



# AFRICAN MEDIA BAROMETER

The first home grown analysis of the  
media landscape in Africa



## SWAZILAND 2009

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# The African Media Barometer (AMB)

The Friedrich-Ebert-Stiftung's African Media Project (fesmedia Africa) took the initiative together with the Media Institute of Southern Africa (MISA) to start the African Media Barometer (AMB) in April 2005, a self assessment exercise done by Africans themselves according to homegrown criteria. The project is the first in-depth and comprehensive description and measurement system for national media environments on the African continent.

The benchmarks are to a large extent taken from the African Commission for Human and Peoples' Rights (ACHPR)<sup>1</sup> "Declaration of Principles on Freedom of Expression in Africa", adopted in 2002. This declaration was largely inspired by the groundbreaking "Windhoek Declaration on Promoting an Independent and Pluralistic African Press" (1991) and the "African Charter on Broadcasting" (2001).






By the end of 2008, 23 sub-Saharan countries have been covered by the AMB. In 2007 those countries which started the exercise in 2005, were revisited providing for the first time comparable data to measure developments in a country over a two-year period.

For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added.<sup>2</sup>

**Methodology:** A panel of experts is formed in each country, including representatives of media and civil society at large in equal numbers. They are serving as panel members in their personal capacities, not as representatives of their respective organisations. The panel consists of not more than ten members. They will meet bi-annually for two days retreats to go in a self-assessment process through the indicators in a qualitative discussion and determine (quantitative) scores for each indicator. The meetings will be chaired by an independent consultant to ensure comparable results. The resulting reports are made public.

**Scoring system:** Panel members are asked to allocate their individual scores to the respective indicators after the qualitative discussion in an anonymous vote according to the following scale:

- 
- 1 The ACHPR is the authoritative organ of the African Union (AU) mandated to interpret the African Charter on Human and Peoples' Rights
  - 2 Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

- |          |  |   |
|----------|--|---|
| <b>1</b> | Country does not meet indicator  |  |
| <b>2</b> | Country minimally meets aspects of the indicator.                                |  |
| <b>3</b> | Country meets many aspects of indicator but progress may be too recent to judge. |  |
| <b>4</b> | Country meets most aspects of indicator.   |  |
| <b>5</b> | Country meets all aspects of the indicator and has been doing so over time.      |  |

Scores for each sector are determined as follows: Members of the panel will, after a qualitative group discussion, attach their individual point-score (1 – 5) to each sub-indicator of a sector. The sum of all individual scores will be divided by the number of panel members. The result will then be considered the final score for the sub-indicator.

This qualitative report, including the scores, serves the purpose of measuring over time (based on bi-annual repetitions of the panel meetings) the progress or otherwise developments in the media landscape.

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# AFRICAN MEDIA BAROMETER SWAZILAND 2009

## EXECUTIVE SUMMARY

Freedoms of expression and of the media are guaranteed in the Swaziland Constitution, which came into effect on 8 February 2006. However, the constitution includes claw-back clauses that take away the rights to free speech and assembly. In addition, the Constitution is not supported by complementary pieces of legislation. The country still has 32 restrictive laws scattered on its statute books. In addition, the government introduced in 2008 a new restrictive law – the Suppression of Terrorism Act. The law has already been used to scare people from speaking out. It was used in November 2008 to charge Mario Masuku, the president of the now banned political party, People's United Democratic Movement (PUDEMO), for speaking out in a public forum. During the same month, the Attorney General Majahenkhaba Dlamini warned that journalists reporting critically of government would be viewed as terrorists. In June 2009, prominent human rights lawyer Thulani Maseko was arrested and charged under the Sedition and Subversive Activities Act of 1938, for expressing himself.

While freedom of expression is improving in urban areas, especially around issues pertaining to the economy and HIV and AIDS, there is fear to express oneself, particularly on political issues. In rural areas, people are still caught up in webs of fear, as speaking out may lead to land expulsion since the monarchy, through its traditional structures, controls most of the land. Public meetings and marches organised by both, ordinary citizens and civil society organisations, are often banned. Therefore, freedom of assembly and association is seriously curtailed in Swaziland. The passing of the Constitution is thus seen by many as insignificant as citizens and the media do not enjoy the rights and freedoms protected by the Constitution.

The media also face limitations in freely expressing issues of national concern. Institutions such as the monarchy are beyond reproach and cannot be criticized. Constantly, the media have to tread carefully on issues pertaining to royalty, even if they are of national interest. In addition, the return in October 2008 of Sibusiso Dlamini as Prime Minister for the second time has not been conducive for media freedom. In his term as Prime Minister between 1998 and 2003, he was seen as generally media-unfriendly. Since his return, incidents of media freedom violations have increased.

Public and media access to information remains difficult and a challenge as there is no access to information legislation. The government introduced a Freedom of

Information and Privacy Bill in 2007, but this and five other media bills introduced in the same year, have since not been acted upon. The other bills are the Media Commission Bill, the Books and Newspapers (Amendment) Bill, the Public Broadcasting Corporation Bill; the Broadcasting Bill and Telecommunication Bill. Although media diversity and accessibility have improved with the introduction of two publications and installation of three broadcasting transmitters respectively, the country still faces a restrictive media environment. The two newspapers in the country, the *Times of Swaziland* and the *Swazi Observer*, are still very much elite and urban-based. The main radio and TV stations are wholly owned by the government and operate as government's propaganda tools. The Broadcasting Bill and the Public Broadcasting Corporation Bill introduced in 2007 meant to open up the airwaves, have still not been enacted. Government's announcement in 2008 to issue out broadcasting licences to five aspiring radio stations has not been acted upon.

There is still no independent regulation for broadcasting and telecommunications. Currently, radio is regulated under the Swaziland Posts and Telecommunications Act. This legislation confers power to the Managing Director of the Swaziland Posts and Telecommunications to issue out radio licences and radio frequencies. This has created a conflict of interest in the broadcasting and telecommunications sectors. Television is regulated under the Swaziland Television Act of 1983. The Act created the Swaziland Television Authority (STVA), which operates with a board wholly appointed by the Minister for Information. The STVA gives the television station the power to grant and withdraw licences of operators. Once again, this poses serious conflict of interest as one entity is both regulator and operator. However, there is hope for transformation as in May 2009, the Minister for Information, Communication and Technology, Nelsiwe Shongwe announced plans to establish an independent merged communications regulator, the Swaziland Communications Regulatory Commission (CRC) to be in place by 2010.

While government is promising to introduce independent regulation in the broadcasting and telecommunications sectors, it is still bent on imposing statutory regulation of the print media in the form of a Media Commission Bill. Although the media fraternity has rejected the draft Bill by launching a Media Complaints Commission (MCC) in 2007, in May 2009, the Swazi government renewed its intentions to pilot a Media Commission Bill.

The working conditions for journalists continue to remain challenging both editorially and professionally. Self-censorship and editorial interference remain a way of life. Although there is a new boldness found among journalists as evidenced by an increase in investigative stories, the fear of the monarchy and authorities in the country leads to self-censorship in the country's newsrooms. The King himself also imposes censorship and on more than one occasion has threatened to close down newspapers that offended the monarchy, leading to

the editors and publishers of the newspapers apologizing and retracting stories. Advertisers also use their financial power to censor the media. Due to the small advertising market, publishers are not willing to offend advertisers. Professionally, low salaries, poor training and inactive media union activism affect the standard of news reporting. In the past year, there has been an increase of factual errors in the media, leading to several apologies and retractions. There is also high staff turnover as many journalists are leaving and joining the government and private sector.

Some positive developments have taken place since the last African Media Barometer in 2007. The introduction of new publications, improved reporting, improved gender balance in the media, and the government's seeming commitment to establish independent regulation in the broadcasting and telecommunication sectors are some of the encouraging changes that need to be harnessed.

Media reform efforts in the country need to focus on making a case in court to challenge the 32 media unfriendly laws as unconstitutional. Media freedom in Swaziland will remain restricted as long as these laws remain on the statutes books, despite the existence of the Constitution. There is also need to lobby the government to open debate and consultation on the six media bills introduced in 2007. Moreover, the MCC needs to be operationalised to pave the way for independent and self-regulation in the country. These media reform efforts need the support and cooperation of civil society organizations, which have not been pro-active in the past few years.



# SECTOR 1:

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

# 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 supported by other pieces of legislation.

### Analysis:

The Constitution of Swaziland<sup>3</sup> guarantees and protects freedom of expression, including freedom of the media, but this is not supported by other enabling legislation.

Article 24 of the Constitution, under “Protection of Freedom of Expression”, states:

“(1) A person has a right of freedom of expression and opinion.

(2) A person shall not except with the free consent of that person be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media...”

However, Section 24 (3) seems problematic as it imposes blanket limitations on the right to freedom of expression which can undermine the protections given in the preceding clauses (1 and 2).

It states: “Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is reasonably required for the purpose of –
  - (i) protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned with legal proceedings;
  - (ii) preventing the disclosure of information received in confidence;

<sup>3</sup> The Constitution of the Kingdom of Swaziland, 26 July 2005

- (iii) maintaining the authority and independence of the courts; or
- (iv) regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television or any other medium of communication; or
- (v) that imposes reasonable restrictions upon public officers, except so far as that provision or, as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in a democratic society.

*“...the state pretends as if the constitution does not exist. It is as if we are living in a vacuum”*

Such broad limitations are open to abuse and, in fact, government has been seen to do so in the recent past. Since some of these limitations are currently entrenched in existing laws that actually restrict freedom of expression and the media, government has used these pieces of legislation to curtail the enjoyment of the right to freedom of expression, including freedom of the media.

By way of example, on 17 November 2008 the Government of Swaziland, through the Attorney General, used two of such laws, the Suppression of Terrorism Act, 2008 and the Public Order Act, 1963, to publicly caution journalists and members of the public against making statements that could be viewed as seditious. The government then went on to arrest and detain two prominent political activists for public statements they made against the status quo. Government claimed they were being arrested in the interest of public safety and security.

Also in February 2009, the government threatened to invoke the Sedition and Subversive Activities Act, another restrictive laws, which criminalizes the making of statements that “bring into hatred and contempt” the King, his heirs or successors. This was after a number of people had openly criticized the King’s speech that he delivered during the state opening of Parliament on 6 February 2009, as lacking in substance. The Sedition and Subversive Activities Act criminalizes the making of statements that “bring into hatred and contempt” the King, his heirs or successors.

There was a general feeling among panelists that the Constitution, which came into effect in 2006, guarantees and protects the right to freedom of expression on paper only and not in practice. This is because what currently obtains on the ground is contrary to its provisions. They felt there was a general disregard of the Constitution by the state, which has resulted in serious violations, particularly around freedom of expression and including freedom of the media.

“Nothing has changed. In fact, the state pretends as if the constitution does not exist. It is as if we are living in a vacuum,” said one panelist.

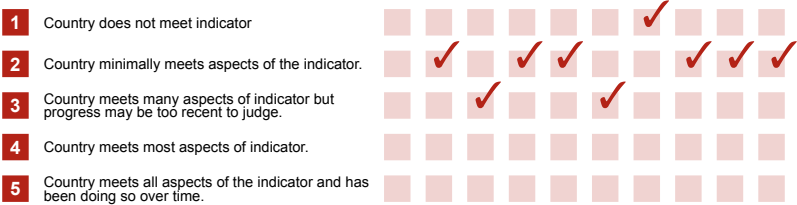
Other panelists blamed the lack of a Law Reform Commission that should review existing pieces of legislation and bring them in line with the Constitution.

Section 163 of the Constitution provides for the establishment of the Human Rights Commission but it has yet to be appointed by the government.

A draft Freedom of Information and Protection of Privacy Bill, 2007 has yet to be tabled before Parliament for passage into law.

## Scores:

### Individual scores:



Average score: 2.1 (2005 = 1.5; 2007 = 2.2)

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

### Analysis:

Freedom of expression is dependent upon the way ideals, such as democracy, are exercised in society. Swaziland is not a democracy. As such the media here are not free and the exercise of the right to freedom of expression by citizens, including journalists, largely depends on the issue(s) at hand.

