

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

SWAZILAND 2014





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The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by fesmedia Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and – in SADC countries the Media Institute of Southern Africa (MISA) – only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.¹

By the end of 2013 the African Media Barometer had been held in 30 African countries, in some of them already for the fifth time.

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¹ Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 30 AMB Countries (2005-2013)

African Media Barometer Swaziland 2014

Summary

The reach and power of Africa's last absolute monarch permeates through every sector of Swaziland, firmly entrenching the power of King Mswati III.

The most telling sign of this entrenchment of monarchical control is in the political arena.

Since 2009, MPs have been prohibited from making announcements via Swaziland Broadcasting Information Services' radio channels. This has forced individuals, even those in government, to seek permission from their chief if they wish to communicate with their constituencies via the state radio.

There is contention about the status of the royal decree issued by King Sobhuza II in 1973, which amongst other things, banned political parties. From a legal point of view, it technically no longer exists as it has been overtaken by the provisions of the 2005 Constitution, which legally allows other political parties to exist (under section 25 on freedom of association and assembly). The major problem is that the existence of the Decree is *de facto* rather than *de jure* because the state behaves as if it is still in force. The other problem of course is that no legislation has been passed to enable political parties to register, operate or contest elections. This essentially makes it difficult for citizens to enjoy the rights articulated in section 29 of the Constitution, or to ensure that 'individual merit' is the basis for election or appointment to office, as per section 79. As a result, political parties are not allowed to contest the elections and therefore have no place in the governance structure.

This firm grip is further entrenched through Swaziland's legislation, as the statute books contain at least 32 pieces of legislation that negatively impact the media. The majority of these are outdated pieces of legislation that are so broad in language that they can be used anywhere and in any situation to impose restrictions on the media. In addition, the recently enacted Anti-terrorism Act is often used to clamp down on dissent.

In this regard, mention was made of the banned democracy movement/opposition party, the People's United Democratic Movement (PUDEMO) and its head, Mario Masuku, who has been arrested and jailed repeatedly for high treason, sedition and terrorism offences. At the time this report was being compiled, he was still in detention awaiting trial (set for September 2014) under a charge made in terms of the Anti-terrorism Act for statements he allegedly uttered on May Day 2014.

“How do we as journalists report about PUDEMO, for example, without being seen to support them, in contravention of the Suppression of Terrorism Act?”

While the media cover a range of topics, the level and depth of coverage is particularly compromised because editors and journalists are wary of offending the monarchy.

“Journalists are often called in for ‘friendly chats’ with senior politicians and reminded of their mandate and Swaziland’s history of newspapers being closed down by the powers-that-be.” An article by the *Times on Sunday* about the king’s homestead being extended – for example – resulted in the paper’s publisher and managing editor being summoned to the royal court, where the king informed them that any stories related to the king’s property did not belong in the newspaper.

The Freedom of Expression that is guaranteed in Section 24 (1) and (2) of the 2005 Constitution is offset by Section 24 (3), which imposes restrictions on these freedoms.

The arrest and subsequent imprisonment of Bheki Makhubu, editor of the independent monthly magazine, *The Nation* and human rights lawyer Thulani Maseko, earlier this year for two separate articles criticising the judiciary has had a dual effect on citizens.

On the one hand, “The Makhubu issue has increased the sense of fear that Swazis have for expressing themselves. No one wants to go to jail and eat thin porridge so they rather keep quiet and say nothing.”

But on the other hand there are those who have been bolstered to speak out as the Makhubu and Maseko case has conscientised and sensitised citizens to the fact that their freedom of expression is not absolute. “They are beginning to realise the extent of the problems in Swaziland, particularly at a political and judicial level.”¹

This resolve to challenge the status quo came to a head by the strike and subsequent demonstrations carried out by the Swaziland National Association of Teachers despite threats by the State to reduce salaries, sack, intimidate, assault and arrest striking teachers.

Social media – particularly Facebook and WhatsApp – was effectively used to carry out the seven-week-long teachers’ strike in 2012.

¹ Since conducting the AMB Swaziland 2014, the editor of *The Nation* magazine Bheki Makhubu and human rights lawyer Thulani Maseko were sentenced to two years in prison, without the option of a fine. The sentence was handed down by Judge Mpendulo Simelane in the Mbabane High Court in Swaziland on 25 July 2014 and follows Makhubu and Maseko’s convictions on contempt of court charges on 17 July 2014, for separate news articles each wrote criticising the kingdom’s chief justice, Michael Ramodibedi, published in the independent news magazine, *The Nation*. *The Nation* and *Independent Publishers* were each fined R50,000.

“The police were very confused until they started monitoring SNAT’s Facebook and WhatsApp accounts. For two days, SNAT could not access these accounts. The police were clearly trying to limit the co-ordination of SNAT’s plans.”

There are several pieces of legislation pending from 2006 that would transform and free the broadcasting sector. However, currently, even the recently enacted Swaziland Communication Commission Act has absolutely no influence on the firmly controlled broadcasting sector.

The Act, passed in 2013, transfers the powers of the Swaziland Posts and Telecommunications Corporation (SPTC), as well as those of the Swazi Television Authority (STA), to the single and newly established Swaziland Communications Commission.

While the board for the Swaziland Communications Commission has been established and advertisements for staff have been placed in the media, the Commission has not yet begun operating because it does not have the sufficient capacity or legislation required for it to do its work. As such, licences cannot be issued at this stage.

Currently, the legal framework for the broadcasting industry does not accommodate a three-tiered broadcasting sector (of public, commercial and community operators). There is a sense that the status quo suits the powers-that-be because, in terms of local radio, citizens only have access to national news broadcasts emanating from the state-run (SBIS).

An interesting phenomenon is the competition within the media sector because the advertising market is so small. A certain media house, which has the relative security of broad reach “operates like the mafia” in the advertising arena by approaching advertisers and instructing them not to advertise in other print publications or risk not being granted space in that publication.

