

AFRICAN MEDIA BAROMETER ZIMBABWE

Report on the Media Barometer panel meeting which took place at Leopard Rock Hotel, Vumba, 31 March to 2 April 2006.

Sector 1: Freedom of expression, including freedom of the media, are effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.

ANALYSIS:

Section 20 (1) of the Constitution of Zimbabwe says: “No person shall be prevented from exercising his or her freedom of expression, which includes the freedom to hold opinions and to receive and/or communicate ideas and information without interference.” Clause 2 of the same section, however, provides that freedom of expression can be limited if it is necessary

- in the interest of defence, public safety and economic interest of the state, public morality/ public health;
- to protect the independence of courts and parliament;
- to protect the freedoms and reputation of others.

These statutory limitations are not permissible “as far as that provision ... is shown not to be reasonably justifiable in a democratic society”. This means that the individual seeking to assert the right to freedom of expression must prove that a particular restriction is not justifiable.

Freedom of the press and/or the media is not expressly guaranteed.

Pieces of legislation restricting the right to freedom of expression include but are not limited to the Public Order and Security Act Chapter 11:7 (POSA), the Access to Information and Protection of Privacy Act Chapter 10:27 (AIPPA), the Broadcasting Services Act Chapter 12:06 (BSA), Criminal Law Amendment Act to restrictive pieces of legislation. These Acts make it difficult to assert the constitutional right to freedom of expression as they override it.

The judiciary also plays a vital role in the advancement or restriction of freedom of expression. A judiciary which is sympathetic to freedom of expression and media freedom can interpret the constitutional provisions to include all aspects of free expression including media freedom and other forms of communication. An

example of such liberal interpretation of the freedom of expression clause can be found in how the Supreme Court stretched the interpretation to include the freedom to communicate without the restrictions of monopolistic telecommunications laws. The Supreme Court therefore struck down as unconstitutional telecommunications legislation which gave the government monopoly in the telecommunications sector on the basis that the monopoly restricted free communication and therefore free expression in Zimbabwe.

The current Supreme Court, which is composed of partisan judges, however, does not interpret the constitutional provisions on freedom of expression in a liberal and favourable manner. When The *Daily News* was closed down by the state, the then Minister of Information, Jonathan Moyo, argued in court that “freedom of expression is guaranteed, not freedom of the press”. Instead of following the liberal and all inclusive interpretation of freedom of expression, the current Supreme Court considered that the “dirty hands” doctrine was so important as to override freedom of expression. The *Daily News* was closed for not having registered with the Media and Information Commission (MIC) as provided for under AIPPA. The paper should also have registered before going to the court – without such registration the paper would have “dirty hands”.

In the 17th Amendment of the Constitution, lawmakers added a unique standard for measuring the legitimacy of freedoms and arguably that of expression, i.e. through the determination of whether the action/activity is of “national interest”. Outcomes of court cases now depend entirely on how the individual judge interprets “the national interest”.

SCORES:

Individual scores: 2, 1, 1, 2, 1, 1, 2, 1, 1

Average score: **1.3**

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

ANALYSIS:

The right to express oneself freely depends on where one is, who one is with and what one says.

It is easy to communicate freely within one's group, but difficult when there are people one does not know. One cannot speak freely on the bus or in public or go to the national broadcaster or the media with one's views, if these are not in line with the views of government. In rural Zimbabwe there is fear of victimisation, fear of disappearance, torture, and violence when one expresses oneself.

Journalists and the media are under particular restrictions for various reasons. The state media have to suit the policy makers' expectations. The independent media live under the threat of being de-registered by the Media and Information Commission, thus they exercise self-censorship for fear of not having their licences renewed.

In the courts, there are certain issues that lawyers cannot talk about because they are off limits. Politicians and policy makers are even more restricted than the average citizens, as they cannot openly express their views: they make totally different statements on one and the same issue depending on whether they are in private and in public.

Even the supposedly private spheres are affected. Children cannot talk freely with their parents or adults, and women can also not freely express themselves to their husbands.

Health issues have not been spared, as there is a lot of stigma associated with talking freely on certain issues, especially HIV/AIDS. People do not dare to express themselves when it comes to the pandemic, for example, on revealing their own HIV positive or negative status. The President, R.G. Mugabe, proclaimed during the funeral of the leader of the "war veterans", Chenjerai Hunzvi, that Hunzvi had not died of AIDS as "good people do not die of AIDS". The newspapers had revealed drugs and prescriptions suggesting that Hunzvi was being treated for an AIDS related illness.

The fear factor is always there – and it is increasing, particularly in the public sphere. Government is determined, to the point of obsession, to increasingly control what people say and do. Private schools are controlled. Operation Murambatsvina (the forced removal of people in the cities considered as causing "dirt") denied people their economic freedom of expression. If Zimbabweans say something outside the country presumed to be critical of government, the net could be closing in on them and their passport may be seized.

