletin*, *NewZimbabwe*, *Nehanda Radio and TV*, *Comic Pastor* and *@263 Chat*, among others.

These platforms continue to grow in influence and following with notable personalities like Trevor Ncube — Alpha Media Holdings Publisher — has 39,000 followers on his *YouTube* channel, while journalist Hopewell Chin'ono has 585,977 followers on *Twitter* placing them among the

most powerful influencers in the country.

This influence has come with scrutiny and surveillance from public authorities who have not hesitated to arrest these content creators using the Cyber and Data Protection Act.

JOURNALISTS FROM RURAL COMMUNITIES

In the past two years, Zimbabwe has licensed 14 community radio stations and campus radio stations.

These stations are predominantly in small towns and rural areas, covering districts where there are minority languages. As of February 2023, only six of the community radio stations had started broadcasting.

The community radio stations were opened with the support of UNESCO and influence from the government.

In most cases, the radio stations do not have qualified personnel, with most of them being manned by unpaid volunteers.

This calls into question the sustainability of their operations and could be the reason why only a few have come on air.

As per law, community radio stations are not allowed to run commercial advertising, with their revenues coming from the communities in which they operate.

With this model, it is unlikely that community radio stations will be able to sustain their operations for long.

There is need to rethink the model and also find ways in which they can raise money. Zimbabwe's mainstream media is mainly urban centric, with the bigger media houses able to deploy stringers or correspondents in small towns and rural areas.

The correspondents are generally poorly paid and have no access to pensions or health insurance.

This leaves them at the mercy of corporates or politicians who are able to bribe them with freebies such as free fuel or transport to events and stipends for reporting on their events.

In addition, because correspondents from small towns barely have the support of the company, they are vulnerable to lawsuits and

threats from politicians.

For example, freelance journalist Simba Sithole reportedly received threats over a story he wrote on alleged corruption in Home Affairs minister Kazembe Kazembe's Mazowe West constituency. A person called the journalist and threatened to "deal with him on social media".

News stories from small towns barely get any prominence in the mainstream media or online media.

Broadcasters barely cover most rural areas, particularly border towns that have to rely on broadcasts from foreign countries for their news.

Newspaper companies also do not have the reach to distribute their products in small towns and rural areas.

This means that communities in these areas are denied their right to access verified and credible information.

Unfortunately, this vacuum is often filled by gossip, innuendo, misinformation and disinformation.

THE IMPACT OF COVID-19

COVID-19 has forced the Zimbabwean media to reinvent itself for purposes of sustainability. Media have become more active on digital platforms in order to reach out to their audiences and there are numerous radio stations that have taken advantage of live streaming platforms like Twitter, Facebook and YouTube to monetise their services.

With the decline in advertising revenue during the pandemic many news platforms had to lay off their correspondents and rely on a small team of core staff.

Digitally savvy platforms like the Magamba network have managed to grow during this period, as shown by the establishment of the Open Party and Council platforms, which do not rely solely on traditional forms of revenue, but also access grant based funding. This approach seemingly prevents capture by political or commercial interests.