Whilst journalists report freely on issues such as the economy, health and sport they face harassment if they try to report on matters deemed unacceptable by the authorities. There have been a number of recent cases in which journalists have been threatened and harassed for transgressing these rules. For instance, in April 2009, the privately-owned *Times of Swaziland* newspaper was forced to run a series of apologies in the paper for exposing the cost of a fleet of luxury cars bought by the government for royalty.

In fact, criticism of the King and the Royal family is off limits. Transgressions have often drawn the ire of the King, who has personally reprimanded the media for criticizing him. For instance, in April 2009, when a columnist with the independent *Times of Swaziland* ran a series of articles highly critical of the King and his leadership style, the palace exerted enormous pressure to have him stopped and the newspaper obliged. The columnist faced further retribution from traditional authorities including the Chief from his home area.

Journalists have also been barred from reporting about a royal clinic at Lobamba despite the fact that it is funded by the taxpayer.

As a result, the media environment in Swaziland is one of fear. But in spite of such limitations and risks, the media, particularly private, often push the lines anyway.

Certain cultural practices also limit freedom of the media. For instance, female journalists cannot cover royal or traditional events, if they are wearing pants or have not covered their heads. This was evident on 6 February 2009 when a female journalist with the *Nation* magazine was barred from taking pictures of the King because she was female. Authorities cited cultural practices for effecting the ban.

Private citizens are equally constrained. People still speak in ‘hushed tones’ because of prevailing fear of retribution from authorities.

The fear to express oneself manifests more in rural areas than in urban areas. This is because most of the rural land, which is occupied by the majority of Swazis, is controlled by the King and traditional chiefs. By speaking too openly rural citizens may risk land expulsion, which is the most threatening form of retribution. A number of people have in the past been expelled from their lands for speaking out against the authorities. A case in point is the eviction of more than 200 residents of KaMkhweli and Macetjeni areas in 2000. They were expelled for speaking out against their chief, who happened to be brother to the King. That incident instilled further fear among citizens.

In urban areas police have constantly monitored public meetings. The mere presence of police is enough to scare people from speaking freely. Those who do may face retribution. For instance, in November 2008, PUDEMO (People’s United Democratic Movement) President, Mario Masuku, was arrested and detained for speaking out in a public forum. By July 2009 when the AMB was conducted, he was still in incarceration. In June 2009, human rights lawyer, Thulani Maseko, was also arrested and detained for speaking out on Workers Day. He was later released on bail.

On 18 July 2009, two other political activists, Mphandlana Shongwe and Norman Xaba, both members of PUDEMO, were also arrested and detained for expressing themselves. Shongwe was arrested for shouting a PUDEMO slogan whilst Xaba was arrested for wearing a PUDEMO t-shirt. Shongwe was later released on bail whilst Xaba declined to apply for bail.

*“People just cannot organize public meetings to debate issues without being monitored, harassed or even dispersed by state police”*

In June 2008, the government banned a march organized by civic organizations protesting the rising of ritual killings in the country. The government said it feared the march would embarrass both the country and the King, who was traveling on a world tour.

In October 2008, the government also banned an African Social Forum (ASF) meeting hosted by civil society with international speakers lined up and already in the country.

Some panelists also spoke of being followed around by police spies. Police have also ‘gate-crashed’ meetings and workshops organized by NGOs considered by the state as ‘troublesome’ to monitor proceedings. For instance, on 3 December 2008 police demanded to be allowed to sit and monitor a media workshop organized by MISA Swaziland.

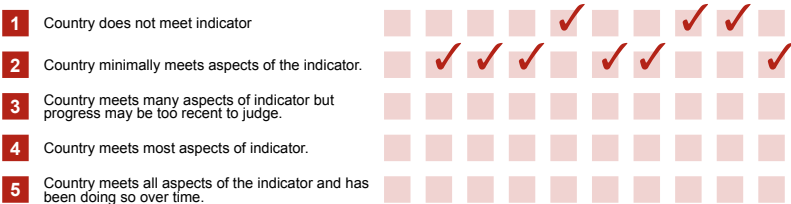
Panelists expressed concern that the government had adopted a hard-line stance on free speech and public gatherings.

“Generally, the environment is not a conducive one at all. People just cannot organize public meetings to debate issues without being monitored, harassed or even dispersed by state police,” said a panelist.

However, despite such constraints, there was the feeling among the panelists that freedom of expressing among ordinary people has improved slightly as many people are now talking and expressing their opinions, especially around issues related to HIV/AIDS. In addition, some sections of civil society enjoy limited freedom of expression. They exercise such freedom in newsletter publications which often escape the scrutiny of government and in litigation.

## Scores:

### Individual scores:



Average score:

1.7 (2005 = 1.6; 2007 = 2.1)

### 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.

#### Analysis:

There are as much as 32 pieces of legislation that remain on the statute books which could restrict freedom of expression. Many date back to pre-independence era. They are more now with the recent enactment of the controversial Suppression of Terrorism Act, 2008.

The Act, which criminalizes utterances which could be viewed by the state as supporting terrorism, has, in fact, been used to scare people from speaking out. In fact, the Act was used to charge PUDEMO President, Mario Masuku, during his arrest in November 2008 for expressing himself.

The government has also used the Act to threaten journalists with arrest in the event their articles are viewed as supporting terrorism. For instance, in November 2008 the Attorney General warned that journalists reporting critically on the government would be viewed as supporting “terrorists” and may be arrested.

The Proscribed Publications Act, 1968 empowers the Minister of Information to declare a publication or publications “prejudicial to the interests of defence, public safety, public morality or public health. The Sedition and Subversive Activities Act, 1968, on the other hand, criminalizes the making of statements that bring into hatred and contempt the King, his heirs or successors; raise discontent or disaffection among the people of Swaziland and promote feeling of ill-will and hostility between different groups.

The Books and Newspapers Act, 1963 requires all print operators to be licenced and places a prohibitive cash bond of E15 000 (approx. US \$ 2000) on entry into the media industry. The Officials Secrets Act, 1963 prohibits access to government-held information, except on approval by senior government officials.

Among these pieces of legislation only the Books and Newspaper Act is being amended. But this amendment bill does not remove or reduce the restrictive cash bond required of print media operators.

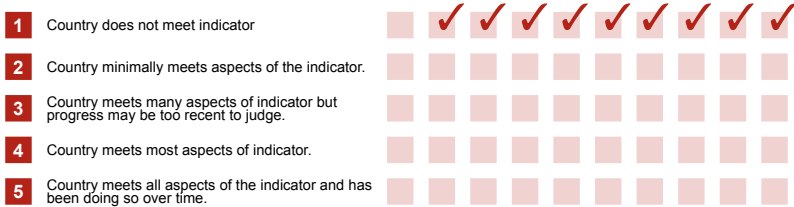
*“Maybe the media need to approach the courts for a declaratory judgement declaring all the laws restricting freedom of expression and the media unconstitutional.”*

Lack of political will and the slow legislative process has been blamed for the slow progress in reforming these media unfriendly laws to comply with the national Constitution.

“Maybe the media need to approach the courts for a declaratory judgement declaring all the laws restricting freedom of expression and the media unconstitutional. In the event such a judgement is granted, the courts may even direct Parliament to review all the media unfriendly laws and this may effectively speed up the law reform process,” said one panelist.

## Scores:

### Individual scores:



Average score: 1.0 (2005 = 1.3; 2007 = 1.0)

## 1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media

### Analysis:

Swaziland is a state party to a number of international and regional agreements, including the *United Nations Universal Declaration of Human Rights*. Article 19<sup>4</sup> of the Declaration deals with the right to freedom of expression, stating that: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Swaziland ratified the *African Charter on Human and Peoples Rights*<sup>5</sup> in 1985 and is thus bound by its provisions. Article 9 of the Charter deals with freedom

4 www.unesco.org [accessed: 6 July 2009]

5 www.hrcr.org/docs/banjul/ [accessed: 6 July 2009]



of expression and states that every individual shall have the right to receive information and the right to express and disseminate his opinions within the law.

By virtue of being a member of the African Union, Swaziland is also a signatory of the *Declaration of Principles on Freedom of Expression in Africa* adopted by the African Commission on Human and People's Rights in 2002. The country also signed the *SADC Protocol on Culture, Information and Sport* adopted in 2000.

Swaziland is also a state party to the International Covenant on Civil and Political Rights which the country ratified in March 2004.

However, despite having signed these international and regional instruments the country has not domesticated any of these agreements. The general feeling is that Swaziland is quick to sign but slow in implementation.

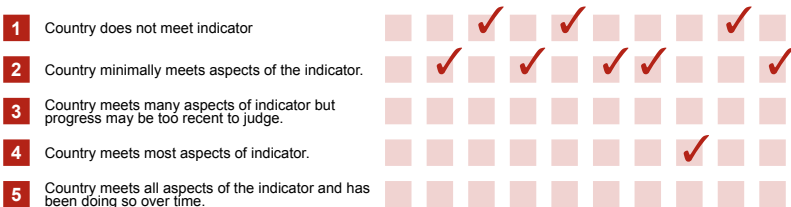
"It would seem there is much enthusiasm on signing yet domestication is a problem. The situation is as if government is trying to please the international community by hastily signing the international instruments and then adopting a snail's pace when it comes to domestication," said a panelist.

Also, government does not disseminate information about the ratification of these international instruments, hence the majority of Swazis are not aware that the country has signed such agreements.

Civil society has also been accused of not pushing hard enough to force government to domesticate these international agreements.

## Scores:

### Individual scores:



Average score:

1.9 (2005 = n/a; 2007 = n/a)

## 1.5 Print publications are not required to obtain permission to publish from state authorities.

### Analysis:

The Books and Newspapers Act, 1963<sup>6</sup> requires all print publications to apply and be in possession of a publishing licence before they publish. This requirement is over and above the registration of the media house as a company.

Article 5 (1) of the Act, under Application for Registration of Newspaper, states: “Any person intending to print or publish a newspaper within Swaziland shall make written application to the registrar for a certificate of registration in respect of that newspaper.”

Section 4 of the Act, under Unregistered newspaper not to be published, states: “(1) No person shall print or publish any newspaper within Swaziland unless the editor, or acting editor, or if there is more than one editor, the responsible or chief editor thereof is resident within Swaziland and there has been issued, in respect of the newspaper, a certificate under Section 6.

“(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable to a fine not exceeding two hundred Emalangeni or, in default of payment thereof, to imprisonment for a period not exceeding six months.”

But this law is rarely enforced and this is the case as long as the publications remain less critical of government or the King. A number of print publications have emerged over the years without complying with the Act. But the moment they become too critical government then moves in swiftly to invoke the Act. For instance, in 2000 the government invoked the provisions of the Act to ban the *Guardian* newspaper and the *Nation* magazine which were critical of government. When the two publications proved in court that they had complied with the law, government then used the Proscribed Publications Act 1968 to ban them. But this was also set aside by the courts.

On 9 February 2009, two recently launched publications, *CAP* magazine and *Mbambambamba* newspaper, were threatened with closure for failure to comply with the law.

In 2007 the government sought to amend the Books and Newspapers Act. But the amendment bill not only retains the registration of print publications but also imposes a requirement for qualifications of the journalists to be employed by the

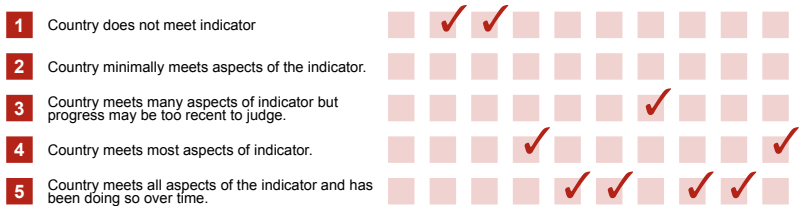
<sup>6</sup> The Books and Newspapers Act 20/1963

publication as a pre-condition for registration. It also increases the bond to be paid by a newspaper to E15 000 upon filing an application for registration.

The Information and Media Policy adopted in 2005 supports the existence of multiple print publications but this is not supported by any legislation.

