



## STATE OF THE MEDIA REPORT 2021

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## **Introduction**

United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clement Nyaletsossi Voule, following a visit to Zimbabwe in 2019, noted in a subsequent report that Zimbabwe was suffering from political polarisation and poor governance.

The Special Rapporteur noted then, that civic space continued to deteriorate, re-establishing an environment of fear and persecution.

The UN Special Rapporteur's report came on the backdrop of his visit to Zimbabwe on 17 - 27 September 2019 at the invitation of the Government. The purpose of the visit was to assess the exercise, promotion and protection of the rights under his mandate in a moment of transition following the adoption of the new Constitution in 2013 and the change of leadership in Zimbabwe.

He urged the government to take action to end corruption, and tellingly, to improve the human rights situation and ensure accountability and rule of law to encourage the lifting of "measures" imposed on Zimbabwe.

The Special Rapporteur recommended for the repeal of legislation that is inconsistent with the Constitution particularly that affecting the exercise of fundamental freedoms.

He also said steps should be taken to ensure that all those monitoring assemblies, including journalists, media workers and human rights defenders, are allowed to do so and are protected at all times during assemblies and that violations are duly investigated.

The government was also urged to refrain from introducing restrictions on access to and the use of the internet, including shutdowns.

His observations then, came prior to the gazetting of the Private Voluntary Organisations (PVO) Amendment Bill at the end of 2021.

If enacted, the PVO Amendment Bill threatens to muzzle the work of civic society and negatively impact on the operating media freedom and freedom of expression and free expression environment ahead of Zimbabwe's 2023 general elections.

The gazetting of the PVO Amendment Bill also came on the backdrop of Zimbabwe's slippage in the Reporters Without Borders' 2021 media freedom rankings.

Zimbabwe [slid](#) in the rankings, falling from 126 to 130.

The downside of these developments should, however, be viewed on the progress made on the access to information front following the enactment of the Freedom of Information Act as well as the marked reduction in the number of media freedom violations in 2021 compared to 2020.

Zimbabwe's 2013 Constitution explicitly provides for the right to access to information, freedom of expression and of the media, among other progressive provisions under its Bill of Rights.

In that regard, commendable steps were taken to give effect to the enjoyment of the right to freedom of information through the enactment of the Freedom of Information Act in 2020 in place of the widely discredited Access to Information and Protection of Privacy Act (AIPPA).

The new information law is a progressive step towards fostering citizens' right to access to information. Other commendable developments include the licensing of the country's first-ever community radio stations and 'private' commercial television stations.

However, these progressive steps risk being marred by some claw-back provisions in some of the laws such as the Data Protection Act (despite some of its progressive provisions) and the gazetted PVO Amendment Bill.

Further, the Government of Zimbabwe is drafting amendments to the Criminal Law (Codification and Reforms) Act aimed at criminalising engagements between citizens of Zimbabwe and foreign embassies without government approval.

The Ministry of Justice, Legal and Parliamentary Affairs on the 16<sup>th</sup> of November 2021, made submissions to the Parliamentary Portfolio Committee on Foreign Affairs and International Trade on the status of the principles of the proposals to regulate Zimbabwean citizens' engagement with foreign governments.

In a virtual presentation to the Committee, the Ministry's Law Officer – Policy and Legal Research Department, Ms P. Dhokwani, noted that the principles which are set to amend the Criminal Law (Codification and Reform) Act were approved by Cabinet and were now with the drafters. These

two proposed legislative steps have far-reaching impact on the ability of civil society to perform its duties within the borders of Zimbabwe.

In essence, the laws seek to criminalise civil society's work at a magnitude never witnessed before in the history of Zimbabwe as a solitary state.

### **Political context and key events**

During the year under review (2021) and two years before the 10<sup>th</sup> anniversary of Zimbabwe's otherwise highly commended 2013 Constitution and its progressive Bill of Rights, on 3 December 2021, Zimbabwe enacted the Data Protection Act which has aspects relating to cybersecurity and cybercrimes.

The object of this Act is "to increase data protection in order to build confidence and trust in the secure use of information and communication technologies by data controllers, their representatives and data subjects".

This law also amended provisions of the following three pieces of legislation:

- Criminal Law (Codification and Reform Act)
- The Criminal Procedure and Evidence Act
- The Interception of Communications Act

The law has progressive provisions relating to specifications on the rights of data subjects, notification of security breach together with the responsibilities that have been placed on data controllers for purposes of promoting data protection and privacy.

The other provision is on cyber-bullying and harassment. Such provisions are progressive as far as women's rights online are concerned.

Several women, particularly female journalists and female politicians in Zimbabwe, have been victims of cyber-bullying and harassment which has greatly affected the exercise of digital rights by women.