Most people exercise caution before speaking their mind in Zimbabwe. In the Afro Barometer that researches opinions and attitudes of people in 18 countries, Zimbabwe always comes out the worst. Up to 35 % of the respondents say "don't know", to what they perceive to be politically sensitive questions i.e. give non-committal responses since they do not dare to give clear answers.

Even at tertiary level, traditionally the hotbed of free debate, the “culture of self-censorship” is described as widespread and pathetic. Lecturers are often afraid to include certain contentious topics in their course outlines or comment on them in public. Equally, students no longer freely debate issues without fear.

People are only able to talk freely as long as they say what the authorities want to hear. Most issues in Zimbabwe are seen as political and have political meanings and connotations ascribed to them resulting in fear to fully assert one’s right to freedom of expression. Every issue in Zimbabwe is seen as being a political issue with a political meaning.

SCORES:

Individual scores: 2, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.1**

1.3 There are no laws restricting freedom of expression such as excessive official secrets or libel Acts, or laws that unreasonably interfere with the responsibilities of media.

ANALYSIS:

There are laws that take away the little freedom of expression that the constitution allows. These are, among many others, the Official Secrets Act, POSA, BSA and AIPPA.

POSA, for example, makes it a criminal offence to publish or communicate “false statements prejudicial to the state”. A person may be fined or imprisoned for up to five years for publishing a “false” statement likely to incite public disorder, affect the defence and economic interests of the country, or undermine public confidence in the police, armed forces or prison officers. Section 16 makes it an offence to make a public statement with the intention of, or knowing that there is a risk of “undermining the authority of or insulting the President. This includes statements likely to engender feelings of hostility towards the President, cause “hatred, contempt or ridicule” of the President, or any “abusive, indecent, obscene or false statement” about his person or his office. The offence attracts imprisonment for up to one year.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 4

Average score: **1.3**

1.4 Entry into and practice of the journalistic profession is legally unrestricted.

ANALYSIS:

AIPPA has established a Media and Information Commission, appointed by the Minister of Information and Publicity in the President's Office. This Act obliges media houses to be registered, and journalists to be accredited with the Commission. Section 83 states that "no person other than an accredited journalist shall practise as a journalist nor be employed as such or in any manner holding himself out as or pretend to be a journalist". A media house that employs journalists who are not accredited or have been struck off the roll, can be de-registered. Section 80 determines: "A journalist shall be deemed to have abused his journalist's privilege and committed an offence if he falsifies or fabricates information". It is the Media and Information Commission which determines whether a piece of information is "false" or "fabricated".

SCORES:

Individual scores: 5, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.4**

1.5 Protection of confidential sources of information is guaranteed by law.

ANALYSIS:

Confidential sources of information are not protected by any law and journalists can be forced to reveal their sources.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

1.6 Public information is easily accessible, guaranteed by law, to all citizens including journalists.

ANALYSIS:

AIPPA – the Access to Information and Protection of Privacy Act – professes to make access to public information possible. But this is not the case. The criteria to gain access to information in the hands of government are very restrictive, as is the process. Within 30 days after applying for access to information of a certain document from a ministry, and the application having been ignored or turned down, the applicant can complain to the minister – the same minister heading the ministry that refused access in the first place.

Government keeps tight control over its own publications such as the Government Gazette. Even the Hansard, which contains parliamentary debates, has not been published for a while. Citizens who wanted information relating to investments by a government-run social security organisation were denied the right to such information. A workers' organisation was equally denied access to the information. These restrictions also cover normal comment from official government spokespersons who routinely refuse to speak to journalists in the private media on the basis that "you know I do not speak to your paper".

Whether access is granted or not very much depends on the person applying: whether one is seen as a supporter of government or "being against the establishment". Journalists applying for access to official records and documents are viewed with suspicion. For example, a reporter looking for a copy of a newspaper published in 1979 could not get it from the National Archives simply because he was a journalist from the independent media and therefore perceived to have sinister motives for wanting to get hold of it.

SCORES:

Individual scores: 2, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.1**

1.7 Civil society in general and media lobby groups actively advance the cause of media freedom.

ANALYSIS:

Civil society groups often fail to speak with one voice because they compete for space and influence. Various groups are looking after their own specific causes without adopting a broader approach, and they are competing for funding from the same donor organisations. The situation is worsened by a polarisation between “pro- regime” and “anti- regime” groups.

Despite the above, core groups of civil society have generally been making efforts to advance the cause of media freedom, among them the Media Institute of Southern Africa – Zimbabwe Chapter (MISA), the Zimbabwe Union of Journalists, the Zimbabwe Independent Editors Forum (ZINEF), the Independent Journalists Association of Zimbabwe and the Media Monitoring Project of Zimbabwe (MMPZ).