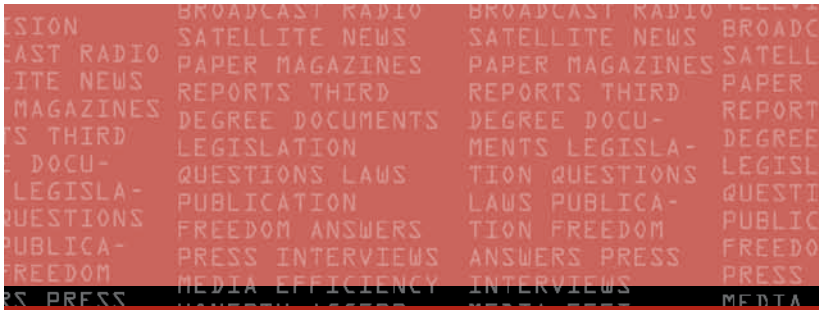
Pressure on the media is also exerted by the larger corporate companies who threaten to withdraw advertising if articles written about them are not favourable. There have also been several instances when Government has withheld advertising from publications considered unsupportive of the state, and threatened to withdraw advertising from certain media houses in an effort to get publications to ‘toe the line’ politically.

There is general consensus that the media is fragmented and weak in taking on issues collectively, which is compounded by their inability to effectively unite through professional associations. The only active body is the Swaziland National Editors Forum, which has the interests of editors at heart rather than being concerned with issues affecting journalists.

MISA-Swaziland was noted for rallying media practitioners around issues that impact directly on the media fraternity in general and for assisting with the establishment of the self-regulatory and independent Media Complaints Commission in particular.

However, “The MCC is like a child without parents to nurse it. It is not enough that MISA provides it space to operate; it needs the media houses to own it but they have distanced themselves from it.”

“One day, very soon the media will be in trouble, because the government doesn’t like to have an independent media. If the media does not get its house in order, in terms of self-regulation, I foresee the government will set up a statutory version.”



SECTOR 1:

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



Freedom of expression, including freedom of the media, is 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.

Freedom of expression is guaranteed in the 2005 Constitution of the Kingdom of Swaziland. However, subsequent clawback clauses restrict this right, and King Mswati III can suspend the right to freedom of expression at his discretion.

Sections 24 (1) and (2) say:

- (1) A person has a right to 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, that is to say –
 - (a) freedom to hold opinions without interference;
 - (b) freedom to receive ideas and information without interference;
 - (c) freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons); and
 - (d) freedom from interference with the correspondence of that person.

The subsequent clause provides restrictions to this freedom of expression, and is worded in very broad terms:

24 (3) 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 in legal proceedings;
 - (ii) preventing the disclosure of information received in confidence;
 - (iii) regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television or any other medium of communication; or
- (c) 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.

“Freedom of expression in Swaziland is thus not absolute and the Constitution is so broadly worded that it is difficult to define what measure of public morality is being violated, for example.”

Section 79 of the Constitution states that Swaziland’s system of governance is “a democratic, participatory, *tinkhundla*-based system”, meaning that the power of the state (the king) is devolved to the tribal *tinkhundla* areas through the various chiefs.

Practically, this means that the 55 members of the House of Assembly are elected by community members - in the primary election this is done at chiefdom level and in the secondary election it is a process at *inkhundla* level (the *inkhundla* is comprised of several chiefdoms). There is indirect influence from the chief who can either confirm that a person is from a particular constituency (as part of the qualifications for candidacy) or he can promote certain candidates while discrediting others (for example, in a case where a chief basically ‘decampaigned’ a woman from being nominated, on the basis of her being a widow). The king appoints the remaining 10 parliamentarians.

The monarch also appoints 20 of the country’s 30 senators, while the remainder are selected by the House of Assembly.

Legally, chiefs cannot be nominated to stand for election through the electoral process. However, the King is able to, and often does, appoint chiefs as part of the 10 and 20 members he appoints to the House and Senate respectively.

The passing of legislation is only possible when the King consents to Bills. Technically, parliamentarians cannot pass legislation without the King’s assent, so even if the Bills have been passed by the House of Assembly and the Senate, they remain Bills and constitutionally cannot become law until the king has signed the Bill as a demonstration of his assent. This power of assent allows the king to veto Bills that parliament has passed without recourse for another process to have them passed and enacted.

Of particular relevance to the AMB discussion was the ongoing court case between the state and human rights lawyer Thulani Maseko and editor of the independent monthly magazine *The Nation*, Bheki Makhubu. Both men were charged with contempt of court for writing articles in February and March 2014 criticising the kingdom’s chief justice, Michael Ramodibedi and calling on the judiciary to uphold freedom of expression and the rule of law. The articles were published in the independent news magazine, *The Nation*. At the time of the AMB the pair had been behind bars for more than 115 days and awaiting judgement.

Since conducting the AMB, and in the process of writing this report, Makhubu and Maseko were sentenced to two years in prison, without the option of a fine. The sentence was handed down by Judge Mpendulo Simelane in the Mbabane High Court in Swaziland on 25 July 2014, and follows Makhubu and Maseko’s

convictions on contempt of court charges on 17 July 2014. *The Nation* and *Independent Publishers* were each fined R50,000.

Makhubu was previously accused of and charged for ‘scandalising the court’ based on articles he wrote in 2009 and 2010, in which he criticised the controversial Chief Justice Michael Ramodibedi. Makhubu, however, won a Supreme Court appeal the day before the AMB, in which the magazine’s publishers were ordered to pay a fine of E30,000 (US\$3,000), reduced from E200,000. Makhubu also received a three-month fully suspended sentence on the condition that he is not convicted of another “offence scandalising the court” in the next three years.