If implemented properly, this provision will be critical in ensuring that individuals respect the rights of others to also freely express themselves and access information online.

Victims will also benefit greatly from the provision on the transmission of intimate images without consent as cases of revenge pornography have been on the rise, not only in Zimbabwe but also in other jurisdictions.

Regrettably, the Data Protection Act, also has provisions that have the potential of reversing these gains. One such provisions is that which criminalises what is termed as transmission of data message that incites violence or damage to property.

Another problematic provision is the one relating to the transmission of false data messages.

False news offences promote self-censorship and unjustifiably infringe on freedom of expression, media freedom and ultimately, citizens' right to access to information for informed choices and decisions. This position is also supported by an existing constitutional [court order which struck off criminal defamation](#).

In other jurisdictions, proposals that lead to interceptions of communication in anyways, are accompanied by the enactment of the Whistleblower Act which is meant to promote transparency and accountability in society.

Commendably, in September 2021, following the enactment of the Freedom of Information Act, the then outstanding requisite information regulations were finally enacted under Statutory Instrument 229 of 2021 as Freedom of Information (General) Regulations 2021.

These regulations obligate entities to publish information on their institutions within six (6) months from the date when the regulations were enacted, and for those that were or will be established post the enactment of the regulations, within six (6) months from the date of establishment of the entity.

Information to be published includes their functions, departments and agencies, operating hours and business addresses, among others. A description on the nature or subject of the information that the entity holds should also be included.

Entities also have a duty to appoint information officers who will handle information requests and such information officers shall have several functions which include keeping a register of and tracking all applications.

These developments came in the wake of the continued Covid-19 lockdown measures and restrictions to combat the global pandemic.

The 2021 International Day for Universal Access to Information (IDUAI) theme: *Right to Know – Building Back Better with Access to Information*, was timely given the critical importance of citizens' right to access to information on issues that affect their daily lives for informed decisions and choices and socio-economic development.

Unfettered exercise and enjoyment of the right to access to information, in the wake of the Covid-19 pandemic and declining economies, is of paramount importance in the fight against the pandemic to save human lives which are critical in rebuilding devastated economies.

The Government's weekly Cabinet media briefs and updates on the measures being taken to contain the spread of the pandemic is therefore progressive and is at the core of the need for public institutions to proactively disclose information on issues of national importance and significance.

In a related development, the Ministry of Health and Child Care and the Ministry of Information, Publicity and Broadcasting Services, were instructed by the High Court on two occasions: in April 2020 and February 2021, to provide frequent and comprehensive Covid-19 information on all available platforms and in all available languages.

This followed court applications lodged by MISA Zimbabwe in both instances.

The two ministries have taken commendable and encouraging steps towards complying with the High Court orders which goes a long way in enhancing citizens' right to relevant information on the Covid-19 pandemic.

This is in line with the requisite standards for the provision of access to information on Covid-19 to ensure members of the public make informed decisions to protect themselves from the virus.

The two ministries thus have an obligation to consistently provide comprehensive Covid-19 related information to the media and members of the public.

## **Media environment**

The Reporters Without Borders (RSF) 2021 media freedom rankings, released in May 2021, saw Zimbabwe sliding in terms of its rankings. Zimbabwe was ranked at 130 out of 180 countries in 2021 compared to its ranking at 126 in 2020.

Namibia was the best ranked country in Africa, ranking 24th worldwide. Eswatini and the Democratic Republic of Congo were ranked at 141st and 149th, respectively.

However, based on MISA Zimbabwe's monitoring of the media operating environment during the period under review, there was a marked, if not considerable reduction in the number of violations recorded in 2021 compared to the previous year.

This points to an improved media operating environment during the year under review as will be highlighted in this report based on the violations recorded by MISA Zimbabwe.

On the positives, the RSF said access to information had improved and self-censorship had declined, but that journalists were still often attacked or arrested.

While RSF noted that new broadcasting licences had been awarded, it noted the lack of diversity in the granting of the permits.

Zimbabwe's lowest ranking was 135 out of 180 countries in 2014. The best ranking was 124 in 2016.

Meanwhile, the issue of media co-regulation remained on the agenda during the course of 2021 as engagements between policy makers, parliamentarians and media representative organisations continued on the matter.

Under co-regulation, a proposed media council as espoused in the Draft Zimbabwe Media Practitioners Bill drafted by MISA Zimbabwe under the auspices of the umbrella Media Alliance of Zimbabwe (MAZ), would be the first entry point for lodging complaints against the media while the constitutional Zimbabwe Media Commission, would be the appellant body.