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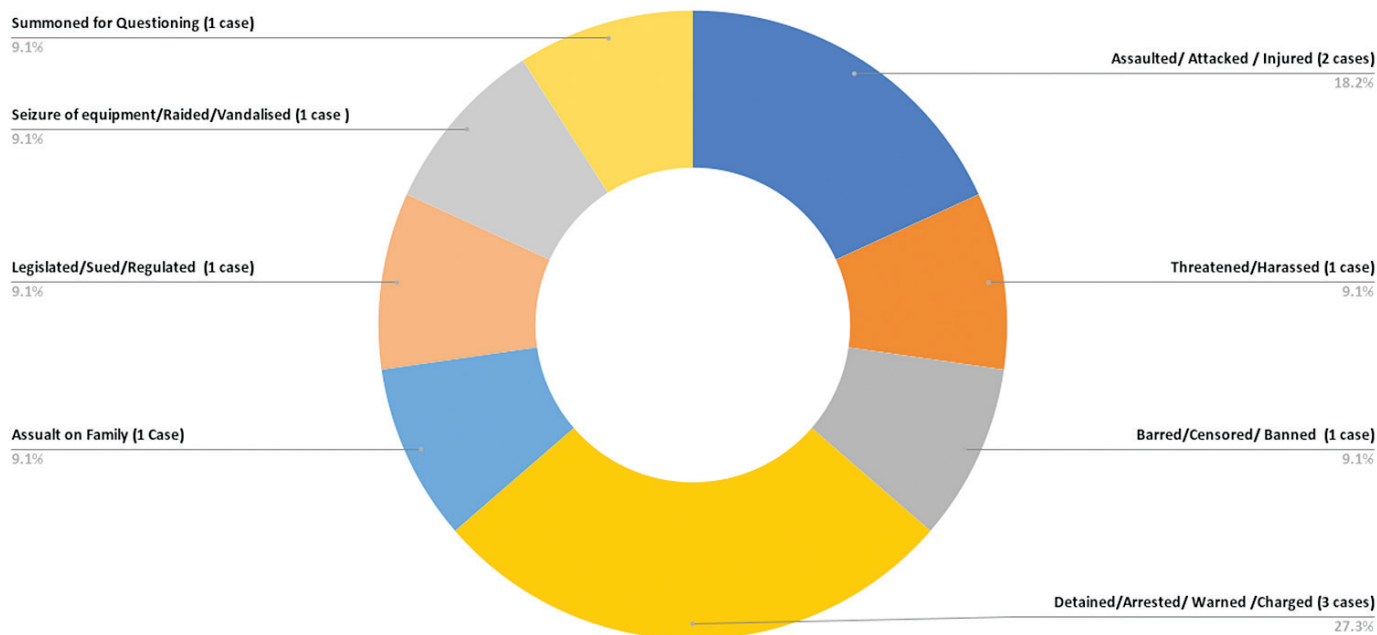
■ ZIMBABWE: MEDIA LAW REFORM AGENDA STALLS AS CIVIC SPACE SHRINKS

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- (2) SC 14-13 - CHIMAKURE & ORS v THE AG OF ZIMBABWE <https://www.veritaszim.net/node/946>
- (3) Zimbabwe's PVO Amendment Bill would criminalise work of civil society organisations <https://ifex.org/zimbabwes-pvo-amendment-bill-would-criminalise-work-of-civil-society-organisations/>
- (4) UN Special Rapporteur raps NGO laws <https://misa.org/blog/un-special-rapporteur-raps-ngo-laws/>
- (5) Government grants new TV licences, diversity concerns linger <https://zimbabwe.misa.org/2020/11/20/government-grants-new-tv-licences-diversity-concerns-linger>
- (6) Zimbabwe: President's Relative Takes 30% Stake In Trevor Ncube's Alpha Media Holdings (AMH) <https://broadcastmediaafrica.com/zimbabwe-presidents-relative-takes-30-stake-in-trevor-ncubes-alpha-media-holdings-amh>
- (7) Media Capture In Zimbabwe : Fact Or Fiction? <https://mazw.org.zw/media-capture-in-zimbabwe-fact-or-fiction/>
- (8) Potraz Q4 2022 ICT sector report is out, internet penetration reaches 65.3%, and there's more <https://www.techzim.co.zw/2023/04/potraz-q4-2022-report-out-internet-penetration-now-65-3-theres-more/>
- (9) WhatsApp IS the internet in Zimbabwe, accounts for 34% of mobile internet traffic <https://www.techzim.co.zw/2016/03/whatsapp-internet-zimbabwe-accounts-34-mobile-internet-traffic/>
- (10) Statement on the recently reported internet throttling in Zimbabwe <https://www.africafex.org/censorship/statement-on-the-recently-reported-internet-throttling-in-zimbabwe>
- (11) Running in Circles: Uncovering the Clients of Cyberespionage Firm Circles <https://citizenlab.ca/2020/12/running-in-circles-uncovering-the-clients-of-cyberespionage-firm-circles/>
- (12) Arbitrary social media surveillance cause for concern
- (13) MISA demands enquiry over Zanu PF's ED texts to voters <https://www.newzimbabwe.com/https-www-newzimbabwe-com-misa-demands-enquiry-over-zanu-pf-ed-texts-to-voters/>
- (14) WIN Leadership Mapping Global report https://cdn.womeninnews.org/wp-content/uploads/2022/11/WIN-Leadership-Mapping-Report_Updated.pptx.pdf
- (15) Disciplining the Digital public sphere: Understanding Zimbabwe's fast evolving social media landscape <https://fesmedia-africa.fes.de/news/disciplining-the-digital-public-sphere-understanding-zimbabwes-fast-evolving-social-media-landscape>