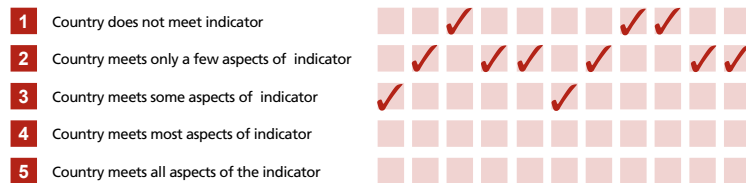
[Note: Ramodibedi, who in 2010 controversially described himself as the “makhulu baas” (big boss) of the country’s judges, is a Lesotho national who was reappointed to this position in 2012 despite the 2005 Constitution stipulating that the position should be held by a Swazi. The chief justice has been criticised by pro-democracy activists for, among others, issuing a ‘practice directive’ making it impossible to sue King Mswati III.

The ruling indicated that no freedom was absolute in Swaziland, as they are conditional on and subservient to the rights of others (in this case, the judge who was attacked) and the public interest. There is concern that this appeal ruling will impact negatively on the outcome of the Makhubu and Maseko cases and other cases involving issues related to freedom of expression.

There are no other pieces of legislation that which support the right to freedom of expression. However, there are more than 30 laws that limit this right (see indicator 1.3).

Scores:

Individual scores:



Average score:

1.9 (2005: 1.5; 2007: 2.1; 2009: 2.1; 2011: 2.3)

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

Journalists and citizens in general do not feel free to express themselves.

“The spaces are shrinking for free expression.”

“There is too much fear, especially with the latest developments, with Makhubu and Maseko being charged with contempt of court. This case has definitely impacted on how journalists report.”

It is generally known that criticism of the head of state, King Mswati III - sub-Saharan Africa's last absolute monarch, or his family, will lead to negative repercussions.

One way in which Swazis make their sentiments heard by those in power is through the vocal trade union movement. There are regular demonstrations and strikes by the unions, and the Swaziland National Association of Teachers (SNAT) is one of the most powerful and active trade unions in the country, with around 12 000 members.

At the end of May 2014, some national radio phone-in programmes on the state-owned radio station, Swaziland Broadcasting and Information Service (SBIS), were suspended by the Ministry of Information, Communication and Technology because they say some presenters were taking illegal payments from businesses and artists to appear on the programmes. This resulted in more pre-recorded (as opposed to live) programmes being aired on the station.

“This is a sign of people not being able to express themselves freely as the call-in programmes were one way in which Swazis did speak out to some extent.”

It was also noted that in the past, controversial callers to these programmes had been summarily cut-off.

“Swazis know that if they practise freedom of expression, they may not have that freedom tomorrow.”

The government maintains a strong grip on state broadcasting. Since 2013, Prime Minister Barnabas Sibusiso Dlamini has prevented members of parliament from making any announcements, even non-controversial ones, on SBIS. Essentially, MPs are therefore prohibited from accessing their constituencies through this radio station, which has the broadest reach of any radio station in the country. Cabinet ministers, however, are allowed to use the radio station at any time.

“On non-controversial matters, such as those of health or agriculture, people can express themselves freely in Swaziland, but not if they are talking about politics or the royal family. In fact, any issue related to the government is generally censored.”

There is a general awareness that communication mediums - including telephone calls and e-mails - of high-profile activists may be monitored by Swaziland's national security apparatus, while the police and community leadership (the chiefs) keep a close eye on well-known human rights activists. The monitoring of communication is legalised through the 2010 Electronic Communications Act.

Swazis may express themselves freely in small groups of people with whom they feel safe, but they generally do not do this in the public domain. Mention was made of the growing trend of using social media (Facebook, WhatsApp, Twitter) to express themselves more freely. Commentators use their own names on these social media platforms when commenting on general topics but revert to pseudonyms when writing on issues pertaining to the royal family

“There may be a marked increase in people speaking out through social media, but what is the point if the media is not free?”

Journalists have been known to have photographs deleted from their cameras in controversial situations. An example is when police took action against a journalist who had been photographing members of a community during an uprising against their chief.

Journalists are often called in for ‘friendly chats’ with senior politicians, and reminded of their mandate and Swaziland's history of newspapers being closed down by the powers-that-be. The prime minister and other officials have warned members of the media that publishing criticism of the monarchy is an act of treason.

“The fear is there because of the repercussions.”

The country's common law also includes defamation laws, which can make journalists more cautious about expressing themselves freely.

However, it is not only political leaders and police that members of the public and journalists need fear, as freedom of expression is clearly curtailed at various levels. There have been incidents in which ordinary people have taken the law into their own hands if they suspect political dissent. During the seven-week-long teachers strike in 2012, for example, “a teacher was almost killed by one of his own” for being suspected to be a journalist.

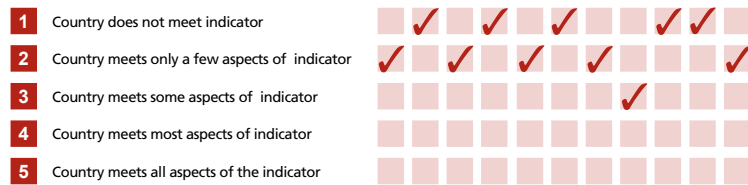
There is also considerable suspicion among ordinary people of government spies infiltrating, for example, union meetings and media organisations. This curtails freedom of expression internally.

“The Makhubu issue has increased the sense of fear that Swazis have for expressing themselves. No one wants to go to jail and eat thin porridge so they rather keep quiet and say nothing. People feel that if the government wants to, they’ll find a reason to arrest you.”

But at the same time, some panellists felt that the Makhubu case has conscientised and sensitised citizens to the fact that their freedom of expression is not absolute. “They are beginning to realise the extent of the problems in Swaziland, particularly at a political and judicial level.”

Scores:

Individual scores:



Average score:

1.6 (2005: 1.6; 2007: 2.1; 2009: 1.7; 2011: 1.8)

1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secret, libel acts, legal requirements that restrict the entry into the journalistic profession or laws that unreasonably interfere with the functions of media.

There are no laws that specifically restrict Swazi journalists from entering the profession, although there is an unwritten ban on foreign journalists operating in the country without accreditation from the information ministry.

In 2011, a Senator attempted calling for legislation to censor foreign journalists in an effort to protect the image of the king. This proposal was, however, dismissed by Prime Minister Sibusiso Dlamini, who stated that there was no way the Swazi government could censor the foreign media.