“We are therefore encouraged by the open-door engagements we continue to enjoy with the Ministry of Information and the Parliament of Zimbabwe, in our quest for a democratic media

environment, and more so, as we continue to consult on the outstanding issue of media regulation,” said Golden Maunganidze, MISA Zimbabwe Chairperson, during a media reforms stakeholders meeting in Harare in October 2021.

During the meeting, stakeholders re-affirmed their commitment to co-regulation of the media.

Earlier in June 2021, the Chairperson of the Parliamentary Portfolio Committee on Information, Media and Broadcasting Services, Honourable Siphon Mokone, had moved a [motion](#) imploring parliament to enact legislation that enhances media freedom and encourages the media to conduct their activities without fear or favour.

These sentiments were shared across the political divide as the motion on, *Information as a public good*, moved on 15 June 2021, was supported by other legislators who urged the government to observe the provisions of the Windhoek Declaration which calls for media freedom.

Another positive development was the participation by MISA Zimbabwe and the Media Alliance of Zimbabwe (MAZ) at a high-level engagement meeting convened by the Parliament of Zimbabwe’s Portfolio Committee on Information, Media and Broadcasting Services in the eastern border town of Mutare.

The meeting convened between the 9<sup>th</sup> and 12<sup>th</sup> of June 2021, among other issues, primarily focused on media co-regulation and broadcasting reforms.

It was attended by three top officials from the Ministry of Information, Publicity and Broadcasting Services. These included the Minister, Senator Monica Mutsvangwa, Deputy Minister Kindness Paradza, and the Permanent Secretary, Nick Mangwana.

Also in attendance was the Broadcasting Authority of Zimbabwe (BAZ) and Zimbabwe Media Commission (ZMC), represented by their Chief Executive Officers (CEOs).

## **Media government relations**

The Minister of Information, Publicity and Broadcasting Services, Senator Monica Mutsvangwa, has continued to avail herself together with officials from her ministry for engagements as the country continues to forge ahead with its media law and policy reforms.

In cases where she could not be available due to other official engagements, she has demonstrated her commitment to continuously engage on media-related issues by seconding her Deputy, Honourable Kindness Paradza.

These interactions and engagements have ensured that the nation is kept abreast on progress or lack thereof, pertaining to the media law reform processes more so as it pertains to the outstanding issue of the proposed gazetting of the Broadcasting Services Amendment Bill and co-regulation of the media as mentioned earlier in this report.

This has also ensured that issues on the need for comprehensive media reforms remain on the agenda.

For instance, during the year under review, government continuously reiterated its commitment to co-regulation of the media as well as providing updates on the status of the proposed Broadcasting Services Amendment Bill.

This makes it easy to hold the government to account in terms of progress being made through further engagements and follow-ups in that regard.

<https://www.herald.co.zw/co-regulation-will-ensure-accountability/>

<https://allafrica.com/stories/202112030174.htm>

<https://www.sundaymail.co.zw/new-media-practitioners-bill-on-the-cards>

Regrettably, this has not generally been the case with the Ministry of Information Communication Technology, Postal and Courier Services, where it pertains to engagements on issues pertaining to the internet regulatory framework, internet access and affordability, internet rights and freedoms, in Zimbabwe.

It is therefore MISA Zimbabwe's hope that the ministry will be more willing to engage on these issues going forward and more so in the aftermath of the enactment of the Data Protection Act in 2021.

This is of vital importance for purposes of addressing Zimbabwe's high data costs which have a bearing on citizens' right to internet access, free expression online and access to information, especially for marginalised communities.

### **Media sustainability**

The issue of media sustainability remains of great concern, not only in Zimbabwe, but in the southern African region and globally.

This situation has been worsened in the wake of the ravages and disruptive nature of the Covid-19 pandemic on business and the socio-economic wellbeing of nations.

As noted in our 2021 report: *Impact of Covid-19 on Media Sustainability*, the issue of the viability of the private media (newspapers), preceded the Covid-19 crisis but was only worsened by the advent of the pandemic.

Produced in partnership with the Konrad Adenauer Stiftung, the report focuses specifically on countries such as Zimbabwe, Zambia, Malawi, Botswana, Lesotho and Tanzania.

The report stresses the urgent need for judicious and greater funding of media institutions in the wake of dwindling newspaper street sales, advertising revenue, salary cuts for media workers and retrenchments.

The long and short of it, is the urgent need for a Rescue Fund. This has been demonstrated by South Africa's state-supported Media Development and Diversity Agency. In Zimbabwe such funds may be harnessed from the Broadcasting Fund and the Media Development Fund.

Strict lockdown measures saw declines in purchases and distribution of newspapers which in some instances were already limping.

The argument has been made on the need for newspapers to migrate to online platforms. While migration to online platforms will reduce distribution costs, the question, however, is whether this will also result in more or increased advertising revenue.

