



MISA-Zimbabwe statement on World Press Freedom Day 2010

On 3 May 2010 Zimbabweans join the rest of the world in commemorating World Press Freedom Day set by the United Nations to raise awareness on the importance of media freedom and remind governments of their duty to respect and uphold the right to freedom of expression enshrined under Article 19 of the Universal Declaration of Human Rights.

The day also marks the anniversary of the Windhoek Declaration which espouses the principles of a free, independent and pluralistic media as agreed to by African newspaper journalists in 1991 in Windhoek, Namibia.

In Zimbabwe this year's celebrations come at a time of increasing agitations and national consensus on the need for constitutional provisions that guarantee media freedom and citizens' right to access to information.

This year's celebrations are being held under the theme: *Access to Information: The Right to Know*.

MISA-Zimbabwe, however, notes that 30 years after Zimbabwe's independence, the country is still to comply and meaningfully implement envisaged media reforms in sync with regional and international instruments on the right to freedom of expression, media freedom and the citizens' right to access to information.

Repressive legislation that infringes on the afore-mentioned rights such as the Access to Information and Protection of Privacy Act (AIPPA), Broadcasting Services Act (BSA), Public Order and Security Act (POSA), Criminal Law (Codification and Reform) Act, Interception of Communications Act (ICA) and Official Secrets Act (OSA), among others, remain entrenched in our statutes.

These laws are unnecessary and unjustified in a democratic society and should therefore be repealed in line with the principles of the African Charter on Human Rights, Banjul Declaration on the Principles of Freedom of Expression in Africa, SADC Protocol on Information, Sports and Culture and African Charter on Broadcasting.

Due to the restrictive media environment Zimbabwe is still to license community radio stations and privately owned television and radio stations and an independent daily newspaper since the banning of *The Daily News* in 2003 under the draconian AIPPA.

The statutory Zimbabwe Media Commission (ZMC) is still to license new media players in terms of its constitutional obligations and as agreed to under the inter-party Global Political Agreement. While the ZMC offers a glimmer of hope for a diversified and pluralistic media environment, MISA-Zimbabwe insists on media self-regulation as the long term solution to sustainable media freedom and independence as stipulated in terms of the Banjul Declaration.

The year 2010 has also been characterised by continued arrests and harassment of journalists which runs against the grain of the right to the exercise of freedom of expression and media freedom. The beginning of the year saw an independent journalist Stanley Kwenda fleeing the country into exile following alleged death threats issued against him by a senior police officer. A freelance photojournalist Andrison Manyere, has since January 2010 been subjected to harassment by the police. Manyere has been arrested three times this year while conducting his lawful professional duties.

The legislative framework remains clogged with criminal defamation offences in breach of the right to the exercise of freedom of expression and media freedom. Four journalists from *The Standard* newspaper group and an independent journalist have been questioned and summoned to appear in court in May 2010 as state witnesses in a criminal defamation case. The case arises from publication of stories exposing an alleged massive land acquisition scandal in Harare involving businessperson Philip Chiyangwa and Local Government Minister Ignatius Chombo.

It is MISA-Zimbabwe's firm position that the obtaining restrictive media environment is the result of the absence of requisite constitutional provisions that explicitly guarantee media freedom, citizens' right to access to information and independent media regulatory bodies. Regionally, Zimbabwe together with Botswana stick out among the few southern African countries without constitutional provisions that explicitly guarantee media freedom and the citizens' right to access to information.

A free and unfettered media plays a critical role in advancing citizens' universal right to access to information held by both public and private bodies and is a panacea to socio-economic development, accountable governance and political stability. MISA-Zimbabwe therefore reminds the government and public officials that the information they collect and process comes from the citizens themselves. They hold that information on behalf of the people who therefore have a right to access that very same information for the public good and decision-making on issues that affect their daily lives.

It is in the context of the restrictive media environment and the ongoing constitutional reform process that MISA-Zimbabwe reiterates its calls for constitutional provisions that guarantee media freedom and the citizens' right to access to information under its 2010 World Press Freedom Day theme: *Media Freedom & Access to Information should be Constitutional Rights!*

Media freedom is intrinsically enjoined with the universal rights to freedom of expression, assembly, association and citizens' right to access to information because of the pivotal role they play in:

- ❖ assisting the public to perform an effective watchdog role through exposure of misconduct within public and private sectors
- ❖ fighting corruption
- ❖ holding both public and private bodies accountable
- ❖ participatory poverty reduction policy making
- ❖ fostering respect for human rights notably socio-economic rights to clean water, adequate housing and health care
- ❖ educating, informing and ensuring free flow of information and ideas

MISA-Zimbabwe implores the government to therefore go beyond rhetorical commitments to media reforms by taking visible and tangible steps to free the media space as agreed to in terms of the Global Political Agreement and the constitutional mandate of the statutory Zimbabwe Media Commission.

Media Freedom & Access to Information should be Constitutional Rights!

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