



## **2018 POST ELECTION BRIEF**

**August 2018**

## **Background**

This short brief highlights media related flashpoints that occurred during the 2018 electoral period. It provides a summary of events that directly and indirectly violated media freedoms in the country.

After the 2013 elections, the African Union Election Observation Mission ('AUEOM') made recommendations on how to improve the state of media in Zimbabwe. These recommendations complement and give life to the media rights enshrined in Zimbabwe's constitution gazetted shortly before the 2013 elections. However, Zimbabwe never implemented any of the AUEOM recommendations, and the 2018 elections were held in an environment that had no meaningful media law and policy reforms.

## **African Union Election Observation Mission Recommendations**

The AUEOM recommendations on media law and policy reforms are outlined below.

### **1. Need for alignment of media laws with the Constitution**

Zimbabwe's Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency. Despite this clear position, government has been reluctant to implement any meaningful changes to deal with inconsistencies that currently exist in laws that affect the media environment in Zimbabwe.

In its 2013 observation, the *"AUEOM took cognizance of several interlocutors' views that fundamental freedoms may be curtailed should there be no further review of the provisions of the Broadcasting Services Act (BSA) and the POSA and the manner in which they were being implemented."*

Laws such as the BSA, the Public Order and Security Act ('POSA'), along with the Access to Information and Protection of Privacy Act still contain provisions that indisputably violate the fundamental rights to privacy, freedom of expression, and access to information. The protection of these fundamental rights is the key of a robust and democratic media environment. Unfortunately, government has expended minimal effort to bring these laws into line with the constitution or with recommendations made by the AUEOM for their review.

### **2. Partisan reporting by the public broadcaster**

Section 160J of Zimbabwe's Electoral Act states that during an election period broadcasters and print publishers must ensure that all political parties and candidates are treated equitably in their news media. This position is reiterated in Article 17(3) of the African Charter on Democracy, Elections and Governance (2007) which calls for the State broadcaster to provide a balanced platform for all competing parties and alternative voices.

Before and after the 2013 general elections, concerns were raised about the public broadcaster's highly partisan coverage of the ruling political party. Furthermore, opposition political parties did not have access to the public broadcaster leaving these political parties to resort to private broadcast and print media for coverage.

This state of affairs informed the AUEOM's recommendation that *"the ZEC scrupulously enforces the relevant regulations of the Electoral Act to afford alternative voices and all political parties' equitable access at all times during elections."* Furthermore, the AEUOM emphasised the public broadcaster's

central role in elections, as a platform for airing political messages from all political contestants. Five years on, and the Zimbabwe Electoral Commission ('ZEC') has not made any tangible efforts to ensure that political parties will be equitably treated in this year's election period.

The AUEOM's 2013 observation that the national broadcaster tended to provide live and in-depth coverage largely to a single political party, remains applicable even today. This bias exhibited by the public broadcaster and State-owned media establishments has contributed to a highly polarised media environment in the country. The AUEOM observed that both private-owned and State-owned media establishments were evidently politically inclined in their reportage.

MISA-Zimbabwe respectfully submits that there is still an urgent need for the transformation of the Zimbabwe Broadcasting Corporation (ZBC), into a truly independent and representative public broadcaster.

### **3. Liberalisation of Radio and Television Ownership**

The AUEOM further recommended that *"the provisions of the BSA be fully implemented to enable the liberalization of radio and television ownership, thereby providing a broader platform for all stakeholders to voice their opinions, consistent with the stipulations of the new Constitution. The involvement of civil society and other actors in the review of the legislation such as the AIPPA and POSA and the manner in which they are applied will also enhance the country's progress toward democratic consolidation."*

Nothing has been done to liberate broadcasting in Zimbabwe. Despite the media freedoms enshrined in section 61 of the country's constitution, the government remains reluctant to license community radio stations. Regional commercial radio stations were licensed, however, the majority of these licenses were given to radio stations that are owned by State owned enterprises. There is still therefore, a pressing need for the government to license, privately owned community based radio stations.

### **4. Safety and security of Journalists**

While 2017 saw a marked decline in the number of cases involving media violations, the severity of the nature of the violations was cause of great concern. MISA Zimbabwe recorded the unlawful arrest or detention of seven (7) journalists in 2017. In the same year, MISA Zimbabwe recorded the assault of eight (8) journalists during the course of their duties. The majority of the cases of assault of journalists on duty were perpetrated by the police, save for three which involved army personnel and ruling ZANU PF youths.

### **5. Issue of dual regulation and or accreditation of journalists**

The requirement that a journalist who is already accredited with the Zimbabwe Media Commission (ZMC) needs further accreditation by the Zimbabwe Electoral Commission (ZEC) for election related coverage, is unnecessarily cumbersome, bureaucratic and an unnecessary drain on the fiscus.

Journalists duly accredited by the ZMC, should thus be allowed to cover election-related processes and events in the spirit and letter of the right to media freedom. The accreditation of journalists done by the ZMC should suffice event for election purposes.

The media cannot cover elections properly when it cannot access relevant events and places by virtue of not being accredited by ZEC. The purpose of laws or regulations on media and elections - and the function of a regulatory body - is to create an environment in which the media can go about

their business freely. Elections are not state secrets to be investigated by dedicated investigative journalists; rather, they should be conducted in the public eye. There is thus an argument of principle that journalists should be given unfettered access to election events.