Internet access and affordability becomes key as well given the high data costs in Zimbabwe, to avert a situation where newspapers become privileged products that only the elite can afford.

Such a situation cannot be countenanced given citizens' right to free expression and speaking truth to power and holding government to account through the media's watchdog role over public institutions.

As highlighted in our 2020 State of the Media Report, the situation can be rescued in the form of tax/duty exemptions and moratoriums (over a realistically determined period), on newsprint and other mass media production and distribution equipment.

The government should also consider reducing the registration and licensing fees for media houses, as well as doing away with some of the punitive duplicitous levies and fees charged in terms of the country's regulatory framework.

These inhibitive fees are paid to the Zimbabwe Media Commission, Broadcasting Authority of Zimbabwe, Transmedia Corporation, Zimbabwe Music Rights Association and National Arts Council, over and above the taxes due to the Zimbabwe Revenue Authority.

A Revolving Fund which is administered independently can also be established in that regard.

### **Arrests, threats and harassment of journalists**

In 2021 there was marked reduction in the number of media freedom violations recorded by MISA Zimbabwe.

In 2020 Zimbabwe witnessed an upsurge in the number of journalists that were harassed, intimidated, assaulted and detained by members of the police and the army while covering their lawful professional duties.

The violations were particularly steep during the first six months of 2020 in the wake of the imposition of the country's tight Covid-19 lockdown measures.

Violations involving a total of 52 media workers including journalists, vendors and media students, were recorded in 2020 compared to 22 in 2021.

While the reduction of media violations in 2021 is progressive, journalists still faced challenges while conducting their lawful professional duties.

For instance, Masvingo freelance journalists Godfrey Mtimba and Tonderai Saharo were on 24 February 2021 reportedly barred by the police from covering the rollout of the Covid-19 vaccination programme at Mushagashe Training Centre.

According to Mtimba, the police barred them from covering the event at the instigation of the sister-in-charge who was leading the medical team at the training centre, about 30km outside Zimbabwe's southern town of Masvingo.

The sister-in-charge, who reportedly refused to identify herself, told the journalists that she had not received authorisation from her superiors to entertain or allow the presence of media practitioners.

Journalist Nyashadzashe Ndor, on 6 September 2021, reported that he had filed a report with the police following his alleged assault over a story on alleged corruption at the Zimbabwe Electricity Supply Authority (ZESA).

Ndor was allegedly assaulted on 4 September 2021 in Harare's high-density suburb of Mbare by assailants who demanded to know the sources of the story which was published by *Nehanda Radio*.

Ndor reportedly lost his mobile phone during the assault. The report of his assault was reportedly filed with the police as RRB 4664963.

On 4 September 2021, journalist Gilbert Munetsi, was arrested and detained overnight at St Mary's Police Station in Chitungwiza on allegations of violating the Covid-19 curfew measures.

MISA Zimbabwe deployed a lawyer to attend to the matter leading to the release of Munetsi into the lawyer's custody on 5 September 2021.

Munetsi was asked to appear at the police station on 6 September 2021 for purposes of recording his warned and cautioned statement. He denied the allegations on the grounds that he was coming from work at the time of his arrest.

## **Internet governance/freedom of expression/access to information**

### **Access to information**

With the advent of the Covid-19 pandemic, the importance of citizens' right to access accurate and verifiable information, of which the media plays a critical role in that regard, cannot be over-emphasised.

It is with this in mind that MISA Zimbabwe successfully filed for three High Court orders on the enforcement of media freedom and access to information rights.

In April 2020 the High Court ordered the police and other law enforcement agents not to arrest, detain or interfere with, in any unnecessary way with the work of journalists.

This came in the wake of arrests and harassment of journalists by police officers enforcing the lockdown measures that had been introduced in March 2020, in some instances because the journalists were using expired accreditation cards.

The High Court, in April 2020 again, also ordered the Ministry of Health and Child Care, and that of Information, Publicity and Broadcasting Services, to promote citizens' access to information by publishing and disseminating information on the government's Covid-19 daily updates on all available platforms in all the official languages.

In February 2021, the same ministries were ordered to disseminate widely, "comprehensive and adequate" information on both private and public testing, isolation and treatment of Covid-19.

MISA Zimbabwe had argued that the information being disseminated was incomplete, uninformative and inadequate.

The two ministries have made progressive steps towards complying with the High Court orders which goes a long way in enhancing citizens' right to relevant information on the Covid-19 pandemic.

This is in line with the requisite standards for the provision of access to information on Covid-19 to ensure members of the public make informed decisions to protect themselves from the virus.

The two ministries thus have an obligation to consistently provide comprehensive Covid-19 related information to the media and members of the public.

While efforts have been made to disseminate information through the situational reports, post Cabinet briefings and Presidential updates, there is a need for them to disclose information regularly and proactively through their websites and social media platforms.