Activism, however, does not translate into a profound impact. And too often action is missing. For example, when The *Daily News* was closed, one would have expected all journalists to sign a protest resolution. Out of fear this did not happen.

When the Media and Information Commission demanded that MISA register as a mass media organisation under AIPPA, the Chapter initially refused and mounted a court case. Government however amended AIPPA in a manner that covered organisations like MISA rendering the court action invalid.

SCORES:

Individual scores: 1, 2, 3, 2, 4, 2, 3, 2, 4

Average Score: **2.5**

Overall score for sector 1:	1.4
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Sector 2: The media landscape is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.

ANALYSIS:

While in rural areas there are some information sources available, it should however be noted that accessing them is difficult because there is no distribution of print media, poor television reception and hardly any Internet access. The situation in urban areas seems to be better.

Print media

Generally, there is a wide range of print media available which include the state-owned *The Herald*, *The Sunday Mail*, *The Sunday News* (Bulawayo-based), *The Chronicle* (Bulawayo-based), *The Manica Post* (Mutare-based) and *Gweru Times*. *The Daily Mirror* and the *Sunday Mirror* are owned by an academic aligned to the ruling party. *The Financial Gazette* is said to be owned by the governor of the Reserve Bank. The weeklies *The Standard* and *The Zimbabwe Independent* are privately owned. *The Voice* (presently defunct) is a publication of the Information Department of the ruling ZANU (PF), *The Worker* is published by the Zimbabwe Congress of Trade Unions and *The Agenda* by the National Constitutional Assembly- which are becoming more and more expensive to publish. Other periodicals are lifestyle papers *Trends*, *En Vogue* and other specialised publications, e.g. soccer magazines.

At its peak in 1981, when it was perceived as quite independent under the editorship of Willie Musarurwa, *The Sunday Mail* ran 400 000 copies. *The Daily News* at its peak had 60 – 100 000 copies while the *Herald* averages 60 000 copies. On average 5 people read one copy of the dailies with the figure increasing to 20 per copy of weekly newspapers.

All papers are very expensive. A copy of *The Herald* presently costs Z\$100 000 per copy, nearly as much as a loaf of bread - and most people prioritise bread over newspapers.

There is also lack of access to books as they are very expensive and sometimes unavailable. Even bibles which were at one time available almost free of charge are not affordable any more-they cost Z\$900 000.

Broadcasting

Broadcasting in Zimbabwe has been described as “narrowcasting” as the state-controlled *Zimbabwe Broadcasting Holdings* has a monopoly over the airwaves. There is no other broadcasting operator in the country. *Radio Dialogue*, a Bulawayo-based community radio initiative, organises road shows and produces tapes and CDs but is not allowed to go on air.

Internet

Very few Zimbabweans have private access to Internet. Wider public access is via Internet Cafes, but they are outrageously priced beyond the reach of many. Those who have access mainly use the facilities at their workplaces. Access in Harare, the country’s capital city is further hampered by regular electricity outages (four or five times a week for two hours).

An Interception of Communications Bill will make the surveillance of all communication including internet traffic “legally” possible has been drafted. In the draft, the persons who can make applications for the interception of communications include the Chief of Defence Intelligence, the Director-General of the President’s department of national security, the Commissioner of the Zimbabwe Republic Police and the Commissioner-General of the Zimbabwe Revenue Authority. All Internet Service Providers (ISPs), freight forwarders, courier companies, postal and telephone service providers and any providers of any medium that facilitates communication need to put in place systems to monitor and record all information that passes through their system at their own expense. E-mails for example will be monitored, automatically identifying sensitive phrases and thus stopping the message from being forwarded to the recipient. There is no legal obligation to inform the person under surveillance.

The response to the Bill so far has been largely mute. MISA issued a press release; Zimbabwe Lawyers for Human Rights organised a public discussion, *The Independent* reported on it– without any public reaction. One of the reasons for this silence might be that “ZANU (PF) is very good at keeping us (civil society) busy and we are getting tired”. The service providers themselves feel they should not do anything about the Bill for fear of creating an impression that “they have something to hide”. They are thus “willing” to comply with the law.

On-line newspapers

There are a number of on-line newspapers run by Zimbabweans in the Diaspora, including *ZimOnline*, *Zimdaily* and *NewZimbabwe.com*. They are popular with and useful for the part of the population that has access to internet.

Satellite stations

DSTV is available for subscription but only against payment in foreign currency. South African TV channels are accessible through free to air satellite receivers.

Informal communication channels

Word of mouth is increasingly getting both more important and restricted at the same time. People from urban areas carry news to the rural areas and vice versa. However, due to the ever rising costs of transport many people cannot afford to visit their rural areas as often as they would wish. Thus, the flow of information is diminishing.