MEDIA FREEDOM VIOLATIONS 2022

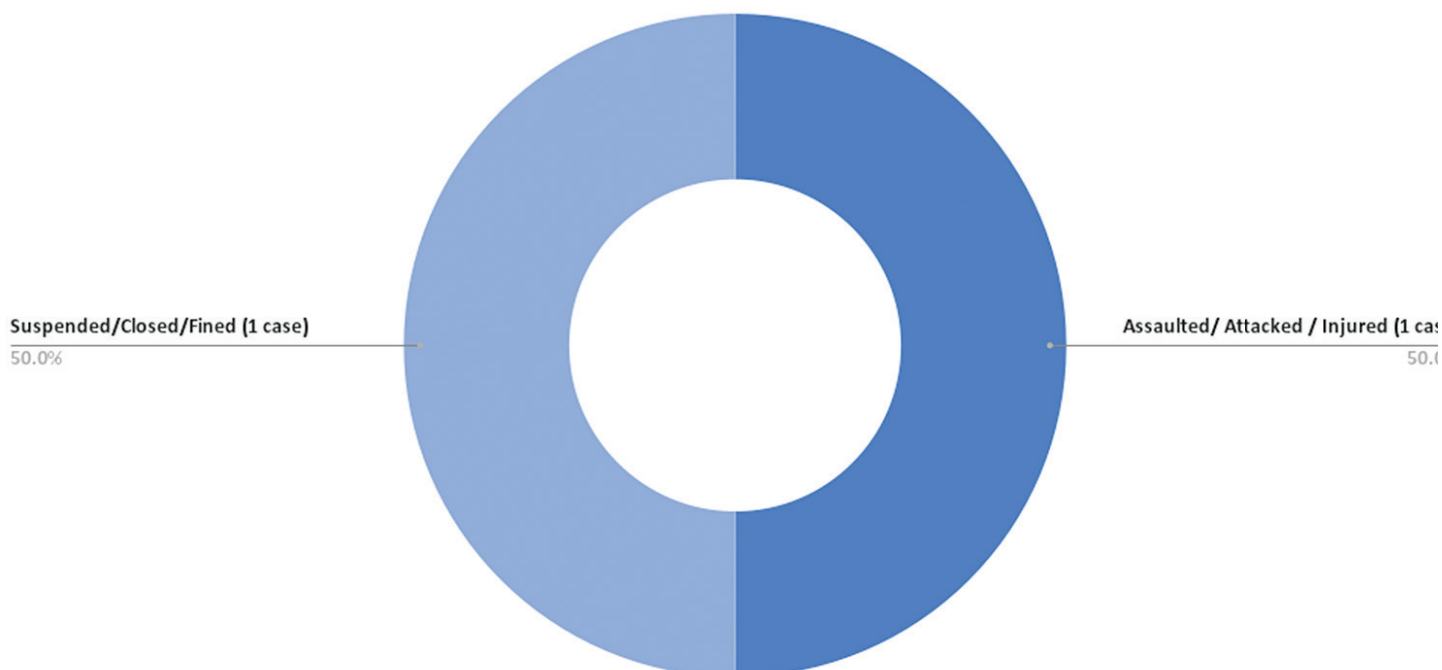
■ ANGOLA

Media Freedom Violations 2022 Angola