There is also need for more diversity in the languages used to disseminate Covid-19 related information to ensure all Zimbabweans are included in discussions on the pandemic and other related developments. Steps should thus be taken to ensure daily Covid updates are in all the official languages of Zimbabwe.

In that regard, more still needs to be done towards providing regular updates and information on the availability of medical personnel and equipment that is being procured in the fight against the virus.

However, in 2021, and in some instances, some local government authorities still stifled citizens' right to access to information by refusing to provide information in the absence or proof of Memorandum of Understanding (MOUs), that allow CBOs to operate unhindered in their areas.

Such refusals by public officials are not provided for by the Constitution in terms of Section 86 on Limitation of Rights and Freedoms. In addition, the Freedom of Information Act (Section 27), clearly states circumstances under which information may be withheld from an applicant where such information may be prejudicial to the considerations or security interests of the State.

In some instances, citizens that made information requests in their local language did not receive favourable responses from some institutions. This speaks to the further marginalisation of marginalised communities from the access to information loop.

Section 6 of the Freedom of Information Act on language of access, states:

*(1) Information must be provided to an applicant in such officially recognised language as the applicant requests.*

*(2) Where an entity does not hold the information in the requested language, the entity concerned shall endeavour to translate it into the requested language and may recover the reasonable costs of the translation from the applicant*

As part of its annual Transparency Assessment Index of the most open and most closed public institutions, in 2021 MISA Zimbabwe identified 10 institutions and worked with Community Based Organisations to make information requests to the public institutions. The process was monitored in line with provisions of the Freedom of Information Act.

The public institutions under review were thus expected to acknowledge receipt of information requests within seven (7) days and provide a written response of the requested information within 21 working days.

Public institutions that failed to do this were deemed to have declined to provide information. Some of the dissatisfied citizens approached the Zimbabwe Media Commission for recourse as provided for by the law.

On the other hand, MISA Zimbabwe also monitored the websites of the institutions under review as well as the social media utilisation and activities of the institutions. This was particularly relevant in this Covid-19 environment as most people were working from home as part of measures to curb the spread of the virus.

**The following public institutions were surveyed:**

1. Bulawayo City Council
2. Empower Bank
3. Harare City Council
4. Lupane Local Board
5. Ministry of Environment, Climate Change, Tourism and Hospitality Industry
6. Ministry of Information, Publicity and Broadcasting Services
7. Ministry of Health and Child Care

8. Ministry of Lands, Agriculture, Water and Rural Resettlement
9. Parliament of Zimbabwe
10. Zimbabwe Electoral Commission

Despite the enactment of the Freedom of Information Act, most public institutions scored badly. This could be a reflection of possible unawareness of the provisions of the new law or simply a reluctance to comply with the new law. There is a need to escalate training and awareness programmes to familiarise both citizens and public institutions with the new law.

In that regard, the most secretive public institution for 2021 was the Lupane Local Board while the most open public institution was the Parliament of Zimbabwe and therefore the winner of the MISA Golden Key Award.

Meanwhile, the enactment of Statutory Instrument 229 of 2021 as Freedom of Information (General) Regulations 2021, if complied with should go a long way in enhancing access to information as well as speedily dealing with information requests made by members of the public.

These regulations obligate entities to publish information on their institutions within six (6) months from the date when the regulations were enacted, and for those that were or will be established post the enactment of the regulations, within six (6) months from the date of establishment of the entity.

Information to be published includes their functions, departments and agencies, operating hours and business addresses, among others. A description of the nature or subject of the information that the entity holds should also be included.

Entities also have a duty to appoint information officers who will handle information requests and such information officers shall have several functions which include keeping a register of and tracking all applications.

## **Internet access/Governance**

Internet access and affordability in Zimbabwe remains a critical issue. This needs to be addressed particularly for purposes of promoting universal access to the internet for all and for purposes of promoting digital inclusion in line with African Declaration on Internet Rights and Freedoms.

The continued increase in prices of data tariffs experienced during the course of 2021 only serves in widening the digital divide hence the need for urgent interventions.

Internet access is crucial for e-learning, marketing purposes, access to Covid-19 related information and the performance of other sectors, including the media, in seeking, receiving and disseminating information.

Contrary to sentiments that Zimbabwe's prices are actually lower than in many other countries in the region, Zimbabwe's prices are actually higher from a contextual perspective.

Unlike with other countries that are using their own currencies, Zimbabweans are largely transacting in United States dollars at a time when the general cost of living is actually high.

According to the ZIMSTATS' statistics released in September 2021, an average family needs ZWL 28 405.98 (USD326 at official rate) per month for food, yet the average monthly income is USD75.00.