Foreign broadcasting

Externally based radio stations are enjoying significant growth in popularity, for example *Studio 7* (a *Voice of America* programme produced by Zimbabweans) and *SW Radio* (broadcast from London, produced by Zimbabweans in exile). Both are broadcasting on short wave. Drivers in combis (public transport) regularly tune in to the news on *Studio 7* at 1900hrs and people enjoy listening to the “pirate stations” as they are referred to by government. Radio stations from neighbouring countries are also popular in areas near to the borders.

SCORES:

Individual scores: 2, 2, 2, 1, 1, 1, 1, 1, 1

Average score: 1.3

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

ANALYSIS:

Foreign papers available in Zimbabwe include *The Zimbabwean* (a London-based weekly produced by exiled Zimbabweans) and the South African *Mail & Guardian*, *Sunday Times*, *Home and Garden* and *Living and Loving*. Plans to restrict the circulation of some of these publications are in the pipeline but opposed by, among others, the editor of *The Herald* who argued in a parliamentary committee hearing that there was overregulation of the media and that this should not be expanded.

The Interception of Communications Bill will definitely affect on-line publications which are in danger of being filtered out by the internet service providers.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 1, 2, 1, 1

Average score: **1.2**

2.3 Efforts are undertaken to increase the scope of circulation of the print media particularly to rural communities.

ANALYSIS:

There are small efforts by the civic sector as well as some media houses to reach out to rural communities.

These efforts are, however, severely constrained by the phenomenal cost of newsprint, forcing media houses to do just the opposite: to limit their print run for economic reasons. Some publishers are now trying to distribute returned copies of their newspapers to libraries in rural schools for free but are dependent on the good (political) will of headmasters who decide whether they will go on display or not.

The NGO *Africa Community Publishing and Development* is distributing books in rural areas, but not yet on a sufficiently large scale.

Government has seemingly given up distributing print matter to rural areas. Its community papers collapsed and the government-run Literature Bureau was also allowed to die. It was also responsible for printing schoolbooks, which are now difficult to get on the market.

The United Nations Development Programme has supported some information capacity building at parliamentary constituency level, where constituency information centres have been established. These centres, however, are seen as partisan because they tend to benefit only those groups affiliated to the dominant party in the constituency.

SCORES:

Individual scores: 2, 1, 2, 1, 2, 2, 1, 1, 1

Average score: **1.4**

2.4 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

ANALYSIS:

The Broadcasting Services Act 2001 set up the Broadcasting Authority of Zimbabwe, appointed by and under the control of the Minister of Information, with the responsibility to issue licences for broadcasting. No such licence has been granted so far.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.5 Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.

Community broadcasting is non-existent in Zimbabwe.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.6 The editorial independence of print media published by a public authority is protected adequately against undue political influence.

ANALYSIS:

Print media under the state-owned Zimpapers stable are controlled essentially by the Ministry of Information. It determines their editorial policy and appoints editors and other leading staff based on their support for the ruling party and government. If someone does not toe the party line, he or she gets fired. Therefore, staff at these papers are exercising self-censorship.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.7 Local or regional independent news agencies gather and distribute information for all media.

ANALYSIS:

The only news agency, *New ZIANA*, is a commercial enterprise owned by government and is thus not independent.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 2, 1

Average score: **1.1**

2.8 Media diversity is promoted through adequate competition regulation/legislation.

ANALYSIS:

Although it appears as if pieces of legislation such as AIPPA and the BSA promote media diversity in Zimbabwe, the application of these laws so far has demonstrated that the government is actually stifling media diversity. Although the BAZ is tasked with the licensing of other broadcasting stations, to date the Broadcasting Authority of Zimbabwe has thrown a lot of spanners into the works of potential operators and has not approved a single broadcasting licence.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.9 Government promotes a political and economic environment which allows a diverse media landscape.

ANALYSIS:

The economic environment – due to the overall political environment – is deteriorating. There is a monopoly on the supply of newsprint. Prices for newsprint rise steeply every two weeks over and above the inflation rate. This is a result of farm invasions since 2002. Timber plantations are not being maintained and fall victim to regular veld fires resulting in limited supplies. Plantations that have not been seized yet are under notice of acquisition by government. Farmers are therefore unable to produce as their farms can be taken over any time.

Due to the unavailability of foreign currency, little or no newsprint is imported.

Books are printed in South Africa as the costs there are one third of those in Zimbabwe.

SCORES:

Individual score: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.10 Private media outlets operate as efficient and professional businesses.

ANALYSIS:

Generally, private media houses try to operate as efficient and professional businesses. The *Zimbabwe Independent*, for example, gets its paper out on time, and management is seriously committed to making a profit. Regular board meetings are held and the board does its best to leave editorial policy to the staff. The paper is cross-subsidised by other businesses such as Munn Marketing, a company that distributes foreign publications (this enterprise could be in danger if foreign print media are indeed banned, as planned).