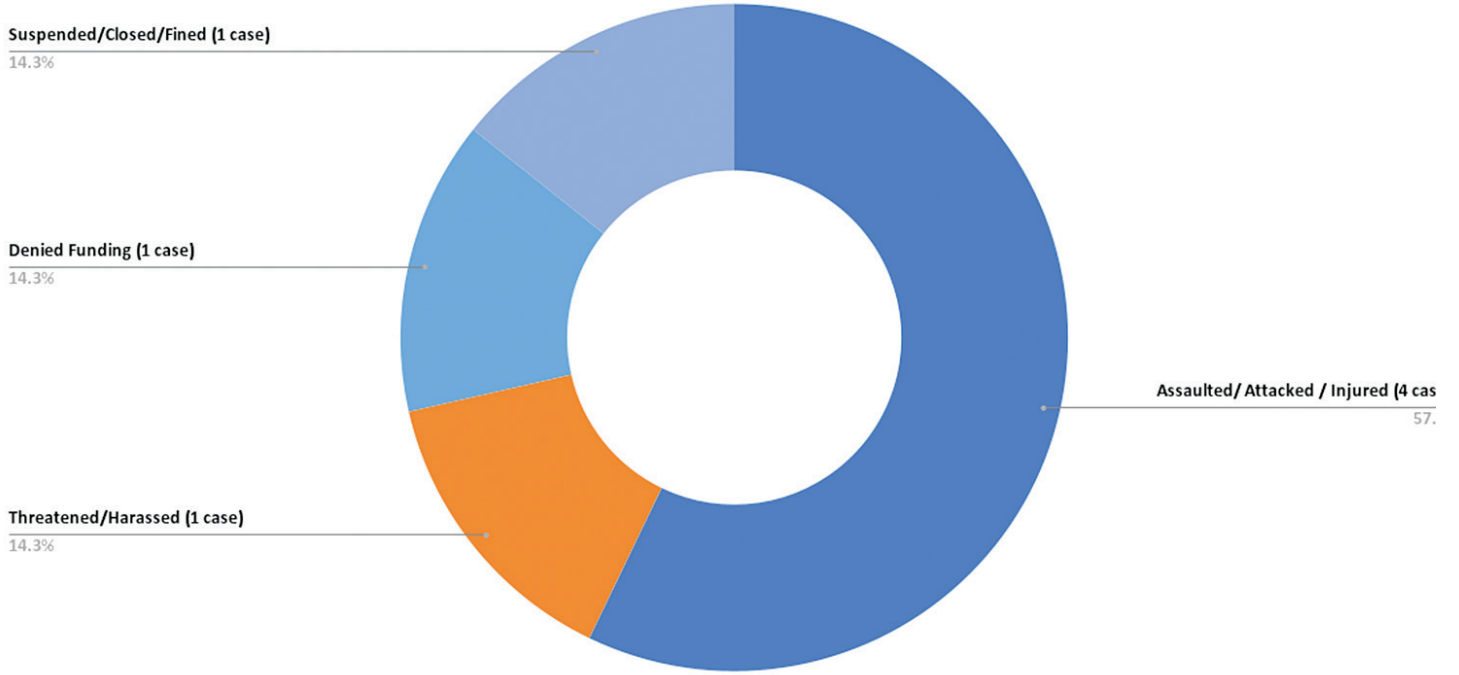
■ ESWATINI

Media Freedom Violations 2022 Eswatini