## Scores:

### Individual scores:



Average score:

3.7 (2005 = n/a; 2007 = n/a)

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

### Analysis:

Legally, journalism practice in Swaziland remains unrestricted. However, the Media Commission Draft Bill 2007 gives powers to the Commission to introduce compulsory registration and accreditation of journalists and media institutions.

The media has categorically rejected the draft and has launched a self-regulatory mechanism to thwart government's attempt to impose these restrictions on the practice of journalism. Launched in 2007, the self-regulatory framework has delayed operations due to technical and financial problems. It is expected to be operationalized soon.

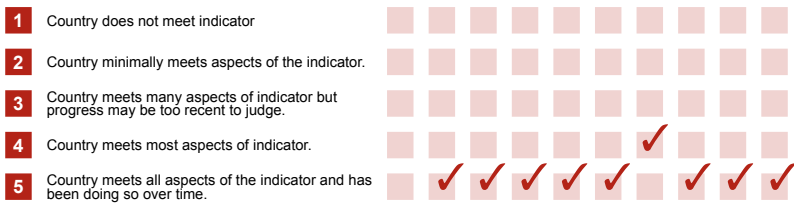
The Books and Newspapers (Amendment) Draft Bill 2007 also requires any person intending to print or publish a newspaper in Swaziland to provide the qualifications of the journalists to be employed by the newspaper business. This will largely restrict entry into the practice of journalism.

Currently, journalists are only required to obtain “media cards” if they want to cover high-security state events such as those involving the King and visiting heads of state.

Foreign journalists, however, do need accreditation from the Ministry of Information as well as permission from the Director of the Swaziland Broadcasting and Information Services (SBIS) before they can cover events in Swaziland. There have been no recent cases where these have been denied to visiting journalists.

## Scores:

### Individual scores:



Average score:

4.9 (2005 = 4.7; 2007 = 4.6)

## 1.7 Confidential sources of information are protected by law and/or the courts.

### Analysis:

There is no law protecting confidential sources of information. Journalists subpoenaed to appear in court can be forced to disclose their sources. If they refuse to do so they risk being found guilty of contempt of court under the Criminal Procedures and Evidence Act 1939.

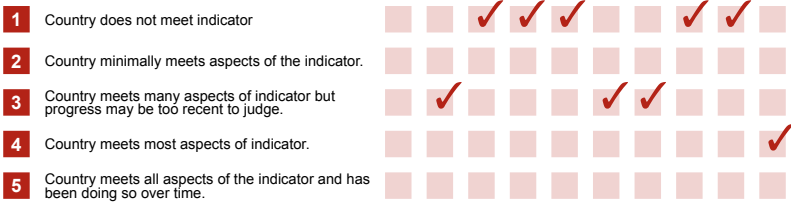
However, in 2006 a journalist with the *Times of Swaziland* was subpoenaed to appear in court, where he was required to reveal his source of a story involving the late Deputy Prime Minister (DPM), Albert Shabangu, who was suing the *Times* newspaper. Despite threats to charge him with contempt of court, the journalist declined to reveal his sources, citing journalism ethics. Nothing happened to him eventually.

The Prevention of Corruption Act, 2006 does protect whistleblowers, but it does not provide specific protection for journalists.

The Freedom of Information and Protection of Privacy Draft Bill 2007, which is however, yet to be tabled before Parliament for passage into law, does not contain any protection of confidential sources.

## Scores:

### Individual scores:



Average score:

2.0 (2005 = 1.3; 2007 = 1.0)

## 1.8 Public information is easily accessible, guaranteed by law, to all citizens.

### Analysis:

There is still no freedom of information legislation in Swaziland. The government and public institutions cannot be forced to disclose information of public interest.

The Official Secrets Act, 1963 makes it difficult for the media and ordinary citizens to access information in the hands of government or public institutions and there are no means of appealing against government decisions. Even further, there are no formal procedures for obtaining public information. Requests for information, either by the media or ordinary members of the public, often get caught up in bureaucratic red tape.

Information that should be in the public domain, such as the defence budget and the budget of the King's office, is never disclosed. Not even Parliament can demand or debate such issues.

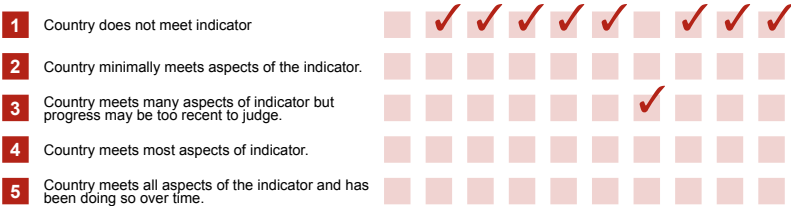
The government website, which should provide most needed information, is not regularly updated and mostly contains outdated information. Other public institutions, such as government parastatals, provide limited information on their websites.

In 2007 the government made an attempt to introduce freedom of information legislation in the Freedom of Information and Protection of Privacy Draft Bill. However, there were concerns that the draft bill contained too many restrictions on accessing information. In fact, the draft bill turns the whole idea of freedom of information on its head by opening up ways for the government to access private information as opposed to opening the public’s access to government-held information.

The draft bill is currently stalled, along with five other media draft bills the government introduced in 2007. The government seems to be taking its time to complete consultations around the draft bills.

## Scores:

### Individual scores:



Average score: 1.2 (2005 = 1.3; 2007 = 1.0)

## 1.9 Websites and blogs are not required to register with, or obtain permission, from state authorities.

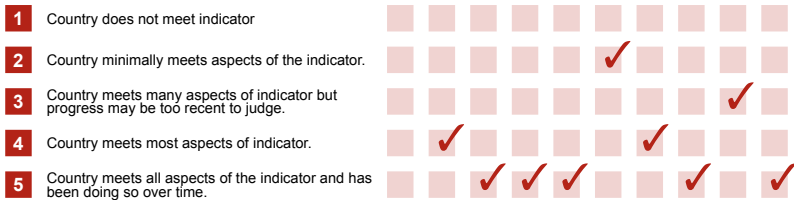
### Analysis:

Currently, Internet content is not regulated in Swaziland. Also, no registration or permission is legally required for website or blogs. Only Internet Service Providers (ISPs) are required by law to register as companies.

Nonetheless, some panelists were suspicious.

## Scores:

### Individual scores:



Average score:

4.2 (2005 = n/a; 2007 = n/a)

## 1.10 The state does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

### Analysis:

To date, the Swazi government has not officially blocked or filtered Internet content for the general public. It would seem individuals and groups engage in unrestricted expression of views via the Internet including email and chat-rooms. But there are growing suspicions that government “spies” may be monitoring Internet traffic for NGOs and organizations considered by government as “dissidents”. Panelists spoke of police confronting NGO and human rights activists on numerous occasions with information the NGOs and activists communicated by email. This has provided evidence that government may be secretly monitoring Internet content.

Legally, government is empowered by the Posts and Telecommunications Act, 1983 to intercept suspicious parcels sent either by post or courier in the interest of public safety and security, but it is not clear whether such legislation extends to email or Internet content.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Average score:

4.2 (2005 = n/a; 2007 = n/a)

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

### Analysis:

*“It is a pity that most of the lobbying activities do not get publicized in the media.”*

A number of media lobby groups, including the Media Institute of Southern Africa (MISA) Swaziland chapter, Swaziland National Association of Journalists (SNAJ), Swaziland Editors Forum, Gender and Media in Southern Africa (GEMSA) Swaziland chapter, Media Women Association of Swaziland (MWASWA) and the Media Workers

Union of Swaziland (MWUS), all advance the cause of media freedom. This is done through targeted advocacy programmes such as workshops, press statements and monthly breakfast meetings between the Editors Forum and the Prime Minister with his cabinet.

“It is a pity that most of the lobbying activities do not get publicized in the media. Otherwise, there is a lot of lobbying for media freedom that is going on among most of these organizations, particularly MISA,” said one panelist.

However, in spite of such advocacy activities, there are concerns that the media itself is not presenting a united front. It is a fractious industry and some of the media associations such as SNAJ are ineffective and do not garner enough support. The Media Workers Union is struggling to survive and MWASWA has just been re-launched.



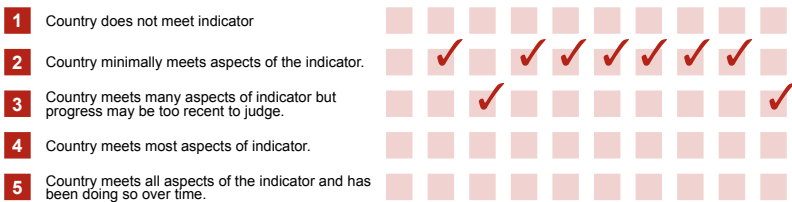
The Editors Forum, with its monthly breakfast meetings with the PM and cabinet, is seen as “being in bed” with government’ as the discussions in these meetings are hardly taken forward.

Civil society, on the other hand, maintains a deafening silence on media freedom issues. Prevailing fear among citizens has been blamed for the failure by civil society groups to advance issues of media freedom. Also, most civil society organizations are financially dependent on government for survival and fear risking retribution from authorities if they are seen to be too vocal on human rights issues.

Panelists spoke of the need for networking and collaboration between the media and civil society organizations if issues of media are to be taken to the next level.

## Scores:

### Individual scores:



Average score:

2.2 (2005 = 2.0; 2007 = 2.1)

## 1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

### Analysis:

Government does occasionally invite stakeholders to discussions on draft policies and legislation, as was the case in the Information and Media Policy in 2004/2005 and the six media draft bills government introduced in 2007. Stakeholders’ input was reflected in the final draft of the Media Policy adopted by government in October 2005.

Though consultations on the six media draft bills are currently stalled, the process started with wide consultations among key stakeholders. Government has stated

that it plans to consult even wider on the bills. It is yet to be seen if the final drafts will contain stakeholders' input.

However, panelists raised concern that the government invites stakeholders to participate in consultations after the bills have already been drafted. For instance, Commonwealth consultants were engaged to draft the six media bills without regard to contextual realities facing Swaziland. There is thus need to understand the legislative process in the country, so that civil society organizations and other interest groups can intervene right from the beginning.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

**Average score:** 1.8 (2005 = n/a; 2007 = n/a)

**Overall score for sector 1:** 2.6 (2005: 1.9; 2007 = 2.0)\*

\* For 2009 the indicators were reviewed, amended and same new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

# SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

# Freedom of expression including freedom of media are effectively protected and promoted.

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

### Analysis:

#### Print media

There are two national dailies in Swaziland. The *Times of Swaziland* (privately-owned) and the *Swazi Observer* (owned by the King through Tibiyo TakaNgwane, a royal conglomerate); both publish in English. The *Times* has an average daily print run of 27 000 copies and an estimated readership of over 100 000 whilst the *Observer* has an average of 8 000 copies daily with an estimated readership of 50 000.

Both newspapers circulate nationally. At E2.50 per copy, both newspapers are affordable to citizens even for many rural communities (a loaf of bread currently costs around E7).

Both newspapers also publish weekend editions. The *Observer* publishes the *Weekend Observer* which comes out on Saturdays whilst the *Times* publishes the *Swazi News* (on Saturday) and *Times Sunday* (on Sundays). The weekend papers also circulate nationally and are affordable at E2.50 for the *Swazi News* and *Weekend Observer* and E4.40 for the *Times Sunday*. The *Weekend Observer* circulates about 10 000 copies per weekend whilst the *Times Sunday* has a print run of about 25 000 copies per weekend.

There are two independent monthly magazines, the *Nation* and *CAP* magazine, which, however, have small circulation. Both circulate mainly in urban areas. At E13.95 for the *Nation* and E8 for *CAP*, these magazines are not affordable to the majority of Swazis.

There have been a number of new entrants into the newspaper industry: *Mbambambamba*, a privately-owned monthly newspaper published in vernacular; *Vuka Ngwane*, another privately-owned SiSwati newspaper; *Ingwazi News* and *Sunday Mirror*, which are both English medium monthly newspapers. At less than

E5, all three new titles are affordable but have minimal circulation. They each print an average of 1 000 copies and circulate mainly in urban areas.