Journalists face routine intimidation by the state, although there is no law sanctioning such intimidation. “There are policies and directives being issued without any legal basis.”

As mentioned in Indicator 1.1 there are constitutional clawbacks that restrict freedom of expression and there are 32 pieces of outdated legislation that remain on the statute books which restrict the media from operating freely.

These include the Sedition and Subversive Activities Act, which criminalises statements bringing the King or his heirs or the administration of justice, into disrepute or contempt, and raising discontent among the Swazi people, despite being outdated.

The 1968 Proscribed Publications Act empowers the information minister to close down any publication deemed to be “prejudicial to the interests of defence, public safety, public morality or public health”.

The 1963 Books and Newspapers Act requires print operators to pay a substantial fee of E15,000 (US\$1,500) to be licensed. A bill before parliament, the Books and Newspapers Bill, proposes increasing this fee to E50,000.

The 1963 Official Secrets Act bans access to and publication of government-held information, except on approval by senior government officials, while the 1966 Protected Places and Areas Act stipulates certain places where the media cannot enter or take photographs, such as prisons. The 1963 Public Order Act prohibits incitement to public violence, including through published words.

The 1920 Cinematography Act is incredibly broad in its language and bans, among other things, the making of films or taking of photographs that portray gatherings of Africans or scenes of African life without the information minister’s written consent. It also prohibits the taking of photographs during days of national celebration, including Incwala Day, the king’s birthday, the Reed Dance and Independence day.

Films or photographs which depict scenes prejudicial to the peace, order and good governance of Swaziland can be declared objectionable by the Minister for Public Service and Information.

Another outdated Act on the statute books is the 1927 Obscene Publications Act which makes it an offence to produce, sell or distribute indecent or obscene publications, although these terms are not defined.

The more recently enacted Suppression of Terrorism Act of 2008 can be used to clamp down broadly upon any dissent in the name of anti-terrorism and empowers the police to arrest suspects without a warrant.

After the Constitution was passed in 2005, six media bills were proposed the following year, including the Swaziland Public Broadcasting Corporation Bill, the more general Swaziland Broadcasting Bill, the Books and Newspapers (Amendment) Bill, the National Film Bill, the Swaziland Communications Commission Bill, and a Freedom of Information and Protection of Privacy Bill.

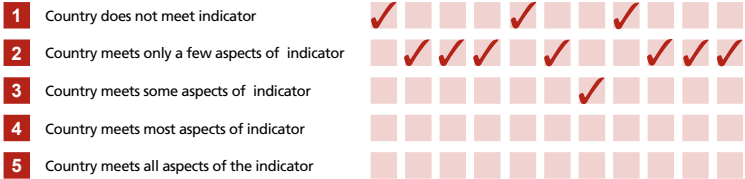
The only one that has been passed to date is the Swaziland Communications Commission Act of 2013.

The media reform process appears to have stalled, leaving the media sector in limbo, particularly with regards to the issuing of new broadcasting licences. Currently, there is no access to information legislation in Swaziland, which would simplify journalist’s work by, for example, ensuring their rights to access information held by public bodies.

“The outstanding bills, in their current state, however, will impose greater restrictions on the media. Upon analysis, government draughtsmen have realised that if passed, the bills could lead to people who are not pro-government being appointed to boards of semi-autonomous bodies, so these bills have not been promulgated.”

Scores:

Individual scores:



Average score: 1.8 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a)

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

Although the Swazi government has ratified and acceded to all regional and international instruments on freedom of expression and freedom of the media, it has failed to domesticate them. The Declaration of Principles on Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples' Rights (ACHPR) in 2002, for example, calls for the independence of the press, but this is still not guaranteed in Swaziland.

"As far as the Windhoek Declaration goes, we are not even 10 percent towards implementing these stipulations. Government does not give a damn about it."

Participants felt that government was able to get away with not domesticating these instruments, because it fails to disseminate information to the general populace and, in effect, is "keeping them in the dark".

"Even recommendations Swaziland has accepted as part of the Universal Periodic Review (UPR) promising to promulgate legislation to ensure media freedom, have not been domesticated."

In this regard, mention was made of the banned democracy movement/opposition party, the People's United Democratic Movement (PUDEMO).

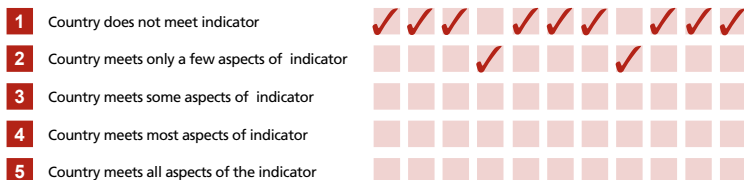
"How do we as journalists report about PUDEMO, for example, without being seen to be supporting them, in contravention of the Suppression of Terrorism Act?"

In terms of reporting to international bodies such as the ACHPR, and demonstrating that such instruments have been domesticated, panellists said there was resistance from the state to doing this "because of accountability".

"Even shadow reports, meant to be united country reports from civil society, are not true shadow reports but are pre-empted by the state."

Scores:

Individual scores:



Average score:

1.2 (2005: n/a; 2007: n/a; 2009: 1.9; 2011: 1.5)

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

In order to publish, print publications need to register with the Ministry of Information and Communication Technology and obtain a licence to publish by paying a bond of E15,000 (US\$1,500), in accordance with the 1963 Books and Newspapers Act. The draft Books and Newspapers Bill, currently before Parliament, proposes increasing this bond to a much more substantial E50,000 (US\$5,000).

The Books and Newspapers Act also requires publishers to submit two copies of each publication to the Registrar of Newspapers within the ICT Ministry on a daily basis.