Internet access then becomes a luxury.

Appreciating the prevailing realities of the consumers is quite critical, especially when it pertains to internet access, which as it stands, only an elite few can afford.

This does not take away the prevailing economic realities that players in the telecommunications industry are facing hence the need for realistic interventions that strike a balance between business and human rights.

This includes facilitating infrastructure sharing in the telecommunications industry and reviewing policies to ensure that there is ease of doing business as well as a conducive environment for new players.

Policymakers, consumers, private companies, civil society organisations and the regulator should have meaningful, truthful and open conversations on this issue.

This will not only be for purposes of understanding business or human rights perspectives, or the policy perspective, but to ensure that a clear roadmap is in place as we move forward as a nation.

## **Broadcasting**

As the year drew to an end the government was still to gazette the proposed Broadcasting Services Amendment Bill in place of the now out-of-sync Broadcasting Services Act of 2001.

The government should therefore accelerate the review of the Broadcasting Services Act (BSA), an archaic law governing the broadcasting industry in Zimbabwe. The BSA is one of the two laws that were targeted for reforms by the government together with the Access to Information and Protection of Privacy Act (AIPPA).

The Broadcasting Services Amendment Bill seeks to make changes to the existing BSA which regulates broadcasting services in Zimbabwe.

Key issues that need to be addressed pertain to foreign ownership in the local broadcasting sector and donations for broadcasting services. These issues need to be remedied through the proposed Bill to avert the collapse of the broadcasting industry in Zimbabwe.

The proposed amendment Bill which was shared with stakeholders more than three years ago, prohibits donations for broadcasting services. This prohibition refers to the donation of actual equipment and financial donations that are at most times used to get community radio stations up and running.

For example, this means that a church-based organisation cannot donate radio broadcasting equipment to a local community for the purpose of setting up a religious or faith-based community radio station within that local community.

MISA Zimbabwe therefore reiterates its calls for the speedy review of the regulatory framework in favour of frameworks that stimulate broadcasting industry growth and sustainability.

An increase in the foreign direct investment threshold will increase prospects for investments in the sector, and by extension, contributions to the Broadcasting Development Fund, which is critical for community media development.

Meanwhile, the licensing of eight more community radio stations is a welcome development as this will enhance access to information and exchange of ideas on issues that affect marginalised communities for the government's attention.

The national geographic spread of the licensed stations is also of vital importance at a time when the country is fighting the spread of the deadly Covid-19 pandemic.

Those awarded licenses are Radio Bukalanga Pvt Limited, Matobo Community Radio Trust, Chimanimani Community Radio Station Trust, Vemuganga Community Radio Trust, Ndau Community Radio Trust, Twasumbuka Community Radio Trust, Patsaka Nyami Nyami Community Trust and Madziwa Community Radio Trust.

MISA Zimbabwe notes that the awarding of the additional licenses came at a time when those that were awarded the initial licences were still to start their broadcasting.

This comes at a time when the media industry in Zimbabwe is generally facing viability challenges due to dwindling advertising revenue, a situation worsened by the effects of the Covid-19 pandemic.

With community radio stations restricted from operating for profit, it is imperative for government to come up with a sustainable policy framework on how these outfits can remain financially viable without compromising their editorial independence, once they start broadcasting.

MISA Zimbabwe also urges the government to accelerate the digitisation process which is reportedly being stalled by foreign currency challenges by duly allocating the required funds for completion of the project which is now long overdue.

## **Conclusion**

The year under review was a mixed bag of progress on one hand and retrogression on the other hand.

Progress can be measured in the context of the gazetting of the Freedom of Information Regulations and the licensing of more community radio stations.

As mentioned earlier in this report, are the commendable and encouraging steps taken by the government towards complying with the High Court orders which goes a long way in enhancing citizens' right to relevant information on the Covid-19 pandemic.

This is in line with the requisite standards for the provision of access to information on Covid-19 to ensure members of the public make informed decisions to protect themselves from the virus.

However, the clawback provisions in the Data Protection Act, risk eroding the gains made through the enactment of the Freedom of Information Act and undermine citizens' right to free expression online and ultimately access to information for informed decisions and choices.

In that regard, the government should be guided by the findings of the courts which struck down the criminal offence of publication of falsehoods (criminal defamation) to avoid costly constitutional court challenges against such provisions.

The other major issue that needs sober consideration is the Private Voluntary Organisations (PVO) Amendment Bill. As highlighted earlier, in its current status, the Bill poses the greatest risk to Zimbabwe's democratic credentials.

The government should also seize the opportunity of the proposed Broadcasting Services Amendment Bill to come up with a democratic broadcasting regulatory framework that allows for a free, independent, diverse and sustainable broadcasting industry.