The government publishes *Swaziland Today*, a free newsheet which, however has very little credibility. It is a government mouthpiece that publishes only government activities and circulates mainly in government offices and foreign diplomatic missions resident in Swaziland.

## Broadcasting:

Radio is the most accessible and affordable source of information for most people in Swaziland. There are two domestic stations – the Swaziland Broadcasting and Information Services (SBIS) which is a state broadcaster and Voice of the Church (VOC), a private Christian radio station which is a local franchise of TransWorld Radio.

SBIS with two channels – SBIS 1 (broadcasting in SiSwati) and SBIS 2 (English) covers approximately 95% of the country whilst VOC, with only about five transmitters countrywide, reaches about 65% of the country.

Swazis are free to own radio sets as there is no licence fee required.

Currently, there are no community radio stations.

There are two free-to-air television stations, Swazi TV (a state broadcaster) and Channel Swazi (privately-owned). Swazi TV still dominates the airwaves as it reaches about 60% of the country whilst Channel Swazi has only a few transmitters and covers very few areas.

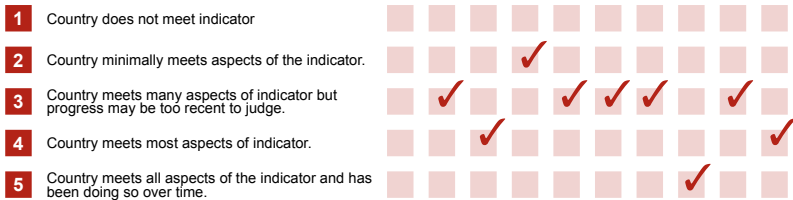
Access to television is largely affordable, with the yearly licence fee at E180 per set. The legislation on the television is not strictly enforced and many people hardly pay their TV licences.

## Internet

Internet is still unaffordable for most Swazis and is limited to the main towns. Most Internet cafes charge at least E20 for 30 minutes access. Broadband was introduced in 2008 and this has enhanced the speed of Internet access. Access to the Internet, however remains very low as most people cannot afford the cost. A Universal Service Obligation (USO) policy that aims to ensure the roll-out of internet access to peri-urban and rural areas is still in draft form. The Ministry of Information, Communications and Technology (ICT) plans to have the draft completed and adopted by Cabinet before the end of this year. Implementation is planned for early 2010.

## Scores:

### Individual scores:



Average score:

3.3 (2005 = 2.9; 2007 = 3.1)

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

### Analysis:

Access to domestic and international media is not restricted by the state. A host of South African newspapers such as *The Star*, *Mail & Guardian*, *City Press*, *Sowetan* as well as UK papers circulate freely in the country, though these are only accessible in urban areas. There are also a number of South African magazines circulating in the country.

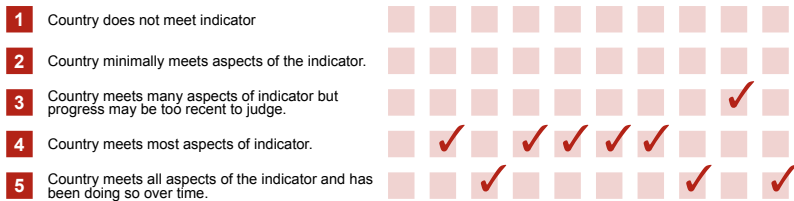
Access to domestic and international television broadcasting is also unrestricted. Swazis, but mainly those in urban and peri-urban areas, access international television stations through DStv (Digital Satellite television) and decoders which beam South African stations such as SABC and e-TV.

Swazi TV, the state broadcaster, also relays CNN and BBC World News and Deutsche Welle daily unedited.

The same goes for radio. A number of South African and Mozambican radio stations do spill over into the country and are accessed by most Swazis. The state radio, SBIS, also relays BBC World news, unedited, daily in the morning and evening.

## Scores:

### Individual scores:



Average score:

4.2 (2005 = 4.0; 2007 = 3.6)

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

### Analysis:

Both national dailies, the *Times* and the *Observer* newspapers, have used prize-winning competitions and road-shows around the country, particularly in rural areas, to try and increase circulation and reach even far-flung areas.

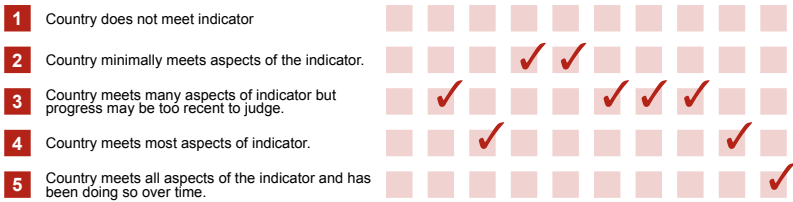
Both papers also have internet presence whereby readers with internet access can read the online paper on the day of publication. Readers' comments on the online papers are published in the print publications.

The *Times* also regularly invites readers to comment on topical issues using SMS. This has become quite popular among readers and has helped in increasing the paper's circulation.

Newly-launched publications make no effort to increase their circulation.

## Scores:

### Individual scores:



Average score:

3.2 (2005 = 2.3; 2007 = 2.5)

## 2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

### Analysis:

The *Swazi Observer* newspaper is owned and published by Tibiyo TakaNgwane, which is a royal conglomerate held in trust by the King for the Swazi nation. There was debate among panelists as to whether the *Observer* should still be classified as state paper. This is because Tibiyo TakaNgwane, who wholly owns the *Observer*, is not funded by taxpayers' money. But because the King, who heads Tibiyo, is Head of State, the *Observer* could be said to be a state publication. The dominant public perception is also that the *Observer* is a state newspaper.

The *Observer* is not able to publish criticism of the King and the Queen Mother including the entire Royal family. The newspaper may criticize government but the influence of the King could be used to limit such criticism.

The newspaper's Chief Editor is an appointee of the King with the sole and express mandate to safeguard the interests of the King and ensure that the paper toes the line. This, in itself, is interference in the editorial independence of the newspaper.

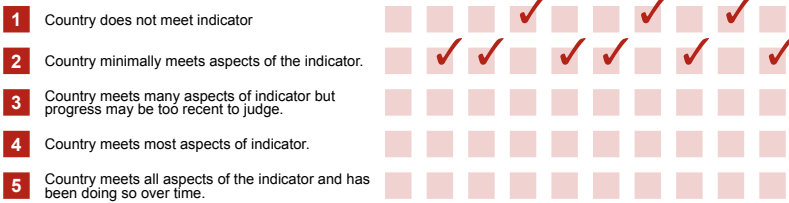
The newspaper's journalists and editors have also complained about editorial interference from traditional authorities. A recent case was an instruction from the chairman of the Swazi National Council (SNC), an advisory body to the King, for the paper not to refer to recently arrested lawyer, Thulani Maseko, as human rights lawyer.



*Swaziland Today*, being wholly owned and published by government, suffers immense editorial interference from government authorities. What goes into the publications is what has been approved by government officials.

## Scores:

### Individual scores:



Average score:

1.7 (2005 = 1.9; 2007 = 2.4)

## 2.5 Adequate competition legislation / regulation seeks to prevent media concentration and monopolies.

### Analysis:

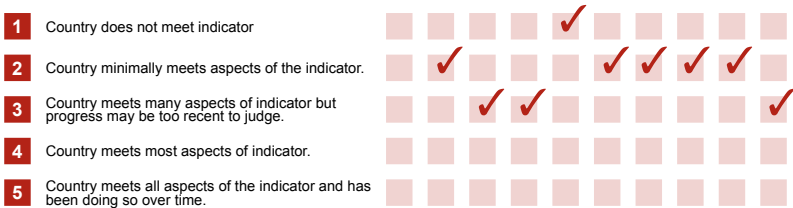
Swaziland passed the Fair Competition Act in 2007 to monitor fair practices in business, but the Competition Commission, provided for by the Act, to enforce the regulations is yet to be appointed. It is not yet clear if the Commission's regulations will apply also in the media industry.

However, the Information and Media Policy<sup>7</sup> passed in 2005 does call for an independent Regulator to enforce fair and competitive market practices and discourage monopolistic tendencies in the Information and Media Industry in accordance with the Fair Competition Act.

<sup>7</sup> Kingdom of Swaziland Information and Media Policy, October 2005

## Scores:

### Individual scores:



Average score:

2.2 (2005 = 1.3; 2007 = 1.3)

## 2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

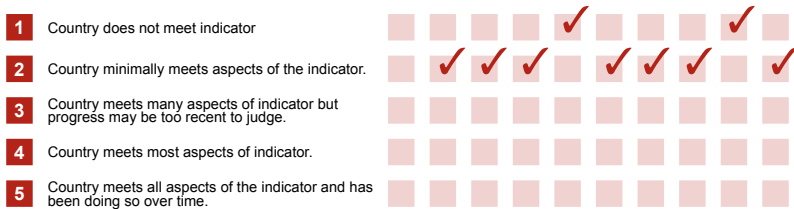
### Analysis:

Government does not promote a diverse media landscape with sustainable and independent media outlets. The reality is that government would rather limit or control the media. Evidence of that is that the Books and Newspapers Act 1963 and the Proscribed Publications Act 1968 remain in the statute books and have been used by government to close down critical publications in the past.

Government has also declined to open the airwaves to allow other players in the broadcasting industry. Several community and commercial radio stations have waited for licences for many years. A recent call for applications for both community and radio licences which purported to open up the airwaves is now stalled and no reasons have been forwarded for the no-completion of the process.

## Scores:

### Individual scores:



Average score:

1.8 (2005 = n/a; 2007 = n/a)

## 2.7 All media fairly reflect the voices of both women and men.

### Analysis:

Most newsmakers and sources of news are men. Two research studies<sup>8</sup> carried out by MISA Swaziland in 2007 and 2008 revealed that news reporting across all media in Swaziland was dominated by male voices. In 2007, an analysis of media coverage of the 16 Days of Activism Against Gender Violence Campaign showed that women were only accessed more frequently than men in roles where they were directly affected by the abuse or witness to it. But when it came to roles that relate to expert, professional or leadership capacity, male sources dominated. For instance, all government or political sources (100%) were male whilst female sources in health issues accounted for 40% and in community leadership female sources accounted for only 20%.

In 2008, a study into Political Reporting<sup>9</sup> revealed that female voices barely featured in political stories, accounting for just 4% of all human sources.

Panelists agreed that the imbalance in the gender representation in media stories may not be the result of media bias but for a number of other reasons: the Swazi social setting itself is male dominated; and the influence of culture has also resulted in Swazi women not prepared to speak out. Further, fewer women than men hold positions of power at both, political and community levels.

Women issues are fairly covered by the media, but this is mostly in specific dedicated sections such as entertainment and women's pages in print media and

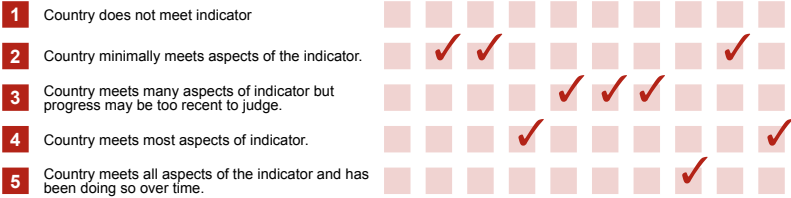
8 Women, Abuse and the Swazi Media - a MISA Swaziland-GEMSA study, 2007 and

9 His Master's Voice: Political Reporting in Swaziland - a MISA Swaziland study, 2008

women’s programmes on radio. Local television does not feature programmes dedicated to women.

## Scores:

### Individual scores:



Average score: 3.1 (2005 = n/a; 2007 = n/a)

## 2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

### Analysis:

Swaziland is largely a homogeneous society. As such, the voices across all media are mainly Swazi. Other cultures such Indian, Coloured, Chinese and Mozambicans are hardly reflected in the media. This is because they rarely come out to be heard. Panelists said that these groups have largely not integrated into the Swazi society.