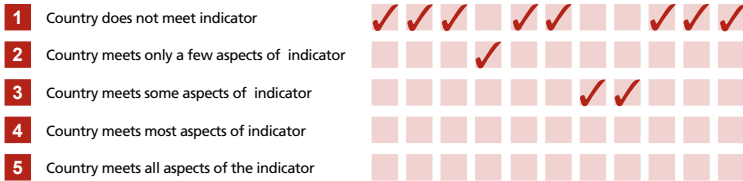
“Most publications don’t do this and have been getting away with it, but this could unfortunately be their downfall if the state chose to investigate controversial publications and used this instrument to close them down.”

Further, the definition of ‘print publications’ is very broad. Even newsletters sent out to members of unions or distributed via social media, for example, could be included under this definition, although unions are not registered with the Ministry of ICT.

“The moment you have something in your publication in opposition to government, they can use this to silence you. So in a sense, this could apply to publications of all kinds, union newsletters included.”

Scores:

Individual scores:



Average score:

1.5 (2005: n/a; 2007: n/a; 2009: 3.7; 2011: 1.6)

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

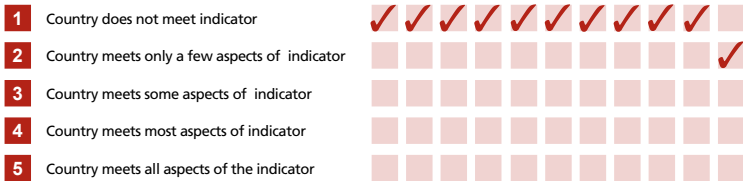
Confidential sources of information are not protected in Swaziland. In fact, the Criminal Procedure and Evidence Act of 1938 requires every Swazi citizen over the age of 18 to be a competent and compellable witness. As such, according to the law, all citizens - including journalists - can be required to divulge their sources under all circumstances. Failure to do so could result in a conviction for contempt of court.

"You can't say, 'I can't comment'. The state will send you to jail for 30, 60 then 90 days until you do comply and divulge your source."

The 2006 Anti-Corruption Act provides some protection to whistleblowers. However, it is only in this regard that journalists have a small amount of protection from revealing their sources.

Scores:

Individual scores:



Average score:

1.1 (2005: 1.0; 2007: 1.0; 2009: 2.0; 2011: 2.0)

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

Access to public information is not guaranteed by legislation in Swaziland and obtaining such information is fraught with difficulties for ordinary members of the public in general, and journalists in particular.

“It is very scarce to get information from within government.”

“Members of the public are prohibited from accessing records at the deeds office.”

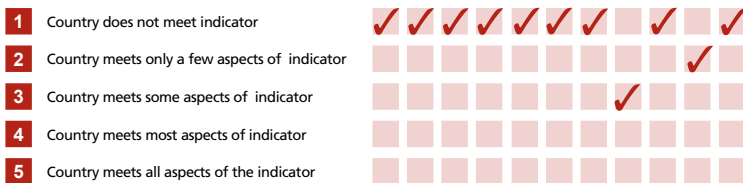
The Freedom of Information and Protection of Privacy Bill of 2007 is still in its draft stage and the process around its being passed into legislation appears to have stalled. Panellists noted that in its current form, the Bill also restricts access to public information by putting various hurdles in place, such as high costs.

“Even finding out how much money government has spent on free primary education since initiating this policy in 2005 proved to be futile. After we had submitted a substantial explanation of our reasons for needing this information to the Ministry of Education, we were still denied access with broad reasons preventing access to such information.”

State officials routinely use clawbacks like those found in the Constitution’s Section 24 (3) – including defence, public safety or public order - in order to deny access to information.

Scores:

Individual scores:



Average score:

1.3 (2005: 1.3; 2007: 1.1; 2009: 1.2; 2011: 1.2)

1.8 Websites, blogs and other digital platforms are not required to register with, or obtain permission, from state authorities.

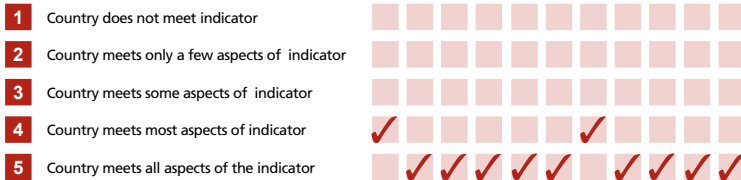
“Until the state catches up with it, the internet will remain a free space.”

Websites and blogs are not required to register with or obtain permission to operate from state authorities. There have been threats of clamping down on dissenting voices on social media, but nothing has come of these threats.

“Luckily the state is ignorant of these new technologies, so this has helped citizens disseminate pro-democracy information of a sensitive nature.”

Scores:

Individual scores:



Average score:

4.8 (2005: n/a; 2007: n/a; 2009: 4.2; 2011: 4.9)

1.9 The state does not seek to block or filter Internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts.

There are no laws that the state uses to filter internet content. However, it is common knowledge that the army and the Swaziland National Security Agency control and monitor the internet gateway to the country. Panellists noted that photographs and web pages have allegedly been removed after state interference on content considered to be anti-government.

While social media, such as Facebook and WhatsApp, is generally still a “free-for-all”, threats have been made by officials about clamping down on dissenting voices in this space. The prime minister, for example, has threatened to take action against people blogging about citizens’ dissatisfaction with King Mswati’s regime

and his family's lavish lifestyle, in a country where the majority of the population lives below the poverty line.

SNAT coordinated the seven-week-long teachers' strike in 2012 predominantly through the use via Facebook and WhatsApp.

"The police were very confused until they started monitoring SNAT's Facebook and WhatsApp accounts and for two days SNAT could not access these accounts. The police were clearly trying to limit the co-ordination of SNAT's plans."

There have been no known cases of people being taken to court by the state as a result of Facebook or WhatsApp postings.

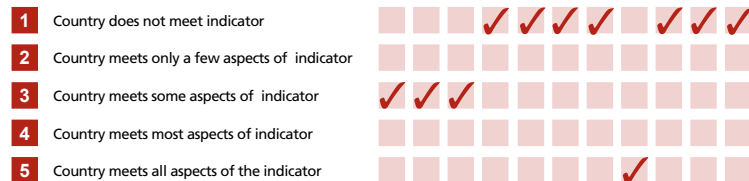
"Maybe this is because they don't want people to know about their surveillance capabilities. There are a lot of 'friendly chats' (warnings) and phone calls from officials, however."