## Way Forward in 2022

- The outstanding Broadcasting Services Amendment Bill should be benchmarked on the principles of the African Charter on Broadcasting to secure a regulatory framework that stimulates the growth, sustainability and editorial independence of the broadcasting industry.
- The proposed Zimbabwe Media Practitioners Bill should encompass the media industry's input into the draft that was compiled by media players through the nationwide consultative processes for effective co-regulation of the media.
- The Broadcasting Authority of Zimbabwe should ensure that the Media Development Fund is channelled towards the viability and sustainability of community radio stations as they are the heartbeat of development and democracy at community and grassroots levels.
- Ensure diversity in the languages used to disseminate Covid-19 related information to ensure all Zimbabweans are included in discussions on the pandemic and other related developments. Steps should thus be taken to ensure daily Covid updates are in all the official languages of Zimbabwe.
- There is a need to escalate training and awareness programmes to familiarise both citizens and public institutions with the Freedom of Information Act and the freedom of information regulations.
- As mentioned in our 2020 State of the Media Report, the government should seriously consider coming up with a Media Sustainability Bailout Rescue Package. This can be in the form of tax/duty exemptions and moratoriums (over a realistically determined period), on newsprint and other mass media production and distribution equipment.
- Laws such as the Censorship and Entertainment Controls Act, Official Secrets Act, sections of the Criminal Law (Codification and Reform) Act, Interception of Communications Act, among others, should be reviewed and aligned with the Constitution.
- Any proposed new laws should be in line with domestic constitutional provisions, regional and international best practices.

- As Zimbabwe heads towards the elections in 2023, political parties and the police should ensure the safety and security of journalists during campaign rallies and at all times to avert the media freedom violations that contribute to Zimbabwe's incessant low global media freedom rankings.
- Journalists should, and without fail, always strive for balance and fairness in their reportage and stories. In that regard, media professionalism is the very first line of defence for journalists as it is at the heart of media credibility and integrity.
- Equally, journalists should familiarise themselves with the profession's safety and security guidelines to minimise the risks that come with their chosen profession.
- Journalists should avoid taking part in politics if one's mind is not yet made up as to which of the two, they want to pursue. Participating in political processes and returning to the newsroom upon failure to make it in politics presents serious ethical dilemmas for the industry.
- Policymakers, consumers, private companies, civil society organisations and POTRAZ should have meaningful, truthful and open conversations for purposes of addressing Zimbabwe's high data costs which are detrimental to citizens' right to free expression and access to information.
- The Zimbabwe Media Commission (ZMC) should seriously consider revising the accreditation of journalists from the current one-year period towards a two – five-year period, renewable before the expiry of the accreditation period to safeguard journalists against being exposed to the dangers that come with using expired cards.
- Further, the ZMC should include in its accreditation packages for journalists clearly marked media jackets for easy identification in addition to the issuance of accreditation cards. This can be achieved through the utilisation of the Media Development Fund.

## MEDIA VIOLATIONS STATISTICS – JANUARY – DECEMBER 2021

### Media Freedom Violations Statistics 2021

A total of 22 media workers were either arrested, charged, detained, threatened, attacked or barred in 2021. This marked a 58 % decrease in the number of media workers who were violated in 2021 when compared to the number recorded in 2020.

Collectively 28 alerts issued based on 13 incidents of media freedom violation and in some instances, a single incident would involve several journalists. In 2020 we issued 38 alerts.



2020

52 media workers were either arrested, detained, assaulted or injured during this period.



2021

22 media works were either arrested, detained, harassed, barred or threatened during this period.

### Media Freedom Violations Categories

#### Arrested/ Denied Bail/ Detained



2020-18 cases

2021- 7 cases

#### Barred/Denied Accreditation



2020- 2 cases

2021- 4 cases

#### Assaulted / Attacked /Threatened



2020-15 cases

2021-2 cases

#### Cases of Media Freedom Violations

2020-38 cases

2021-14 cases



In 2021 media freedom violations occurred in the following cities or towns, Harare, Kwekwe, Masvingo, Bulawayo, Gweru and Chitungwiza.