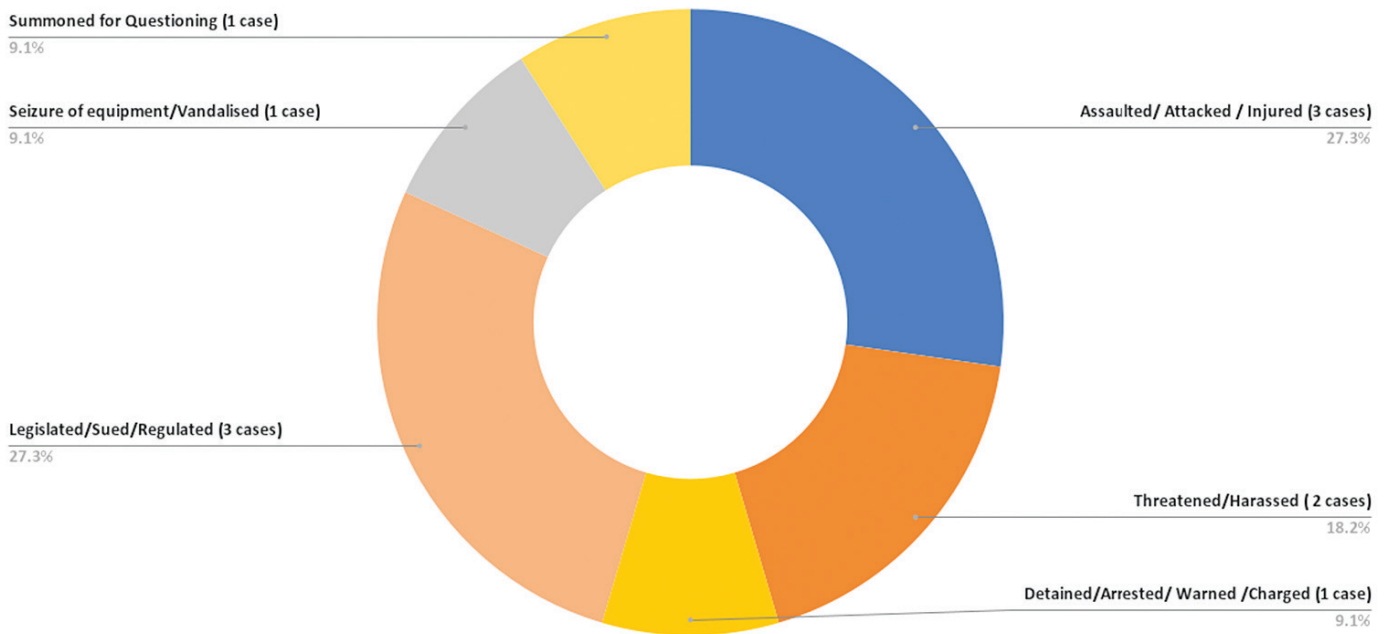
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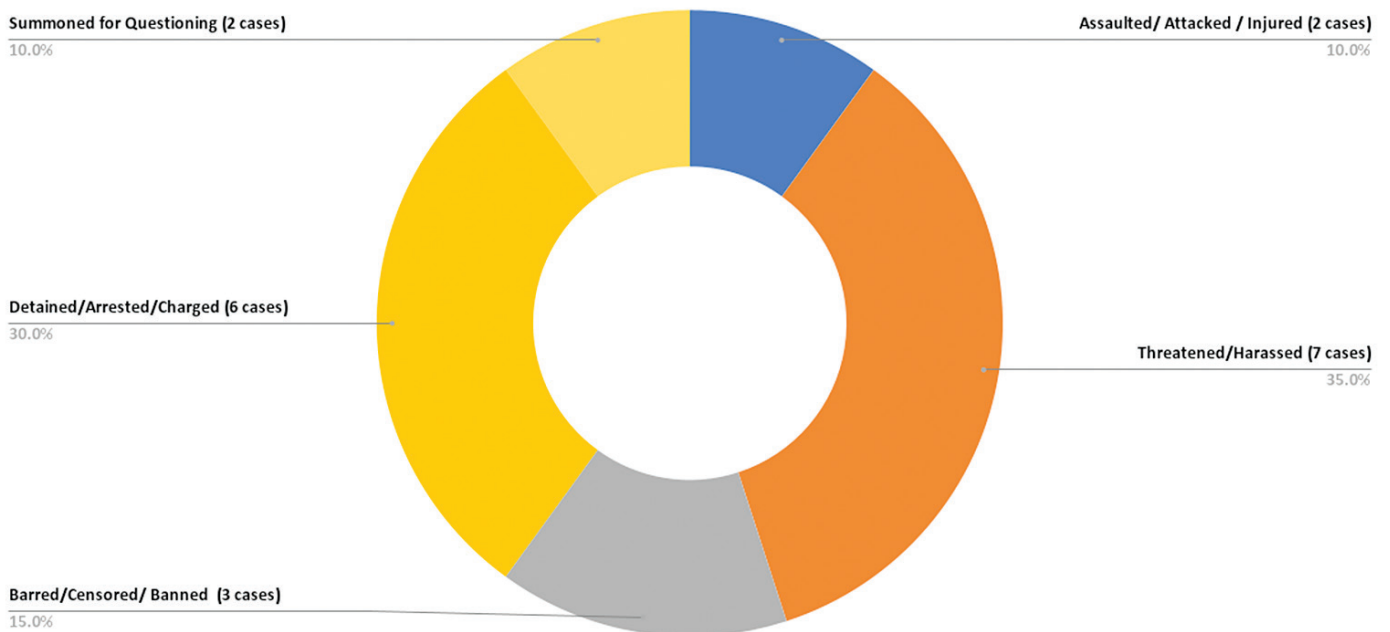