The state, through the 2010 Electronic Communications Act, is given the latitude to access and monitor citizens' electronic communications "to gather intelligence for reasons of public order and national security". Panellists noted disruptions in communication through Swaziland's security agencies' interception of e-mails, resulting in the delayed delivery of e-mails of a sensitive nature. Army intelligence officials have been known to warn high-profile, vocal citizens, such as union leaders, not to send "unsavoury" content via e-mails.

There are no laws directly restricting internet service providers' access to information, although the state does intervene in these operations at times. When Swazi MTN, the sole mobile service provider in Swaziland, applied for a licence to open its own international internet gateway, Swaziland Posts and Telecommunications (SPTC) rejected the idea, arguing that it was concerned about "security issues".

Scores:

Individual scores:



Average score:

1.9 (2005: n/a; 2007: n/a; 2009: 4.2; 2011: 2.9)

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

Participants felt that in general civil society does not actively lobby for media freedom. The recent termination of the phone-in programmes on the SBIS radio service is a case in point: it has not elicited a public outcry. Neither have citizens been vocal about having to pay higher fees for airtime.

The Swaziland chapter of the Media Institute of Southern Africa (MISA Swaziland) is the primary media organisation that actively lobbies for media freedom. It also conducts workshops for media practitioners and other stakeholders on the importance of ensuring that this right is upheld.

“Other organisations, like SNAT and the Swaziland Coalition of Concerned Civic Organisations (SCCCO), try to advocate around the issue and support MISA in its work, although the environment is not very conducive for this.”

The Swaziland Editors Forum was described by participants as not being a “progressive group” in this regard.

“Most civil society organisations (CSOs) advocate for the respect of human rights in general, and don’t have systematic or sustained support on thematic areas, such as access to information. They tend to lobby sporadically and are more reactive than proactive in their activities.”

Campaigning for media freedom tends to happen on an individual organisation basis, and practising journalists are not a vocal presence in this regard. MISA Swaziland, for example, has advocated for the release of Makhubu and Maseko in terms of freedom of expression, but other media groups, including the Swaziland Editors Forum, have not united in support of the pair.

“It is disappointing for CSOs. We felt that media organisations should co-ordinate the lobbying for Makhubu and Maseko’s freedom, and we should support them as a united force. However, apart from MISA, mainstream media organisations such as the Swaziland National Association of Journalists (SNAJ), have been missing in action.”

“It is hypocritical of us as practising journalists to condemn CSOs for not acting if we are not doing anything ourselves. The Makhubu case presented us with valuable opportunities which we did not take up.”

The reduction of Makhubu’s sentence (see indicator 1.1) has been attributed more to external pressure being placed on the state by the European Union, United Kingdom MPs and the United States’ legal fraternity, than by the lobbying efforts of Swazi citizens on the issue.

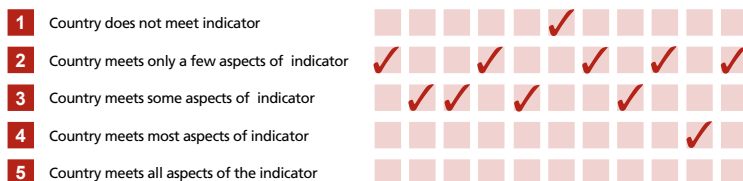
“The government and head of state are concerned about their public image.”

One reason for the general lack of vocal lobbying on issues of freedom of expression is the “very real risk of losing our own freedom”.

“We will always choose to stay out of jail so our presence as activists is very superficial.”

Scores:

Individual scores:



Average score:

2.5 (2005: 2.1; 2007: 2.3; 2009: 2.2; 2011: 2.2)

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

In general, there is no meaningful consultation on media legislation among state and civil society actors, including media advocacy groups.

“Apart from the Freedom of Information and Protection of Privacy Bill, the five other media-related bills formulated in 2006 (of which only one has been passed, see indicator 1.3) came from the top, with no consultation. Even so, the consultation is just about the state ‘ticking the box’ and civil society suggestions were not taken on board. The final product was not a true reflection of the discussion.”

However, intervention from media stakeholders prevented the passing of the Media Commission Bill, which if legislated would have created a statutory media council. This bill was endorsed by Cabinet and opened to parliamentary debate in 2011. Media stakeholders objected to the Bill and drafted a charter for self-regulation, which led to the establishment of the self-regulatory Swaziland Media Complaints Commission that same year.

The Standing Orders of the House of Assembly in relation to parliamentary procedure on public Bills state, “...*No bill except an appropriation bill originating*

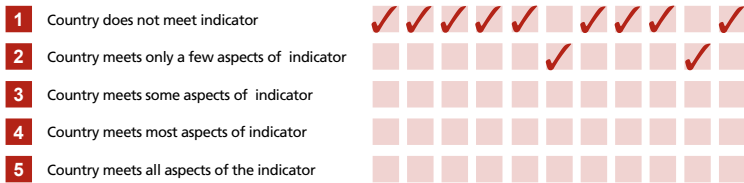
*in the House, shall be presented unless it has been published once in the Gazette and —
 (a) thirty days has elapsed since the date of publication....”*

While this does not specify activities within the 30 days, it is understood that within this time, elected Members of Parliament are meant to take the Bill to their respective constituencies. A parliamentary handbook prepared for aspirant women MPs as part of the 2008 ‘Vote for a Woman’ campaign, confirms this, and states, once a Bill, whether from Government or from a Private Member, has been published in the gazette in accordance with the Standing Orders, each member of Parliament must take it to his/her constituency for consultation, in order to get the views of the people on the particular Bill. Such views will be the basis for his/her debates in Parliament.

This does not happen in practice.