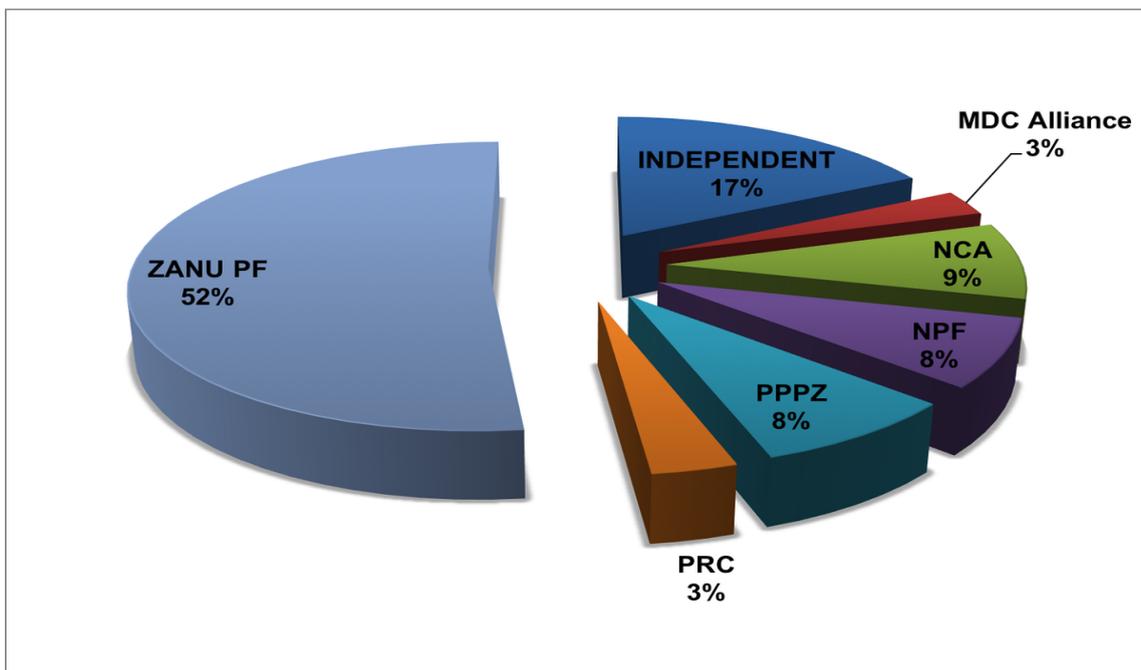
Freedom of information entails, among other principles, that the media is entitled to investigate and report critically on the efficiency and probity of election administration. This is aptly provided for under sections 61 and 62 of the Constitution that guarantees media freedom and access to information respectively.

### 2018 election statistics

As alluded to above, the 2018 elections were held under the same media environment that the 2013 elections were held under.

### Media Bias in State Media

Statistics gathered by a MISA network partner Media Monitors shows that Zimbabwean public media is still heavily biased towards the ruling party. News coverage during the electoral period was mainly dedicated to ZANU-PF and when the state broadcaster covered opposition parties, the coverage cast opposition parties in a bad light.



A breakdown of the coverage each political party received during Sunday edition news Bulletin of 22 July 2018. Source: Media Monitors "Assessment of the Media's Coverage of the Election Period" report.

Bias in favour of the State media was evident even during the allocation of broadcasting rights for the election challenge filed with the Constitutional Court when exclusive broadcasting rights were granted to the Zimbabwe Broadcasting Corporation.

### Media Rights Violations

During the 2018 elections the violence patterns differed slightly from past election periods. In the 2018 election, violations against journalists came mainly from political party members and

supporters, as well as from the [national army](#). The police were only responsible for one media rights violation, a key indicator that MISA Zimbabwe's interventions and trainings with the police are bearing positive fruits.

MISA Zimbabwe covered 13 media violations during the period under review. The incidents are listed below.

- 1 journalist assaulted by Deputy Minister Mukupe in studio
- 3 journalists injured during a blast in White City
- 1 journalist assaulted by MDC Alliance youth in Chitungwiza South
- 3 journalists assaulted by the army during the riots on 1 August
- 1 journalist assaulted by rioters during the 1 August riot
- 1 act of censorship when the army ordered journalists covering the 1 August riots to switch off their cameras
- 1 case of police temporarily banning journalists entry to the MDC Alliance press conference at Bronte Hotel
- 1 photojournalist detained by the army after taking photos of them assaulting residents in Kambuzuma
- 1 journalist verbally assaulted during the Heroes Day celebrations

These statistics do not include other media violations that MISA could not issue alerts about, for example when journalists with a State owned publication were assaulted by the military during the riots that broke out on 1 August. MISA also intervened when a reporter at another State owned enterprise reported on assaults by the military during the same riots. During the electoral period, MISA received 7 notifications of media violations through the organisation's *JournoSOS* App.

## **Conclusion**

There is real need for media rights stakeholders to continue holding the government accountable for the improvement of the media climate in Zimbabwe. The president's statements on promoting and protecting the rights to free expression and access to information must be maximised by pressing his government to stick to its word.