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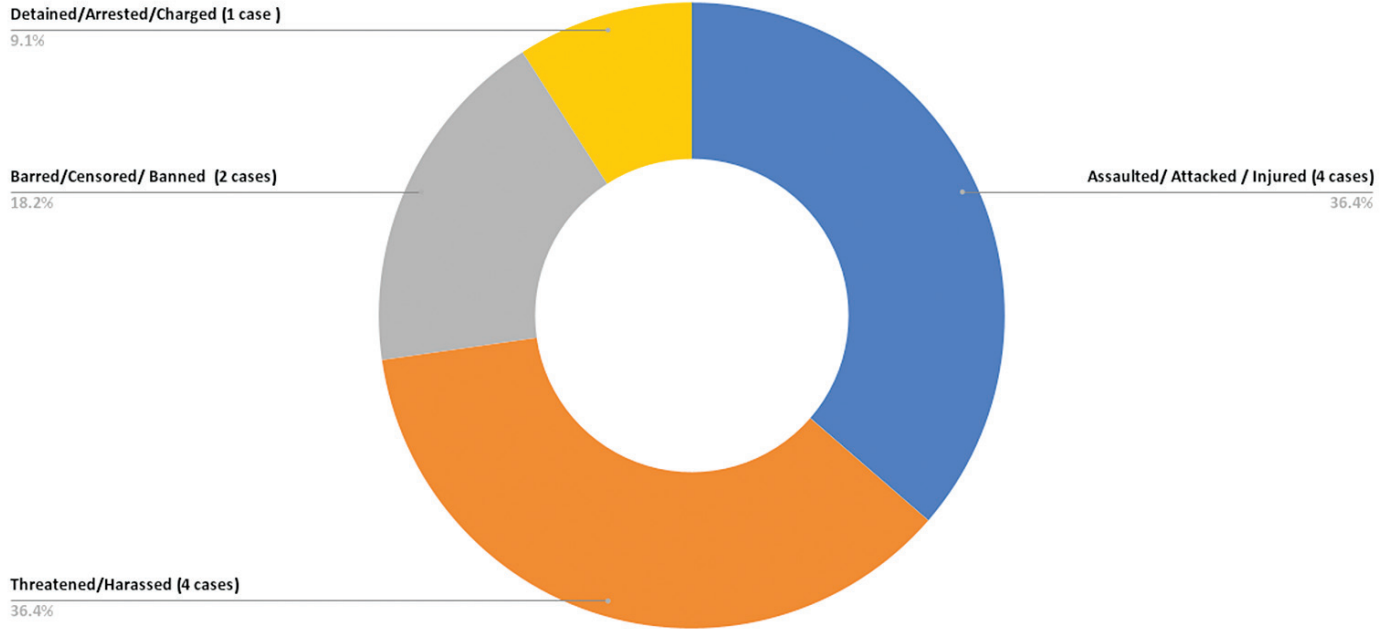
■ TANZANIA