## MEDIA VIOLATIONS 2021 TABLE

Arrested/Charged/ Bail/ Detained	Denied		
Victim/ Concerned Party	Issue	Date	
Freelance Journalist Hopewell Chin'ono	Chin'ono was arrested on allegations of publishing or communicating falsehoods prejudicial to the State in contravention of Section 31 (a) (iii) of the Criminal Law (Codification and Reform) Act by posting a tweet that falsely reported the death of a child after a physical assault by the police.	8 January 2021	
Michael Magoronga, journalist with <i>The Herald</i> .	Magoronga was arrested while taking pictures in the city centre as part of a story that he was working on. He was detained for more than an hour at Kwekwe Central Police Station and later released without charges after the police said they had confirmed that journalists are still allowed to use the expired 2019 accreditation cards.	25 January 2021	

<p>Elias Mambo and Farai Machamire, journalists with <i>The Morning Post</i>.</p>	<p>Mambo and Machamire were charged with criminal insult following an article they published after a press conference held by Susan Mutami on her alleged personal disputes with Norton MP Temba Mliswa.</p>	<p>14 May 2021</p>
<p>Elizabeth Mashiri, journalist with the Mirror</p>	<p>Mashiri was arrested and detained for about four hours at Gweru Central Police Station. She was later charged with disorderly conduct for allegedly contravening Section 41 of the Criminal Law (Codification and Reform) Act. The basis of the matter is that Mashiri took photographs and videos of police officers who were on duty at Kudzanai Bus Terminus in the Midlands capital of Gweru.</p>	<p>17 August 2021</p>
<p>Journalist Gilbert Munetsi</p>	<p>Munetsi was arrested and detained overnight at St Mary's Police Station in Chitungwiza on allegations of violating the Covid-19 curfew measures.</p>	<p>4 September 2021</p>
<p>Freelance journalists Pamenus Tuso and Brenda Lulu Harris</p>	<p>Tuso and Harris were detained by members of the military police and forced to delete their footage. The two were covering the MDC Alliance's</p>	<p>11 September 2021</p>

	<p>22nd anniversary commemorations in Bulawayo. They were approached by a plain-clothed police officer who asked them why they were taking pictures before referring them to his superior who identified himself as a member of the military police.</p>	
<p>Journalists Leopold Munhende with <i>Newzimbabwe.com</i>, Thomas Madhuku with <i>263Chat</i>, Nyashadzashe Ndor, Robert Tapfumaneyi, Marshal Bwanya, Gaddaffi Wells, Adrian Matutu, Tongai Mwenje and Tinashe Muringai.</p>	<p>They were arrested by members of the Zimbabwe Republic Police while at the Zimbabwe Electoral Commission (ZEC) offices in Harare. The nine journalists had gone to ZEC offices to cover a demonstration by members of the opposition MDC Alliance. The journalists were then arrested and taken to Harare Central Police Station before being released without charges.</p>	<p>30 September 2021</p>

Assaulted / Attacked / Threatened		
Victim/ Concerned Party	Issue	Date
Independent MP Honourable Temba Mliswa	Honourable Mliswa threatened to move a motion in parliament for the enactment of a harsh media law that imposes custodial sentences for unethical journalists.	11 February 2021
Samuel Takawira, a reporter with <i>263Chat</i>	Takawira was assaulted by anti-riot police at the Magistrates Court in Harare as they dispersed people from the court premises. He sustained injuries on his left hand and had to seek medical attention after the assault. He was among journalists that were at the court to cover the sentencing of opposition MDC Alliance youth activist Makomborero Haruzivishe, who was convicted for inciting public violence.	6 April 2021
VOA's Studio 7	Zanu PF then acting political commissar Patrick Chinamasa reportedly attacked the Voice of	24 June 2021

	<p>America’s (VOA) Studio 7 for its “hostile” broadcasts. According to media reports, Chinamasa said VOA’s Studio 7 was viewed by Zanu PF in the same vein with the “illegal sanctions” imposed on Zimbabwe. Speaking at a press conference in Harare, he said Zanu PF would resist the broadcaster’s regime change machinations.</p>	
<p>Nyashadzashe Ngoro journalist with <i>Nehanda Radio</i>.</p>	<p>He was allegedly assaulted in Harare’s high-density suburb of Mbare by assailants who demanded to know the sources of the story on alleged corruption at the Zimbabwe Electricity Supply Authority (ZESA), which was published by <i>Nehanda Radio</i>.</p>	<p>4 September 2021</p>

<b>Barred/Denied Accreditation</b>		
<b>Victim/ Concerned Party</b>	<b>Issue</b>	<b>Date</b>
Masvingo freelance journalists Godfrey Mtimba and Tonderai Saharo	Mtimba and Saharo were reportedly barred by the police from covering the rollout of the Covid-19 vaccination programme at Mushagashe Training Centre. According to Mtimba, the police barred them from covering the event at the instigation of the sister-in-charge who was leading the medical team at the training centre, about 30km outside Masvingo town.	24 February 2021
Evans Mathanda, journalist with <i>Newsday</i>	Mathanda was reportedly denied accreditation by the ruling Zanu PF to cover the party's then impending conference.	21 October 2021

\*During the year under review, MISA Zimbabwe also noted and followed developments pertaining to the arrest of New York Times correspondent Jeffery Moyo on charges of contravening the Immigration Act.

**End**