SCORES:

Individual scores: 3, 5, 3, 4, 4, 2, 4, 4, 4

Average score: **3.6**

2.11 State print media are not subsidised with tax payers' money.

ANALYSIS:

There is no clear evidence of direct budget subsidies but as state media, like any other, are suffering from a reduction in advertising due to economic and political reasons, there is a strong likelihood of taxpayers' money being used. Parastatal companies advertise in the state media at every given opportunity, with full colour, full page advertisements - but not in any other paper.

SCORES

Individual scores: 1, 2, 1, 2, 1, 1, 2, 2, 1

Average score: **1.4**

2.12 Government does not use its power over the placement of advertisements as a means of interference with media content

ANALYSIS:

Parastatal companies advertise exclusively in the state run papers. Directives oblige all state run universities not to advertise in the private media. The state run media are also directed not to take advertisements from certain companies associated with the opposition or even to mention them. For example, the mobile phone company *Econet* sponsored the soccer premiership but its name was never mentioned. It was referred to as “a certain cellular network”.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.13 The advertising market is large enough to maintain a diversity of media outlets.

ANALYSIS:

Although there is a perception that the papers are full of ads, in reality only very few companies can still afford advertising. Most if not all advertising budgets have been drastically slashed due to stringent cost cutting measures within the corporate sector. The only relief comes from seasonal advertisements that are mandatory like audited financial statements of companies listed on the Zimbabwe Stock Exchange at the end of March.

SCORES:

Individual scores: 2, 2, 1, 2, 4, 1, 3, 3, 3

Average score: **2.3**

Overall score for section 2: 1.4

Sector 3: Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.

ANALYSIS:

The Broadcasting Services Act 2001 established the Broadcasting Authority of Zimbabwe (BAZ) as the regulatory and licensing body, appointed and under the control of the Minister of Information, a department within the president's office. Constant political interference is thus inevitable.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

3.2 The appointments procedure for members of the regulatory body is open and transparent and involves civil society.

ANALYSIS:

Members of BAZ are appointed by the Minister of Information and Publicity in the Office of the President.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

3.3 The body regulates broadcasting in the public interest and ensures fairness and a diversity of views broadly representing society at large.

ANALYSIS:

Being a government appointed body and given the context of the current political situation in Zimbabwe, BAZ has no regard to the public interest in general and ensures neither fairness nor a diversity of views.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

3.4 The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.

ANALYSIS:

No such policy is in place. BAZ works behind closed doors and is in fact shielded from any public scrutiny.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

3.5 The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

ANALYSIS:

The state broadcaster is an arm of the *Zimbabwe Broadcasting Holdings (ZBH)*.

The board of the holding company is appointed solely by the Minister of Information, without any public input.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

3.6 Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.

ANALYSIS:

Most if not all members of the board have strong affiliations to the ruling party and government. Five out of the total of nine occupy senior positions in the state-run newspapers and thus have a vested interest in making all the state media in the country conform to one common editorial (party-) line: Justin Mutasa, the chief executive of the state-owned Zimbabwe Newspapers (Zimpapers), Brezhnev Malaba, the editor of the Bulawayo-based *Sunday News*, William Chikoto, the editor of *The Sunday Mail*, Stephen Ndlovu, the editor of the Bulawayo-based daily *Chronicle*, and Makuwerere Bwititi, the editor of the Mutare-based *Manica Post*. Other members are: Rino Zhuwarara, a former media studies lecturer at the University of Zimbabwe, Tendai Chari, a media studies lecturer with the University of Zimbabwe, Joyce Makwenda, who has written for The Herald, and Aaron Chiundura-Moyo, an author and playwright.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 2, 1

Average score: **1.1**

3.7 The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practised.

ANALYSIS:

No such legal guarantees are in place.

There is little or no room for commercial influence as ZBH has currently no significant commercial activity. Commercial pressures existed before but were removed during the days of Jonathan Moyo as Minister of Information who changed the broadcaster into a propaganda tool. The business section in the news bulletins, however, seems to be influenced by the interests of advertisers.

ZBH operates under nine subsidiaries, namely ZTV Sisonke, National Television (NTV), On Air Systems, Radio Zimbabwe, Power FM, National FM, SFM, Newsnet and Channel C. On Air Systems, NTV and Channel C exist on paper only.