“It would seem these groups don’t want to be heard. When they are in the media, for some it is for the wrong reasons. For instance, you get to hear about Mozambicans and Chinese when they have a brush with the law,” a panelist said.

In the case of religion, Section 23 of the national Constitution allows for freedom of religion. But the country is predominantly Christian and the media is largely dominated by Christian voices. Other religions are rarely heard.

*“It would seem these groups don’t want to be heard. When they are in the media, for some it is for the wrong reasons.”*

In broadcasting, for instance, the state radio, SBIS, has a policy that bars other religions, other than Christian, from accessing the station. In 2007, the Bahai faith applied unsuccessfully to be allowed access to the state radio. They

were told that they cannot be allowed access to the station because Swaziland was a Christian country. The Bahai faith appealed to the Minister for Information, where the case is still pending.

The Voice of the Church (VOC), the only religious radio station, also gives access to only Christian voices. People of other faiths are denied access. The same applies to television.

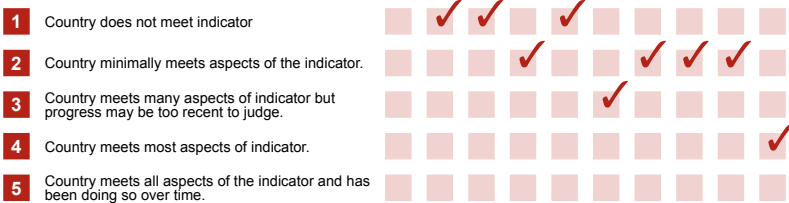
In print media, the privately-owned *Times of Swaziland* has in the past allowed people of other faiths to publish their views.

Political parties and trade unions regularly complain that they are denied access to state media. For instance, on 12 January 2009 these groups marched to the Prime Minister’s office to demand access to state media. But the situation has still not improved.

Privately-owned print media do allow political and social diversity in their publications.

## Scores:

### Individual scores:



Average score: 2.0 (2005 = n/a; 2007 = n/a)

## 2.9 The information needs of all citizens, including marginalized communities, are met as a result of a coherent ICT policy

### Analysis:

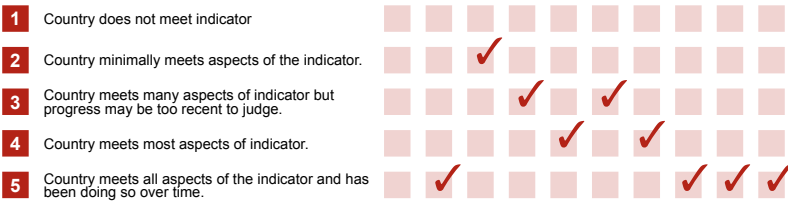
The government has a coherent ICT policy adopted in 2005. The government has gone further to create the Ministry for Information, Communications and Technology (ICT) to solidify government’s commitment to ICT.

However, the challenge remains implementing the policy. The line ministry currently lacks expertise to implement the policy.

Currently, marginalized communities do not access ICTs. Only urban and peri-urban communities have access to ICTs. Monopolies and the high cost of ICT access has been blamed for this state of affairs. There are currently five Internet Service Providers in Swaziland – Africa Online, Real Image, SPTC, Lisango.Net and Swaziplace.Com.

## Scores:

### Individual scores:



Average score: 4.0 (2005 = n/a; 2007 = n/a)

## 2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

### Analysis:

The government is the biggest single advertiser, particularly in print media, and wields enormous power in the advertising market which is relatively small. Government regularly uses this power to control media content.

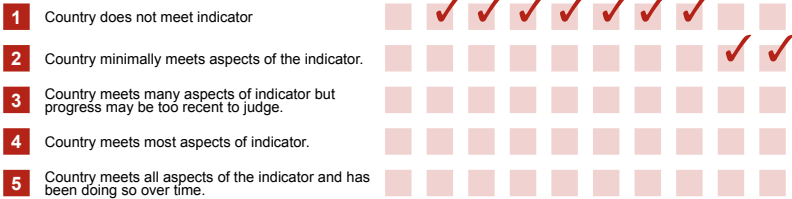
Recently, the Principal Secretary in the then Ministry of Enterprise and Employment barred his ministry from advertising in the *Times of Swaziland*, claiming he was not happy with the criticism of his ministry by the newspaper. The PS is now at the Ministry of Natural Resources where he continues with his ban despite appeals by the newspaper to the line Minister.

The *Observer* also had a similar experience from the Ministry of Sports, Culture and Youth Affairs whose Minister was not happy about a report that appeared in a gossip column of the newspaper.

However, such advertising ban is not the result of top-level policy. It is only an action by individual ministries.

## Scores:

### Individual scores:



Average score:

1.2 (2005 = 2.9; 2007 = 1.5)

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

### Analysis:

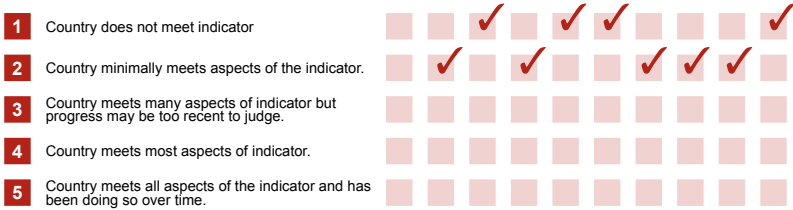
The advertising market in Swaziland is not big enough to sustain a multiplicity of media outlets. That is why new entrants, particularly in the print media, who venture into the industry fold quickly because of lack of advertising.

Government remains the biggest advertiser in print media, but rarely, if at all, advertises in new publications. Business advertisers are very few and panelists blamed this on the fact that most private businesses do not see the need to advertise.

In spite of the small advertising market, the current media houses have remained unaffected by the global economic crisis as no established media house has closed due to advertising revenue losses.

## Scores:

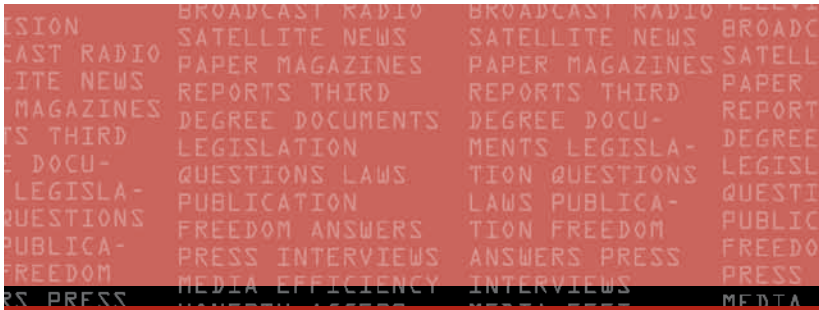
### Individual scores:



**Average score:** 1.6 (2005 = 2.2; 2007 = 1.4)

**Overall score for sector 2:** 2.6 (2005 = 2.2; 2007 = 2.3)





# SECTOR 3:

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



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

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

#### Analysis:

Radio broadcasting is currently regulated under a statute whose primary function was to establish the Swaziland Posts and Telecommunications Corporation (SPTC). In terms of the Swaziland Posts and Telecommunications Act, 1983, the Managing Director of SPTC is the sole authority responsible for the granting of radio communication and broadcasting licences. The MD sits and decides on his own, with no assistance whatsoever, to decide on radio licences. However, in terms of the Swaziland Radio Regulations of 1983 the regulatory powers and authority for issuing radio broadcasting licences vests in the Minister responsible for telecommunications.

*“From what we know, VOC got a licence through what I call a gentlemen’s understanding. The process was never transparent”*

The current situation is that there is no transparent process for the licencing of radio broadcasting. This was the case when the Voice of the Church (VOC), a religious station, was granted a licence.

“From what we know, VOC got a licence through what I call a gentlemen’s understanding. Their licence was facilitated by the state radio, SBIS, who were trying to block spillage of South Africa radio stations into Swaziland and thought the existence of VOC, largely not a competitor of SBIS by the nature of the station, would do the job. The process was never transparent,” said a panelist.

In reality, the present legislation preserves the virtual state monopoly in radio broadcasting. Evidence of this is that one community radio station has applied for a licence for the last 10 years without success.

It was only at the beginning of 2008 that SPTC called for community and commercial radio applications. A number of applicants filed their applications, but the process has since stalled and no reasons have been given.

In 2006, government introduced six media draft bills, among them the Broadcasting Draft Bill, which seeks to open the airwaves and establish an independent broadcasting regulatory authority. However, the consultative process around the draft bill has stalled to the frustration of stakeholders.

The Information and Media Policy provides for an independent broadcasting regulator which shall be established to regulate private, public, community and commercial broadcasters. It states that appointments to the regulatory body shall be made through a transparent process, including the procedures for issuing rulings and decision and the processes for petition or appeal by applicants.

On the other hand, television broadcasting, unlike radio, is established by a statute which creates the television enabling framework. It is governed in terms of the Swaziland Television Act, 1983, which puts in place the state-owned television operator with a politically appointed Board of Directors.

Effectively, STVA exists with a number of functions combining the provision of television service, regulation of the sector and being a licensing authority – a classic case of being a referee and a player at the same time.

Section 17 of the Act empowers the STVA Board to “subject to the approval of the Minister, grant a licence to any person to conduct television service in Swaziland upon such terms and conditions as (it) may determine, including the annual licence fee therefore.”

So far, the STVA board has granted only one television licence to the privately-owned Channel Swazi television station.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.0 (2005 = 1.1; 2007 = 1.3)

### 3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way – involving civil society and not dominated by any particular political party.

#### Analysis:

As explained above, radio broadcasting is regulated by the Managing Director of the Swaziland Posts and Telecommunications Corporation (SPTC), who in terms of the SPTC Act, 1983, is the sole authority responsible for granting radio licences. Therefore, since SPTC is wholly state-owned, the MD as a radio licensing authority is virtually an extension of government and thus not independent.

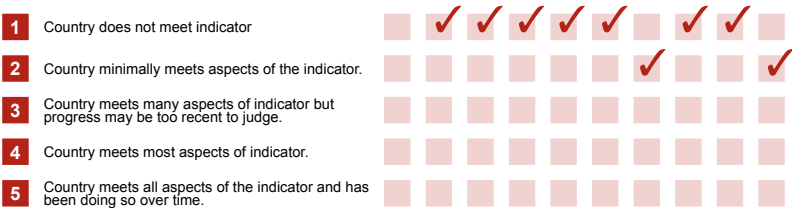
However, it was not until September 2008 that the Minister for Information set up a Technical Committee to assist the SPTC MD in approving radio licences. The Technical Committee was entirely appointed by the Minister with no input from civil society.

The Committee has assisted the SPTC MD in accepting applications for community and commercial radio stations. But the process was never transparent. Neither the SPTC MD nor the Technical Committee has explained why the process has stalled.

For television, since the STVA Act empowers the STVA Board to grant television licences subject to the approval of the Minister does not protect the Board from interference. The Board itself is not independent as it is wholly appointed by the Minister with no input from civil society.

#### Scores:

##### Individual scores:



Average score:

1.2 (2005 = n/a; 2007 = n/a)

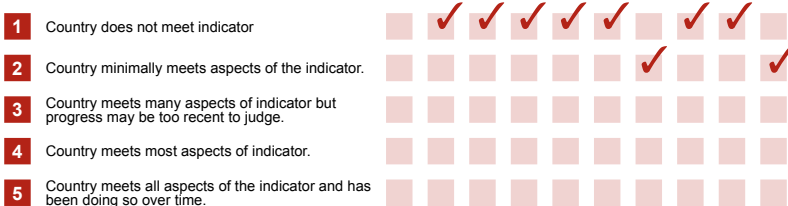
### 3.3 The body regulates broadcasting services and licenses in the public interest and ensures fairness and a diversity of views broadly representing society at large.

#### Analysis:

As has been explained above, there is no evidence that the radio and television regulatory bodies act in the public interest and promote fairness and diversity in the broadcasting sector. Since they are not accountable to the public and entirely controlled by government, they are neither obliged nor expected to act in the public interest. Currently, government seemingly does not intend to promote media diversity and therefore, the regulatory bodies cannot act against government's current wishes.