Scores:

Individual scores:



Average score:

1.2 (2005: n/a; 2007: n/a; 2009: 1.8; 2011: 3.2)

Average score for sector 1:

1.9

SECTOR 2:

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

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

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

Print

There are two daily newspapers in Swaziland, both of which are published in English and which have weekend editions. Daily papers cost E4,25 (\$0.43), which is cheaper than a loaf of brown bread, which costs E7,50 (\$0.75).

“There is a lot of poverty in Swaziland, so if people have the choice to buy a newspaper or a loaf of bread, they will choose the bread.”

The *Times of Swaziland* is privately owned by Paul Loffler, a British citizen residing in Swaziland. It has a print run of 17 000 – 28 000 and is said to have a readership of about 200 000. (Note: The Swaziland Media Audience Measurement Survey has not been carried out recently, so these figures are not official). This newspaper is distributed across approximately 98 percent of the country, with distribution to outlying areas being facilitated by bakery trucks.

The *Swazi Observer*, is owned by a royal investment company, Tibiyo Taka Ngwane of which the king is a trustee. Readership of the *Swazi Observer* has apparently grown in the past two years. This has been attributed to the newspaper taking a bolder approach and often being more accurate than the *Times*, which has been involved in several conflicts with the Prime Minister.

“A side benefit of the royal ownership of the *Observer* is that it is given a longer leash than the privately owned *Times*.”

The daily edition of the *Observer* has a print run of about 17 000 and an estimated readership of about 120 000.

Both newspapers are distributed on the same day of publication (even to rural areas), with the *Times* generally arriving earlier than the *Observer*.

Weekly publications include the *Swazi Mirror* which prints about 5 000 copies and has a readership of about 50 000, while *The Independent News* which comes out twice a month prints 3 000 copies and has a readership of about 30 000. Both are privately owned, and distributed mainly in the central Mbabane and Manzini corridor.

The privately owned weekly *Ingwazi News* is no longer published, and neither is *Vuka Ngwane*, a siSwati weekly. Currently there are no siSwati publications in Swaziland.

“This is a problem as it affects people’s accessibility to news and information. The laws of Swaziland are also not published in the vernacular.”

Another panellist felt that there “is no support for siSwati publications because there is a perception that readers of siSwati publications are not considered literate or sophisticated”. As a result, it is not considered economical to produce publications in the local vernacular. The literacy rate in Swaziland is considered to be generally high.

The Nation is a privately owned monthly publication, with a print run of 3000.

Broadcasting

Radio is very popular and the major source of information for citizens. There are only two Swazi radio stations, the government-run Swaziland Broadcasting and Information Services (SBIS) with its very popular news broadcasts, and a private Christian station, Voice of the Church (VOC), which is owned by TransWorld Radio.

SBIS, which has two channels - SBIS 1 (siSwati) and SBIS 2 (English) - reaches an estimated 98 percent of the country. The state recently installed new transmitters, which have improved the problematic, patchy signals along the borders with South Africa. VOC covers about 75 percent of the country.

“Swazis tend to listen to South African radio stations, like Jacaranda, because they are better sources of general information.”

The government, through the former regulator, the SPTC, indicated that it would open the airwaves to commercial and community radio stations, but no licences have yet been issued. (see indicator 3.1 for further discussion on this)

The government has not provided any reason for the delay, although applications for four community radio station have been submitted. In July 2013, the Community Radio Network (CRN) was established to lobby for community radio stations in the country. Its members include representatives of the existing Voice of the Church (VOC) as well as the following stations which would like to be established: Lubombo, Matsanjeni, Ngwempisi, the Council of Churches and the University of Swaziland

Television is considered a luxury in Swaziland and is more prevalent in urban areas. Panellists were unsure of the reach of the two local television stations - the state-controlled Swazi TV and the privately owned Channel Swazi. People living on the periphery of the country struggle to access local terrestrial signals and more often tune into South African free-to-air stations, SABC 1, 2 and 3 and e-tv.

Subscribers to the South African satellite broadcaster, DSTV, are able to access Swazi TV through the Multichoice bouquet. Channel Swazi broadcasts mainly to the urban areas of Mbabane/Manzini.

Internet

The high cost of internet connectivity in Swaziland means that it is generally not affordable for most citizens. Broadband comes at a cost of E1,200 (\$120) a month, and is considered a luxury, even in the urban areas of Mbabane/Manzini. Internet accessibility in rural areas is very limited. The high cost of accessing the internet via mobile phone is also prohibitive.

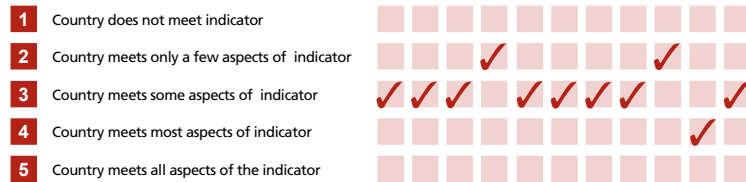
Wifi is available but is more expensive than a wired connection through the SPTC. Wired connections are generally only available in urban areas.

Mobile phones

Mobile phone usage is very high in urban and rural areas in Swaziland. Although many people have smart phones in Swaziland, even in rural areas, panellists felt the majority were not using these phones’ features to their full extent due to a “skills challenge”.

Scores:

Individual scores:



Average score: 2.9 (2005: 2.9; 2007: 3.1; 2009: 3.3; 2011: 2.8)

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

To a certain extent, citizens access to local and foreign electronic and broadcasting media sources is not restricted by state authorities.

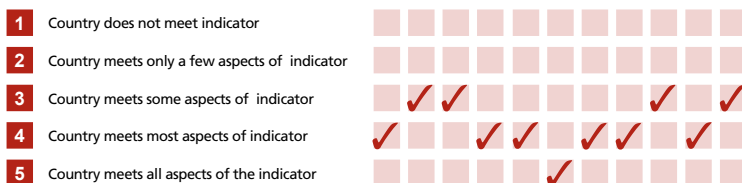
“If you have the resources, you can receive all kinds of foreign channels via DSTV, as well as e-tv and the SABC channels.”