The most powerful of these subsidiaries is Newsnet, in charge of news and current affairs. During the tenure of the then Minister of Information, Jonathan Moyo, Newsnet's line editors went for regular briefings at the ministry. The deputy minister and the permanent secretary sometimes work hands-on in the newsroom and direct output themselves whenever they see the need.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 2, 1

Average score: **1.2**

3.8 The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.

ANALYSIS:

ZBH is not adequately funded as evidenced by the fact that salaries are sometimes paid late and the high staff turnover. *ZBH* has had some of its vehicles attached in a labour dispute brought by retrenched workers and have been reported to be unable to honour its debts. The current sad state of affairs has resulted in it shunning any competition, as this would make its predicament even worse.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

3.9 The public broadcaster is technically accessible in the entire country.

ANALYSIS:

Radio

The reception of the radio channels depends on the station and the bandwidth. Shortwave is heard in most parts of the country. National FM and Radio Zimbabwe have the best signals in most parts of the country. But reception is poor in areas such as Nyanga, Hwange and Beitbridge and people there listen to broadcasts from neighbouring countries.

Television

As transmitters are in a very sorry state, it is difficult to receive television signals in some parts of the country. The situation will not improve in the near to mid term because ZBH cannot afford new expensive transmission equipment.

SCORES:

Individual scores: 1, 1, 2, 1, 2, 2, 2, 1, 2

Average score: **1.5**

3.10 The public broadcaster offers diverse programming for all interests.

ANALYSIS:

ZBH offers diverse programming but it is boring. It caters for all tastes: sports, soap operas (such as Studio 263), children, drama and current affairs. In current affairs in particular there is no diversity as most programmes are biased in favour of the ruling party and government. The quality of most programmes is poor.

ZBH is certainly not the first choice of the people – but they have no alternative.

SCORES:

Individual scores: 2, 2, 3, 1, 1, 4, 2, 2, 3

Average score: **2.2**

3.11 The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.

ANALYSIS

The broadcaster is biased towards advancing the cause of the ruling party and government. There is a lot of reporting on the President, Government and the ruling party. Typically, news stories start off by saying: “The government warns the public”, “The Minister urges civil servants”, “ZANU(PF) cautions against ...” etc., regurgitating statements at state functions and ruling party meetings.

International news are now sanitised to meet ZANU(PF)’s ideology. To this end video material originating from a foreign news agency, even though in English, now carries a local voice-over to give the story the required spin. Previously such clips were transmitted as they appeared on *BBC* or *CNN* or any other source.

Most news in the field of arts is used to push propagandist party ideas. For example, to get profiled as a leading artist, he or she needs to have the correct affiliation. Others are used to demonstrate a political point, e.g. to show “the double standards” of western countries.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: 1.0

3.12 The public broadcaster offers as much diverse and creative local content as economically achievable.

ANALYSIS:

Jonathan Moyo in his time as Minister of Information introduced a local content quota of 75 %, aiming at 100 %, in both radio and television. Most productions are propagating the ruling party’s ideology – even music. Moyo himself, for example, produced a 21-track album of his songs that was on high rotation and played over and over again. Another example are jingles such as “Rambai Makashinga (continue being strong/ persevere) that were propagandist in nature. These would be played every 30 minutes on all four radio stations as well as on ZTV at the same time, giving listeners and viewers no option but to listen to them.

After it became more and more difficult to fill the airwaves with local content, “local” was then expanded to mean “African”. This quota is still in place but western music and programming is slowly being re-introduced.

SCORES:

Individual scores: 1, 2, 2, 1, 1, 1, 1, 2, 2

Average score: 1.4

Overall score for section 3: 1.1

Section 4: The media practise high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies.

ANALYSIS:

There are no common voluntary codes of professional standards in place yet but there is movement towards the formation of a self-regulatory body.

Some media organisations have developed voluntary codes of professional standards, such as the Media Alliance of Zimbabwe made up of the Media Monitoring Project Zimbabwe, ZUJ and MISA. They claim that this code needs to be presented to the government in order to minimise its opposition to self-regulation. This approach, however, has met with strong criticism: seeking such approval would mean that the proposed body would cease to be self-regulating.

The statutory Media and Information Commission, established by AIPPA, is so discredited.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 2, 1

Average score: 1.1

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

ANALYSIS

On the whole, principles of fairness and accuracy are followed. But there are cases of sensationalism, in both the state and the private media, to attract consumers to buy the paper.

There is a lack of well-researched articles and proper reporting with many journalists expressing their own opinions rather than trying to write a balanced story and get the people's views. It seems that three quarters of the stories in the independent press are opinion pieces.

Editors of state media tend to give political stories written by their reporters a slant that suits the political masters. Sometimes the reporter would have done his/her best to balance the article only to find a different story printed. Many reporters now keep two separate files, one for their original news items and one for published stories with their name as the by-line. Other stories, such as on health or social issues, are published in a balanced manner.

The regular lack of by-lines and the use of unnamed sources or unofficial sources reduce the credibility of articles.

Too often, the rights of children, women and other vulnerable groups are overridden. There have been cases where the right to confidentiality was broken when papers published addresses of victims of violence. There are also cases of judgemental statements especially when it comes to sexual abuse.