#### Scores:

##### Individual scores:



Average score:

1.2 (2005 = 1.0; 2007 = 1.0)

### 3.4 The state / 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:

Swaziland currently does not have a public broadcaster, neither in radio nor television. The two existing broadcasters, the Swaziland Broadcasting and Information Services (SBIS) radio and Swaziland Television Authority (STVA)

are state-owned and accountable only to the government. SBIS actually operates as a government department and therefore does not have a board.

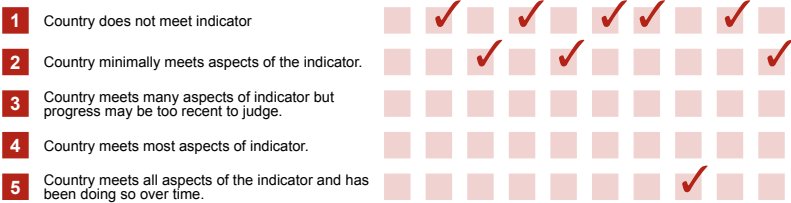
STVA, on the other hand, operates with a board wholly appointed by the Minister for Information. There are, however, no measures in place to ensure the board is representative of society and accountable to the public.

It should be noted though that in 2007 government invited the public to submit names, with CVs, for people to be considered for appointments into the various boards of public institutions. Though yet to be implemented, panelists saw this as a step in the right direction in involving civic society in the appointment of board members for public bodies.

In 2007, government also introduced a Public Service Broadcasting Corporation draft bill that aims to transform both SBIS and STVA into full public broadcaster with a single board appointed through an open and transparent process. The drafting process is yet to be completed before the bill is tabled before Parliament for passage into law.

## Scores:

### Individual scores:



Average score:

1.8 (2005 = 1.5; 2007 = 1.0)

### 3.5 Office bearers with the state and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state / public broadcaster.

#### Analysis:

Swaziland is a non-party state, but while this is so, there are no restrictions on who should serve on the STVA Board. The Minister for Information can make appointments into the (STVA) board at his own discretion and his decisions are not scrutinized. Further, according to the Public Enterprises Unit (PEU) regulations, every parastatal must have at least one government representative on its board.

Even though there are no restrictions in the appointment of the STVA Board, there have been concerns about the appointment of one member, who comes from the advertising industry, who has a financial interest. It is feared that this may promote corruption in that the board member may abuse his board position to push for his company's adverts in the television station. It was also discovered that the member was actually the appointing Minister's business partner in a private radio station which had applied for a licence from the same Minister.

#### Scores:

##### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

##### Average score:

1.4 (2005 = 2.2; 2007 = 1.3)

### 3.6 The editorial independence of the state / public broadcaster from political influence is guaranteed by law and practiced.

#### Analysis:

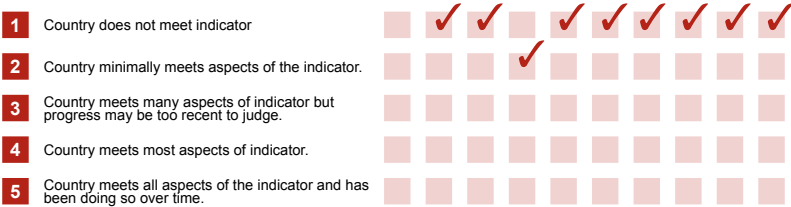
There is no legislation that guarantees the editorial independence of both STVA and SBIS. Journalists in both stations work under considerable constraints and find it hard to resist political interference in decision-making. For instance, in late 2007, the Foreign Affairs Minister ordered SBIS to pull off air a story about an intended border blockade by trade unions. The news clip had been aired in an earlier bulletin. The result was that the station had to air only the government side which was denying the blockade.

As a standing rule, both stations have a duty to give prominence to the King, Prime Minister, Cabinet Ministers and parliamentarians in news bulletins. All other news events then follow.

Journalists from the stations also take precautions when covering political parties, trade unions and other civic organizations considered by government as troublemakers as that might invite trouble from government authorities.

#### Scores:

##### Individual scores:



Average score:

1.1 (2005 = 1.1; 2007 = 1.5)



### 3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

#### Analysis:

Neither SBIS nor Swazi TV is adequately funded or protected from budgetary interference. The lack of adequate funding manifests more at STVA, where there is poor programming and very little local content. STVA receives about E16 million as subvention from government per year and the station has constantly complained that this was not enough. The station supplements the government subsidy with licence fees and advertising. However, the licence fees do not account for much because of poor collection mechanisms.

The lack of adequate funding has also contributed to the station's inability to switch to digital television. The station is still on analogue. However, in 2008 Swazi TV in collaboration with SBIS and SPTC set up a task team to lead the process of digital migration to meet the 2015 international deadline for digital migration.

SBIS, on the other hand, relies on its yearly allocations for survival. Fees collected from advertising go into the central government pool.

#### Scores:

##### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.4 (2005 = 2.1; 2007 = 1.9)

### 3.8 The state / public broadcaster is technically accessible in the entire country.

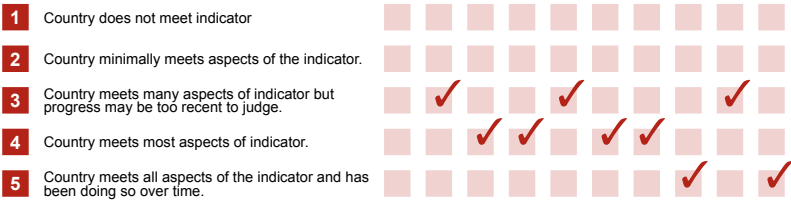
#### Analysis:

With its two channels, English and SiSwati, SBIS reaches about 95% of the country. The station has about 11 transmitters around the country, which accounts for its massive reach.

STVA has one channel, three transmitters and multiple national repeaters and reaches about 75% of the country. Due to lack of adequate funding, the station has struggled to install additional transmitters. Instead, since the last AMB it has only managed to upgrade the existing ones in an attempt to improve picture quality.

#### Scores:

##### Individual scores:



Average score: 3.9 (2005 = 3.8; 2007 = 3.4)

### 3.9 The state / public broadcaster offers diverse programming formats for all interests.

#### Analysis:

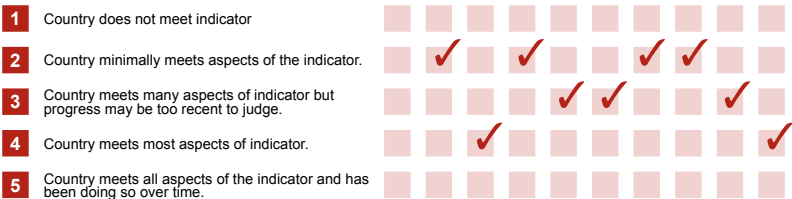
The SiSwati channel of SBIS rates reasonably well in providing a wide range of programmes, though most are from government departments and parastatals and very few from NGOs. There are no human rights-based programmes or any that cater for minority religious groups. Overall, there are youth programmes, programmes on women’s issues, sports and Christian religion programmes. The only challenge is the quality of the programmes. Panelists blamed lack of expertise at the station in producing quality programmes.

There is less diversity in the English channel. Those programmes that are there are mostly musical and cover children and the youth.

STVA struggles to broadcast a diversity of programmes. About 70% of the station’s programmes are foreign. Lack of adequate funding has been blamed for the poor TV programming. The lack of diverse programming at STVA has resulted in most viewers opting for foreign channels including DStv.

**Scores:**

**Individual scores:**



Average score: 2.8 (2005 = 2.3; 2007 = 3.4)

**3.10 The state / public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse view and opinions.**

**Analysis:**

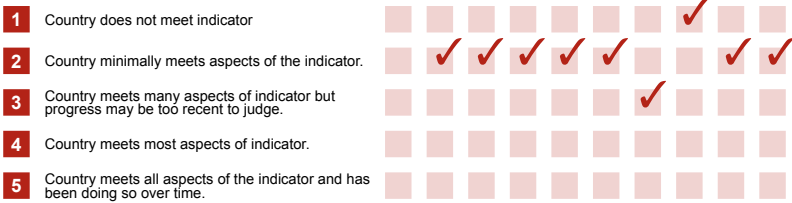
The SBIS has deteriorated in offering balanced and fair information in news and current affairs. Its popular breakfast show on the SiSwati channel, *Letisbisako*, which initially reflected a spectrum of diverse views and opinions, is now dominated by government ministers and MPs. Other views are hardly featured. The station’s news and current affairs programmes are no less different. They are still packaged around the King and the government. As a result single-sourced stories are common, capturing only the views of government.

STVA’s news content is similarly skewed toward the ruling elite, with all stories about the King and government getting preference. Ordinary citizens get featured prominently in the news during weekends when the Prime Minister and ministers are on break. But where a Minister or MP officiated during a weekend, that story would get prominence and the rest would get relegated.

Panelists cited a visible lack of motivation and enthusiasm among the STVA journalists to do their job professionally, resulting in poorly packaged news bulletins.

## Scores:

### Individual scores:



Average score: 2.0 (2005 = 1.6; 2007 = 2.6)

## 3.11 The state / public broadcaster offers as much diverse and creative local content as economically achievable.

### Analysis:

Radio programming is 100% local and diverse, though most of it is developmental and largely skewed toward government activities. Some panelists felt there was noticeable creativity among NGO programmes.

STVA lags behind radio in terms of local content. Though there is an independent TV producers association (IPAS) whose members are ready to produce local content for STVA, because of scarce resources the station cannot pay these producers for their work. Moreover, the film and cultural industry in Swaziland is still in its embryonic stages and the result is that STVA has to rely on foreign programming, which accounts for 70% of the station's programmes. The existing local programming is done internally and is of poor quality.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.4 (2005 = 2.4; 2007 = 3.1)

## 3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

### Analysis:

There are no licenced community broadcasters. The four existing community radio stations – Lubombo Community Radio, Matsanjeni Community Radio, Mankayane Community Radio and Seventh day Adventist Community Radio - are still struggling to secure licences from government.

There is no evidence that community broadcasting is promoted. Though government recently made a call for applications for community radio licences, the licensing conditions were too stiff and potentially restrictive. Panelists felt this was proof that government was not willing to promote community broadcasting. Instead, it seemed government was discouraging applicants with the stiff conditions.

Because community broadcasting was not being promoted, there was lack of awareness about community broadcasting around the country.

For survival, all the existing community radio broadcasters were battling to secure their own funding from donors. But most of the donor funding has come with strings attached that try to influence programming. For instance, a panelist cited the case of a major donor who withdrew funding from Lubombo Community Radio station, when the station was granted a temporary licence to broadcast the King's Birthday celebrations which were held in Siteki in April 2007. The donor interpreted this as promoting the King instead of issues affecting ordinary people.

*“...they should not force us to push their agenda without taking due regard to the local environment.”*

Panelists felt donors needed to understand the importance of community broadcasting and offer their funds without any strings attached.

“Donors need to appreciate that culturally Swazis cannot demonize their King. Therefore, they should not force us to push their agenda without taking due regard to the local environment.”

“Also, donors need to consider investing in Community Radio initiatives even if these entities are not licensed. They should be encouraged to fund lobbying and advocacy activities so as to keep the issue of community radio constantly on the agenda. Currently, most donors do not prioritize funding Community Radio projects unless they possess licenses. Such an attitude has impacted negatively on the existence and sustainability of community radio initiatives,” said panelists.

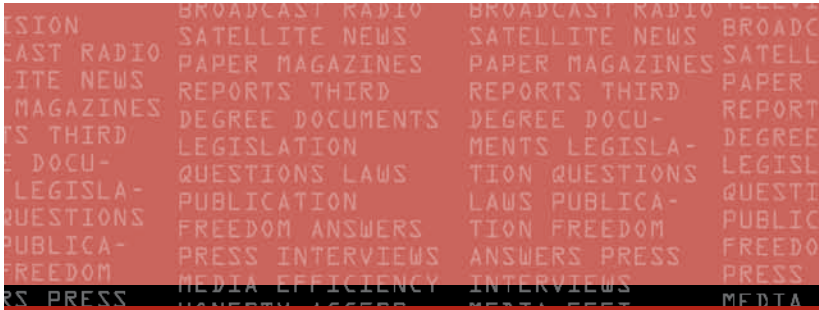
## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

Average score: 1.4 (2005 = 1.1; 2007 = 1.1)

Average score for sector 3: 1.9 (2005 = 1.8; 2007 = 1.9)



# SECTOR 4:

The media practise high levels of professional standards.