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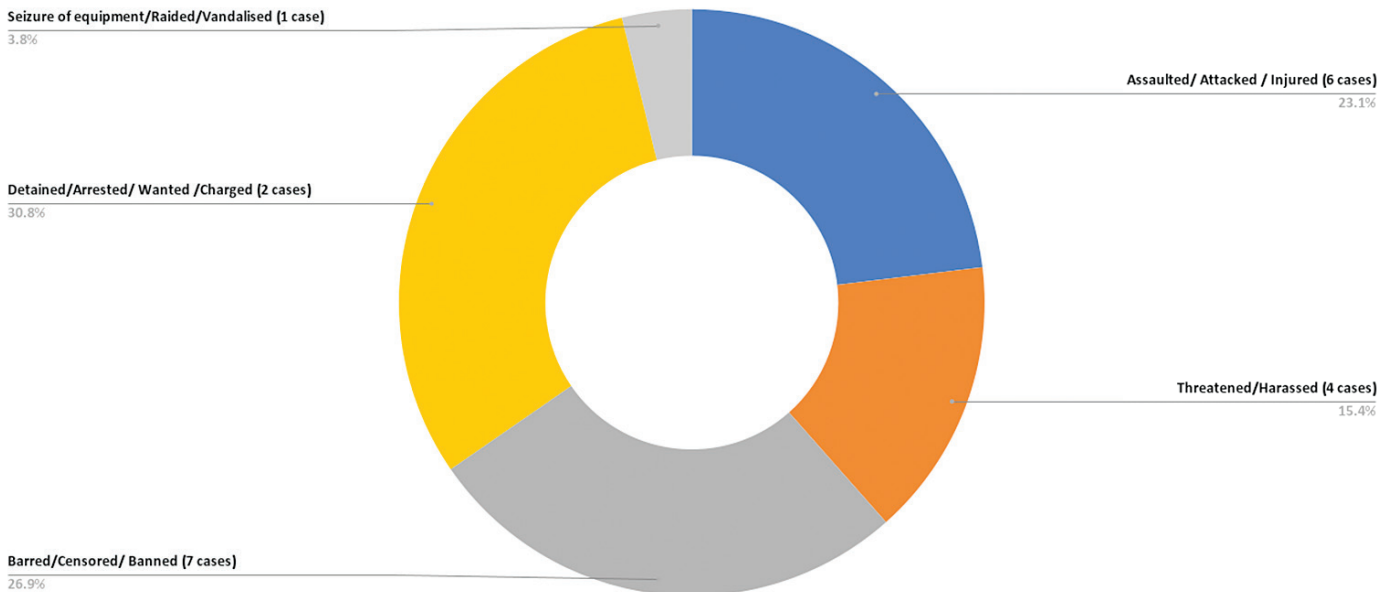
ZAMBIA

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ZIMBABWE

Media Freedom Violations 2022 Zimbabwe

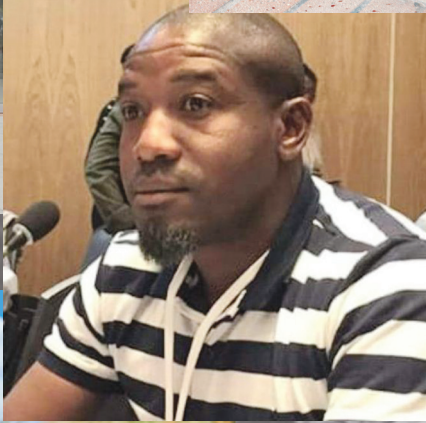




Journalist Ruvimbo Muchenje was allegedly assaulted by suspected opposition supporters at a rally in Chinhoyi in September

Journalist Tongai Mwenje, the *SportBrief* founder and managing editor, is one of the scribes assaulted together with Toneo Rutsito, Pellagia Mpurwa and Chelsea Mashayamombe by suspected ruling party activists at a rally in Gokwe in September 2022







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