SCORES:

Individual scores: 2, 2, 2, 3, 3, 2, 2, 2, 3

Average score: **2.3**

4.3 The media cover the full spectrum of events, issues and cultures, including business / economics, cultural, local and investigative stories.

ANALYSIS:

Business and political reporting are taken seriously while other issues receive superficial treatment. There are very few investigative stories and there is little or no interest in social and cultural issues. Coverage of rural stories and social issues is extremely poor.

The Herald is predominantly political in nature while some independent papers try to give a total package by covering business and politics, as well as special interests among a broad range of issues.

SCORES

Individual scores: 2, 1, 1, 2, 2, 2, 2, 3, 2

Average score: **1.8**

4.4. Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.

ANALYSIS:

The number of women working in the print media is insignificant. At the *Zimbabwe Independent*, for example, there is only one woman in the production team of about 12.

The operating environment is not conducive for gender mainstreaming, with men regularly stereotyping and being hostile to women. Media Houses are described as being notorious for sexual harassment of women. It has been reported that “carpet interviews” are infamous, meaning that some women get a job and survive in the media houses only in exchange for sexual favours. There is also the systematic exclusion of women from prestigious arenas such as business and financial reporting and the lack of assistance of new female journalists in the newsrooms to take up this area.

All this forces women who seek a better working environment out of the newsrooms and into the public relations sector. On the other hand, women do not seem to be taking up the challenge and competing with men so that they play their part and prove themselves, perhaps also due to the fact that working hours are not conducive to women’s family duties.

The remarkable exception is community-based media production where gender mainstreaming is promoted.

SCORES:

Individual scores: 1, 1, 1, 1, 2, 2, 1, 2, 2

Average score: **1.4**

4.5. Gender mainstreaming is reflected in the editorial content.

ANALYSIS:

The newspapers are very male dominated. Stories on women and by women are usually only found in the entertainment section.

The media content reflects the power relations in society. For example, in local councils only 4% of the councillors are women. When women are arrested during political demonstrations their names are hardly ever published while those of their male counterparts routinely are.

Because media also need to be an agent for change and not just a mirror of society, women should be referred to as credible sources more often and given platforms to air their views.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 2, 2

Average score: **1.2**

4.6. Journalists and editors do not practise self-censorship.

ANALYSIS:

Self-censorship occurs in both the state and independent media – both consciously and unconsciously. Many reporters, whether working for the state or the private media, are “conditioned” in the sense that they know what is expected of them without anyone having to give them directions. They suffer from the ‘Publish and Perish Syndrome’, afraid to publish certain stories for fear of victimisation.

Journalists do not want to offend the Media and Information Commission for fear of losing their accreditation or being arrested under AIPPA. For example, when a prominent businessman disappeared from Harare having been arrested for allegedly spying on the government, the news got to the media but no one dared to take it up. It was only after *The Herald* had written about it that all the other papers followed suit.

Self-censorship in the independent media is also motivated by fear of offending advertisers.

SCORES:

Individual scores: 1, 1, 2, 1, 2, 3, 2, 1, 3

Average score: 1.7

4.7. Owners of private media do not interfere with editorial independence.

ANALYSIS:

There needs to be a distinction between positive/reasonable interference and negative/unreasonable interference by the owners.

Problems occur when an editor-in-chief is also the publisher/owner of a media outlet. In these cases, there will always be active intervention as he/she will be part of the editorial team.

In the interest of independent publishing, the blurring of the separation of powers between owners and editors is of great concern. Owners sometimes call to say they want to see certain stories in the paper or the chief executive will walk into the news room, look at the lead story and make comments on which direction the story should take. Cases where the owner phones journalists to alert them to events that might interest them without complaining should the suggestion not be taken up are not seen as unreasonable interference.

SCORES:

Individual scores: 3, 2, 1, 1, 2, 1, 4, 3, 3

Average score: 2.2

4.8. Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption.

ANALYSIS:

Corruption is rampant – but this is not confined to journalists alone. It is a problem of society and the system as a whole.

In the case of the media, one of the main reasons for corruption is the constant fear of losing one's job by falling foul of the stipulations set by AIPPA. This exposes journalists to the temptation to accept bribes and incentives as long as they are available.

Working conditions are poor. For example, salaries range between Z\$3 and Z\$15 million at the national broadcaster, which is far below the poverty line of Z\$28 million at present (March 2006). The situation at other media organisations is slightly better, but – compared to other industries - journalists do not enjoy benefits such as housing loans, company cars or entertainment allowances.

Musicians complain that they have to pay for reviews to be done and their music to be played on air. Journalists ask business people not for a bribe, but for a “loan” as a condition for a favourable article. They regularly get “presents” such as radio-3CD changers, beds and other assets from persons who want to avoid having negative stories written about them.