## 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 that deal with complaints from the public.

#### Analysis:

The media adopted a code of ethics more than two years. The code, which also incorporates a code on HIV/AIDS reporting, was developed by the Swaziland National Association of Journalists (SNAJ). However, there is still no self-regulatory mechanism to enforce the code. A Media Complaints Commission (MCC), launched on 3 May 2007, that seeks to usher in media self-regulation, is still not operational owing to lack of financial resources to finalize the process.

SNAJ, with the backing of MISA Swaziland, are driving the process of making the MCC operational. However, in July 2009, MISA Swaziland finally secured funding from Friedrich Ebert Stiftung (FES) to assist the media finalize the process. The funding will cover the registration of the MCC and stakeholder meetings leading to the registration of the commission. Challenges will remain in ensuring sustainability of the MCC.

There is a sense of urgency about making the MCC operational as the threat of statutory regulation still hangs over the industry. In 2006, government introduced a Media Commission Draft Bill that seeks to regulate the media by statute. Despite strong objections from the industry government has still not abandoned the process. In May 2009, the Prime Minister reiterated government's intentions to proceed with statutory media regulation. The media is thus still fearful of government agenda.

However, there is still some doubt among some media practitioners that self-regulations will work owing to the fact that not all media houses have bought into the idea. The same sentiments were shared by some panelists, who also cast doubts about the success of media self-regulation, noting that the entire region was struggling to make self-regulation work. There was a feeling among the panelists that perhaps a new model in the form of a statutory-recognized self-regulatory council may not be a bad idea after all. Panelists gave examples of the Lawyers and Medical associations in the region and encouraged extensive debate around this issue.



Apart from the intention to operationalize the MCC, individual media houses have internal codes for journalists as well as mechanisms to deal with complaints from the public. For instance, once a complaint is received, it is dealt with by an Ombudsman, in the case of the Times, or the CEO in the case of the Observer. If an apology is necessary, it is published the following day. There are also mechanisms to deal further with such a case, like subjecting the “offending” journalist to disciplinary proceedings in order to discourage future professional negligence.

*“We have noted a few ethical challenges with the new publications, hence the urgent need for the operationalization of the MCC.”*

In the case of radio, SBIS has engaged a consultant to work on the station’s code and bring it in line with current newsroom trends. Currently, SBIS uses the General Civil Service Standing Orders to ensure professionalism in the station’s newsroom. Likewise, STVA has an internal code.

There was a feeling among panelists that whilst the existence of internal codes is commendable, there is a great need for the MCC in light of the mushrooming of new titles in the newspaper industry.

“We have noted a few ethical challenges with the new publications, hence the urgent need for the operationalization of the MCC,” said one panelist.

Panelists also felt there was need for continuous newsroom training and mentoring to eliminate mistakes.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.3 (2005 = 1.3; 2007 = 2.6)

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

### Analysis:

Whilst the basic principles of accuracy and fairness in stories are generally upheld by the media, the standard of reporting is being compromised by an increase in retractions and apologies which the newspapers publish of late.

Panelists felt there seemingly was a rush among journalists to publish stories without proper investigation. Perhaps this was caused by newsroom deadlines and pressure from editors for journalists to produce a high quota of stories per day. In the rush to meet the required daily quotas, journalists then present flawed articles.

However, panelists noted that whilst the retractions and apologies may appear negative, there was a positive side to them. They felt these were assisting the media to strive for accuracy and fairness.

A MISA Swaziland study on political reporting carried out in 2007 indicated that the majority of published stories were single-sourced. The situation has hardly improved.

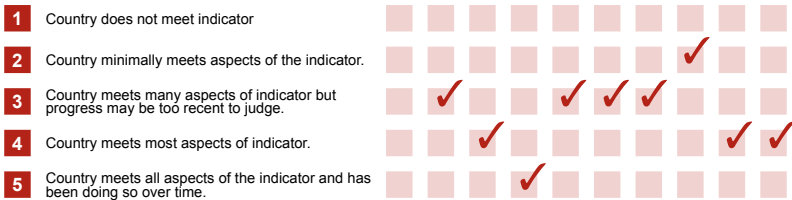
Lack of adequate training and a high turn over in newsrooms was also blamed for the drop in the reporting standards. Most of the experienced journalists have moved to more lucrative jobs in private companies or the NGO sector. The high turn over is largely caused by low salaries in the newsrooms.

Similarly, in broadcasting there are also critical issues around accuracy and fairness. Most stories in news bulletins in both radio and TV were single-sourced and presenting only the side of government.

There was a feeling among some panelists that MISA Swaziland should continue with its media monitoring exercise as it was assisting the newsrooms to strive for accuracy and fairness in news reporting.

## Scores:

### Individual scores:



Average score:

3.4 (2005 = 2.6; 2007 = 2.6)

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

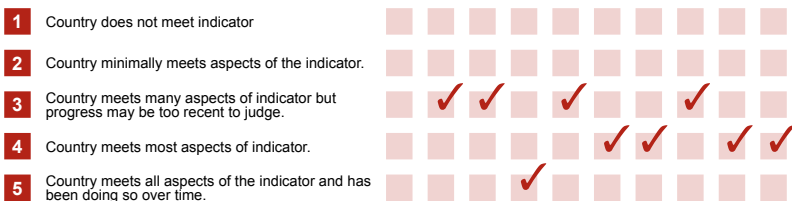
### Analysis:

The spectrum of news content is satisfactory across all media. There is concerted effort to diversify news content as business, agriculture, culture and other news events are covered by the media. But panelists noted the general lack of news analysis, particularly in print media.

There is remarkable improvement in investigative reporting despite the difficult media environment. In fact, panelists spoke of a new “boldness” that has emerged among journalists in Swaziland since the last AMB. The only challenge is that the newsrooms remain under-resourced owing to a high turn-over of experienced and skilled journalists.

## Scores:

### Individual scores:



Average score:

3.7 (2005 = 3.4; 2007 = 2.8)

## 4.4 Equal opportunities regardless of race, social group, gender / sex, religion, disabilities and age are promoted in media houses.

### Analysis:

Although the majority of media houses, with the exception of Lubombo Community Radio, have not adopted gender policies, there was consensus that more women than previously were now working in the media.

In the case of the *Observer* the CEO and Marketing Manager are women and the newsroom is well balanced in terms of gender. Similarly, the *Times* has a number of women in top editorial positions.

Though Swaziland is mainly a homogenous society, the *Times* has employees of other races such as Indian and Portuguese descent.

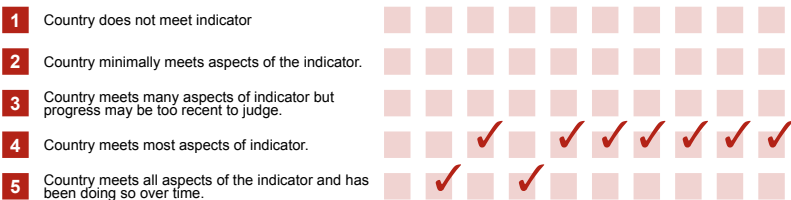
Both the *Times* and the *Observer* do not discriminate on the basis of religion and disabilities though this is not reflected in any policy. The *Times*, for instance, has had disabled reporters before.

SBIS has more women than men in the newsroom though management is dominated by men. The News Editor at SBIS is disabled.

Lubombo Community Radio, though not yet licenced and fully operational, has adopted a gender policy that guides the new station in staff recruitment. The gender policy calls for 50-50 representation at all levels. The radio station has implemented the policy in departments such as the ICT which are currently operational. The ICT wing of the station provides computer training for the local community in order to generate income.

### Scores:

#### Individual scores:



Average score:

4.2 (2005 = n/a; 2007 = n/a)

## 4.5 Journalists and editors do not practice self-censorship.

### Analysis:

Self-censorship is common across all media. In 2008, a study<sup>10</sup> conducted by MISA Swaziland into censorship in newsrooms in Swaziland found that there were three key areas, where the media exercised self-censorship: fear of offending the monarchy, fear of damaging advertisers and fear of libel suits.

In fact, the study found that the fear of the monarchy and the power it has over Swaziland and media houses within the country was by far the main cause of censorship in Swaziland's newsrooms. This is both censorship imposed by King Mswati III himself and self-censorship. The King has threatened to close down titles that offend him and in recent history has done exactly that.

In April 2009, the *Times* ran a series of apologies to the King after the newspaper carried a story about a new fleet of German cars that the government had bought for the King's wives. The vehicles had cost the taxpayer millions of Emalangeni. The King felt the story portrayed him badly in the eyes of many Swazis.

This was not the first time the King had arm-twisted the newspaper after it published factual stories. In 2006, the King threatened the newspaper with closure after it published a wire story that claimed the country's economic decline was in part due to the unchecked spending by the King and his large family.

Advertisers have also used their financial power to censor the media. Because the economy is small, there is not much money around and every cent that can be gathered from advertisers is vital to the survival of titles. Some advertisers take advantage of this and try, often successfully, to censor the media. But there are instances where media owners have resisted censorship by the advertisers, telling their editors to go ahead with stories affecting major advertisers.

The fear of libel suits also exists on a wide scale. Some panelists spoke about the way that people, aggrieved by what they have read about themselves in the newspapers, will run to "ambulance" lawyers to threaten with legal action. Many of these lawsuits are meant to harass and intimidate the media houses to stop writing about these people. As a result, all media houses are now very cautious when publishing stories lest they are slapped with another "letter of demand" from lawyers.

<sup>10</sup> The Existence of Censorship in Newsrooms in Swaziland: a MISA Swaziland study, 2008

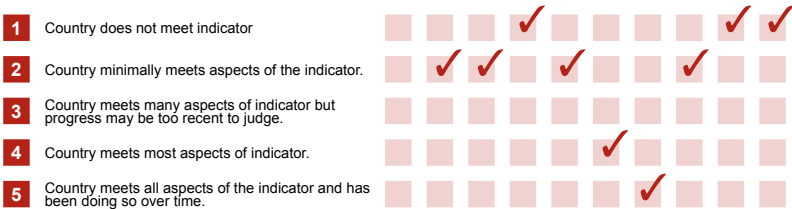
*“Most of our journalists are also still very young and are easily intimidated.”*

There was a general feeling among panelists that the media environment in Swaziland was not conducive at all, hence the wide-scale self-censorship in newsrooms. The harassment does not end with the journalists themselves, but it can even extend to their families, hence the journalists have to be very cautious and practice self-censorship.

“Most of our journalists are also still very young and are easily intimidated. Perhaps, if they were experienced enough they could resist most of the harassment and intimidation,” said one panelist.

## Scores:

### Individual scores:



Average score:

2.2 (2005 = 1.4; 2007 = 1.5)

## 4.6 Owners of established mainstream private media do not interfere with editorial independence.

### Analysis:

Interference by media owners in editorial decisions of mainstream private media is common. One of the main reasons media owners try to influence editorial decisions is to protect advertising revenue. Some panelists spoke of major advertisers who often use media owners to influence editorial decisions, particularly on stories that affect these advertisers.