Certain politicians are always frequenting the press' meeting point, the Quill Club, where invitations start with lunch and progress until something more substantial is offered and the terms are spelt out: “I can help with bridging your loan gaps”, “I have influence and I can assist with the bureaucrats”. A journalist was offered “a little ladder to get him to finish building his house”. Then the politicians tell their story – and get it published.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 2, 1, 1, 3

Average score: **1.4**

4.9. Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.

ANALYSIS:

Formal training is offered at the University of Zimbabwe Department of Media Studies, Harare Polytechnic, Christian College Of Southern Africa (CCOSA), ILSA, Midlands State University, National University of Science and Technology, Zimbabwe Open University and the UMAA institute.

Formal training is up to Masters level, while there are also opportunities for upgrading skills through in-house training, regional attachments through institutions such as MISA, and regular workshops. The problem is that editors often send their most junior instead of their seasoned staff members, which results in the same people getting trained over and over again, but not having the opportunity or capacity to utilise the information learnt.

Women sometimes seem to be not interested in upgrading their skills, especially regarding business reporting, even though the opportunities are there.

SCORES:

Individual scores: 4, 2, 5, 5, 3, 4, 4, 4, 5

Average score: **4.0**

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

ANALYSIS:

Journalists are organised in the Zimbabwe Union of Journalists, Independent Journalists Association of Zimbabwe, MISA, National Editor's Forum, National Association for Freelance Journalists, Federation of African Media Women.

There is polarisation between state and private media houses, especially at senior level/ editors' level.

There is greater solidarity, however, among reporters and civic society when it comes to arrests, regardless of political affiliation. If, for example, a journalist of a private newspaper has been arrested, the state newspapers will officially celebrate the downfall of this worker, but the journalists from both state and private media will flock to the court room to show their solidarity.

SCORES:

Individual score: 5, 3, 5, 5, 5, 5, 4, 4, 5

Average score: 4.5

Overall score for section 4: 2.1

The Panel:

A team of experts led by:

Mr. Thomas Deve- Media Institute of Southern Africa- Zimbabwe Chapter
Chairperson,

Mr. Jonah Gokova- Minister of Religion and Activist

Ms. Jessie Majome- Lawyer, Human Rights and Constitutional Reform Activist,

Mr. Eldred Masunungure- Academic

Ms. Beatrice Mtetwa- Media Lawyer and Human Rights Activist,

Mr. Joram Nyathi- Newspaper Editor,

Mrs. Kathy B. Stewart- Community Book Publisher and Activist,

The panel also had a practising journalist (male) and a children's and women's
rights activist (female).

The Rapporteur:

Ms. Pamela Gara

The Facilitator:

Mr. Hendrik Bussiek

**Sector 1 Freedom of expression, including freedom
of the media, are effectively protected and promoted**

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.	
1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.	
1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.	
1.4 Entry into and practise of the journalistic profession is legally unrestricted.	
1.5 Protection of confidential sources of information is guaranteed by law.	
1.6 Public information is easily accessible, guaranteed by law, to all citizens, including journalists.	
1.7 Civil society in general and media lobby groups actively advance the cause of media freedom.	

**Sector 2 The media landscape is characterised
by diversity, independence and sustainability**

2.1 A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.	
2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.	
2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.	
2.4 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.	
2.5 Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.	
2.6 The editorial independence of print media published by a public authority is protected adequately against undue political interference.	
2.7 Local or regional independent news agencies gather and distribute information for all media	
2.8 Media diversity is promoted through adequate competition regulation/legislation.	
2.9 Government promotes a political and economic environment which allows a diverse media landscape.	
2.10 Private media outlets operate as efficient and professional businesses.	
2.11 State print media are not subsidised with tax payers' money	
2.12 Government does not use its power over the placement of advertisements as a means to interfere with media content.	
2.13 The advertising market is large enough to maintain a diversity of media outlets.	

**Sector 3 Broadcasting regulation is transparent and independent,
the state broadcaster is transformed into a
truly public broadcaster**

3.1 Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.	
3.2 The appointments procedure for members of the regulatory body is open and transparent and involves civil society.	
3.3 The body regulates broadcasting in the public interest and ensures fairness and a diversity of views broadly representing society at large.	
3.4 The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.	
3.5 The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.	
3.6 Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.	
3.7 The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practised.	
3.8 The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.	
3.9 The public broadcaster is technically accessible in the entire country.	
3.10 The public broadcaster offers diverse programming for all interests.	
3.11 The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.	
3.12 The public broadcaster offers as much diverse and creative local content as economically achievable.	

Sector 4 The media practice high levels of professional standards

4.1 The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies	
4.2 The standard of reporting follows the basic principles of accuracy and fairness.	
4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories	
4.4. Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.	
4.5 Gender mainstreaming is reflected in the editorial content.	
4.6 Journalists and editors do not practise self-censorship	
4.7 Owners of private media do not interfere with editorial independence	
4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption	
4.9 Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.	
4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.	