In some cases the advertisers are successful in using media owners to influence editorial decisions yet in others they are not. As a result, editors are constantly not sure of the attitude of the owner each time they have a story that affects a major advertiser. For instance, in June 2009 a journalist at the *Times* covered a story in which one of the big supermarkets in Swaziland and a major advertiser in the

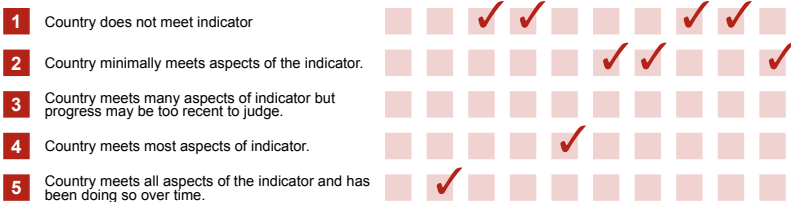
newspaper (which was also running a big competition in the *Times* in collaboration with the newspaper), was found to have been selling expired foodstuffs. Not sure about the reaction of the newspaper owner who was not in at the time, the editor decided against publishing the story. But when the owner returned and was informed about the story, he was furious about the editor's decision not to publish the story. It was later published.

At the *Times*, the owner sits in editorial meetings where he takes part and can influence editorial decisions. However, the owner sits in the editorial meetings as the publisher but it is difficult to know when he speaks as an owner and when he does so as a publisher.

At the *Observer*, the King, who owns the newspaper, and his circle of traditional advisers often interfere with editorial decisions. A recent case was when one of the senior advisors of the King told the *Observer* editors not to give prominence to a story about a human rights lawyer, who had been arrested for expressing himself. The King's advisor went on to tell the newspaper not to refer to the lawyer as a human rights lawyer.

## Scores:

### Individual scores:



Average score:

2.1 (2005 = 1.6; 2007 = 1.6)

## 4.7 Journalists and media houses have integrity and are not corrupt.

### Analysis:

Generally, journalists and media houses appear to have integrity and are not corrupt. If corruption exists, it is on a very small scale and is hardly noticed.

Some journalists have publicly rejected bribes, like in the case of a church pastor who tried to bribe a *Times*’ journalist with a cheque for E20 000 trying to influence the journalist not to publish a damning story about him in April 2007. The journalist pretended to accept the bribe and after having cashed the cheque, he and his newspaper went on to publish a story about the attempted bribe. The newspaper later took the money back to the pastor and this was also done publicly.

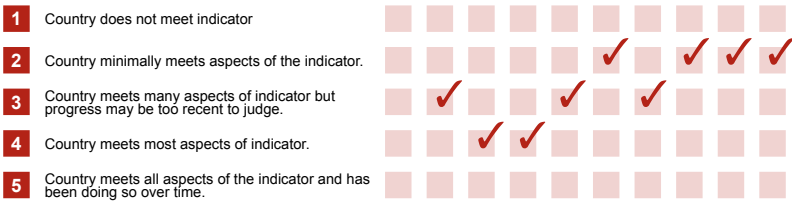
At the state radio and TV, there have been allegations of radio DJs being offered bribes by musicians to give more airtime to their music, but these have not been proven.

Gifts can also influence the integrity of journalists. There have been unsubstantiated cases whereby journalists are alleged to have been offered food and live animals such as goats, as gifts for covering certain events, particularly those organized by MPs in rural areas. Traditionally, it is taboo to decline an offer for food or a gift by your host and most often journalists are caught between this traditional practice and the code of ethics which defines a bribe as something of value. The code also dictates that journalists should declare their gifts.

There is also the case of a Chief Editor (in one media house) who is offered 10% of any revenue he brings into the media house. Panelists feared this might compromise the integrity of the editor and could also amount or promote corruption.

## Scores:

### Individual scores:



Average score:

2.8 (2005 = n/a; 2007 = n/a)



## 4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

### Analysis:

Salary levels for journalists are considered still very low, particularly in print and private media. The average monthly salary for a journalist working for a private media is E2 500, depending on the years of services. Panelists felt the poor salaries were the main cause for the high turnover in newsrooms, resulting in lowered standards of journalism in the country.

To try and improve the situation, employers and the media union recently signed a Wages Council that sets the minimum wage for media workers including journalists. However, the Wages Council does not make the situation any better as it still sets the minimum wage at E2 500 per month for journalists.

The *Observer*, having lost a number of experienced and skilled journalists to greener pastures, recently reviewed their salaries structure and the general working conditions for practitioners. Following the review, cub reporters now earn up to E5 000 per month and the company also introduced a medical scheme, which was not there before, as well as a credit scheme for staff.

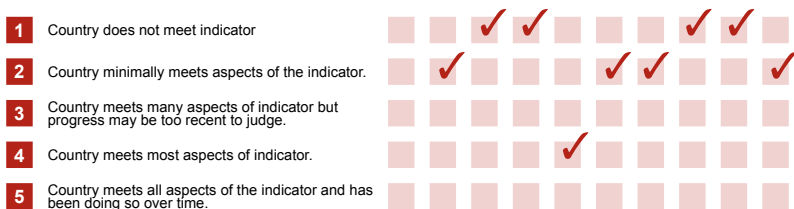
The *Times* has also improved its salaries structure as well as general working conditions.

There was a feeling among some panelists that the *Times*' journalists should be well paid in view of the fact that the company has been around for over a 100 years now.

Journalists working for state media earn between E6 000 and E8 000 per month, which is generally a good salary.

### Scores:

#### Individual scores:



Average score:

1.8 (2005 = 1.4; 2007 = 2.8)

## 4.9 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

### Analysis:

There has been a minor setback on the training facilities for journalists. The NSJ (Nordic-SADC Journalism Centre), which was a regional outfit offering short-term in-service training for journalists and based in Mozambique, has collapsed whilst the University of Swaziland, which has over the last three years promised to upgrade its 3-year diploma in journalism qualification to a degree level, is yet to deliver on its promise. The degree programme is currently awaiting the approval of the University's Senate before being implemented.

The IAJ (Institute for the Advancement of Journalism) in-service training programme offered in partnership with MISA Swaziland is still ongoing and a number of journalists have benefited since its launch in 2006.

Government has also introduced a collaborated training scheme meant for journalists in private media whereby the government contributes 50% in financial terms and the employer comes with the other 50% to send journalists on extended training in recognized institutions. Some journalists have already benefited from the scheme.

Panelists, however, expressed concern at the mushrooming of un-accredited training institutions which claim to offer 3 – 6 month diplomas in journalism. The concern arose from the fact that some media employers tend to give recognition and promotion to such un-accredited training institutions by employing their students as they come cheap. A recommendation was made that MISA and SNAJ should intervene by making presentations before the Accreditation Framework, recently launched by the Minister of Commerce and Trade, on the training standards for journalists.

Some panelists also felt the University of Swaziland should also consider offering Post Graduate courses in journalism for those journalists who were trained in law and other qualifications.

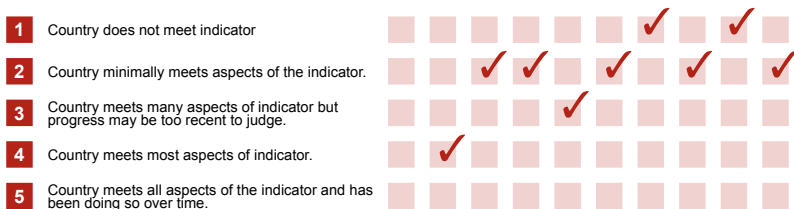
“Our graduates also seem to lack the necessary skills in IT. There is need for the University to intensify IT training so that the graduates easily adapt when they join the newsrooms,” said one panelist.

Another concern panelists raised was the reluctance by media owners to release journalists for extended training. Journalists are required to resign from their jobs if they want to go on extended training.

Other panelists also felt there was a serious need to train even the mid-career journalists who currently do not have formal qualification.

## Scores:

### Individual scores:



Average score:

2.1 (2005 = 1.9; 2007 = 3.8)

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

### Analysis:

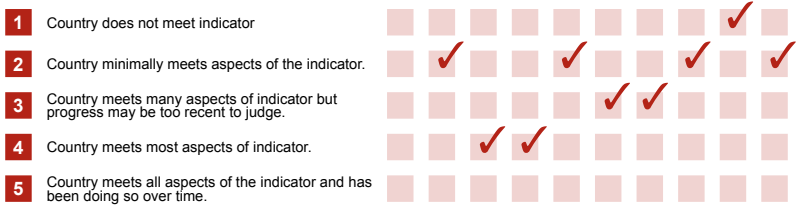
The Media Workers Union of Swaziland (MWUS), launched in 2006, has weakened and may be on the verge of collapse. Some panelists blamed the weakening of the union to union bashing tactics by management in media houses such as the Times, which has even gone to the extent of successfully applying in court to have the union de-registered from the newspaper. As a result collective bargaining at the Times no longer exists.

Senior editorial managers are not yet organized. There was recently a fruitless attempt to form a staff association, but this was thwarted by anti-union tactics from management in some media houses.

Some media practitioners are also members of MISA, SNAJ, Editors Forum, MWASWA which was recently re-launched, GEMSA, and SMEGWA.

## Scores:

### Individual scores:



**Average score:** 2.6 (2005 = 3.0; 2007 = 3.6)

**Average score for the sector 4:** 2.7 (2005 2.0; 2007 = 2.7)

**OVERALL COUNTRY SCORE:** 2.5 (2005 = 2.0; 2007 = 2.3)

# Developments since 2007 and the Way Forward

## Positive developments in the media environment in the last two years:

- o There has been an improvement in reporting standards.
- o Four new print publications have been introduced.
- o The introduction of the Wages Council by the labour tripartite which comprises government, media employers and the Media Workers Union.
- o The revival of the Media Women Association of Swaziland (MWASWA) in March 2009.
- o Improved gender balance in newsrooms.
- o Introduction of journalism degree programme at the University of Swaziland (UNISWA) has reached an advanced stage.
- o The procurement of funds to register and operationalize the Media Complaints Commission (MCC).
- o The establishment of Competition Commission by the Ministry of Public Enterprise.
- o The establishment of the Accreditation Framework by the Ministry of Commerce and Trade.
- o The re-alignment of government ministries resulting in the creation of the Ministry of Information, Communication and Technology (ICT).
- o The call by the government in 2008 for applications for radio licences

## Main drivers / actors for positive change:

- o Impact of national constitution
- o Lobbying by MISA and other media advocacy organizations
- o Change of government

## **Negative developments in the media environment in the last two years:**

- o The weakening of media union activism as a result of the collapse of the Media Workers Union of Swaziland (MWUS).
- o The migration of experienced journalists for greener pastures.
- o Increase in cases of harassment of journalists.
- o Stalled progress regarding the six media bills introduced in 2007.
- o Donor fatigue and its impact on community radio sector.
- o Worsening media environment.

## **Possible obstacles for further development:**

- o Economic downturn that has negatively affected the media.
- o Impact of HIV/AIDS not only on ordinary citizens, but also increasingly on media practitioners.
- o Hostility of government towards the media and worsening political environment.
- o Lack of cohesion in the media
- o Censorship and self-censorship in newsrooms
- o Certain aspects of Swazi culture

## **Activities needed over the next few years.**

- o Operationalization of the Media Complaints Commission (MCC) to forestall statutory regulation of the media.
- o Embark on a public awareness campaign to publicize the self-regulatory mechanism.
- o Making a case in court to challenge the 32 media unfriendly laws as unconstitutional

- o Lobby government on opening debates and consultations on the stalled six media Bills.
- o Engage the Ministry of Information, Communication and Technology to get the ICT policy adopted in 2005 implemented.
- o Encourage skills development for working journalists including on the job training and mentorship programmes to ensure entry level reporters are given sufficient direction and guidance.
- o Establish closer cooperation of media associations and civil society organizations on media reform issues.

The panel meeting took place at Orion Hotel, Pigg's Peak from 4 – 5 July 2009.

### **The panel:**

Mr Mbongeni Mbingo, editor; Mr Alec Lushaba, editor; Mr Phesheya Dube, radio broadcasting manager; Mr Ambrose Zwane, community radio broadcasting manager; Mr Vusi Sibisi, freelance journalist; Ms Thandi Khumalo, sociologist; Ms Lomcebo Dlamini, lawyer and human rights activist; Mrs Lindiwe Khumalo-Matse, lawyer; Dr Maxwell Mthembu, academic

### **The Rapporteur:**

Mr Michael Motsa

### **The Facilitator:**

Dr Sarah H. Chiumbu

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