Access to the print media can be more problematic when the content is in any way controversial and, for example, critical of the Swazi monarchy. The state has been known to ban or buy up all the copies of an edition of the South African

Drum magazine when it contained what was considered to be negative reporting about the royal family. The state has used the 1963 Public Order Act to prevent such publications from entering the country, using the excuse that allowing them would impact negatively on public order.

Scores:

Individual scores:



Average score:

3.7 (2005: 4.0; 2007: 3.6; 2009: 4.2; 2011: 4.3)

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

The *Swazi Observer*, owned by the royal family through Tibiyo Taka Ngwane, is the closest form of print media published by a public authority, considering the dominant role the monarchy plays in everyday life in Swaziland.

As such, it is not considered to be an independent newspaper and its editorial policy is very clear: publishing anything related to the royal family, particularly information with a negative slant, is prohibited, although “other issues are fair game”.

The *Observer* has a clear political position: being pro-monarchy. As such there is political interference from various arms of government in the running of the newspaper. When the *Observer* published a cartoon by South Africa’s Zapiro that was critical of the Swazi king, the editor was called in by the monarch to explain. The Prime Minister is known to give the editor a dressing down if he feels the paper’s reporting is too negative in light of the royal family, while the judiciary, through the Ministry of Justice, has also attacked the newspaper, particularly recently in light of its reportage on the court cases against Maseko and Makhubu. The ministry has threatened legal action against the newspaper for “misleading the nation”.

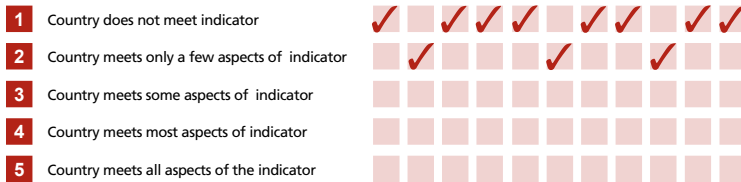
“Among journalists and editors in Swaziland there is an unspoken mandate not to criticise the royal family.”

Even the privately owned *Times of Swaziland* experiences interference from the state if its articles criticise the monarchy in any way. A case in point was a May 2014 article in the *Times*, which factually reported the Principal Secretary of the Ministry of Finance, Khabonina Mabuza, stating before the Public Accounts Committee that a sum of E208 million (\$20,8m) had gone missing from state coffers. Mabuza had said that of the E213m recorded as the Finance Ministry's over-expenditure, only E5m could be accounted for. She told the committee that she did not want to elaborate as the issue touched on *labadzala* (the Swazi authorities). The managing editor of the *Times* was subsequently called on to retract the story, saying the newspaper had erred in its reporting, even though the Principal Secretary was on record for having said this.

"If a politician makes reckless statements, the politician will always make it the journalist's problem."

Scores:

Individual scores:



Average score:

1.3 (2005:1.9; 2007:2.4; 2009:1.7; 2011: 2.9)

2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

In theory, the ownership of companies is legally transparent through the Companies Act of 2009. People who want to start up a newspaper, for example, would first need to form a company by going through the usual channels. Access to information on company ownership through the Registrar of Companies, however, is not guaranteed; and panellists were concerned that information about media ownership may not be as transparent or accurate as it seems.

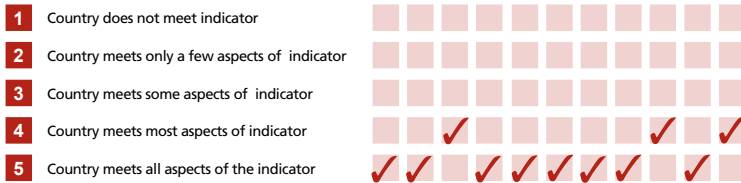
"Officially, there is a public registry, but if someone wants to conceal the specific information about ownership, they can... You can never be sure if there are other owners apart from those mentioned on paper."

Mention was also made of a clear conflict of interest with the managing editor of the *Times of Swaziland*, Martin Dlamini, who also works privately as the king's speech-writer. This, arguably, compromises his position at the *Times*.

“It is in the interests of the newspaper (to have someone loyal to the king on the payroll) and may protect the newspaper from being shut down by the information minister with no explanation.”

Scores:

Individual scores:



Average score:

4.7 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a)

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

The Swaziland Competition Commission was established in 2007 to encourage competition in the economy by, amongst other measures, controlling anti-competitive trade practices. In terms of the provisions set out in the Swaziland Competition Act of 2007 - which is very general and not specific to media at all - monopolies are not allowed, and legislation can be implemented to prevent this situation if deemed necessary. Even so, panellists felt that the country's citizens tend to be apathetic when it comes to scrutinising possible monopolies.

“Swazis won't question monopolies even if they exist.”

The 2013 Swaziland Communications Commission Act seeks, amongst other objectives, to regulate the broadcast media industry in terms of fair competition. However, apart from its board, the commission itself has still not been established, and, as such, has not begun to regulate the broadcasting industry. The 2007 National Information Communication Technology (ICT) Policy states that cross-ownership of the media (i.e. owning both a radio station and a newspaper, for example) is not allowed.

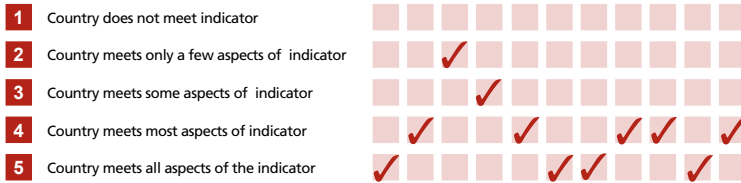
“The challenge here is this is just a policy and it is not supported by relevant legislation.”

Panellists noted that the media industry in Swaziland was not diverse enough for monopolies to exist, and therefore, there have been no court cases in this regard.

Of concern, however, is the fact that with regard to television, the Swaziland Television Authority is both a player in the industry and the regulator, indicating a conflict of interest.

Scores:

Individual scores:



Average score:

4.1 (2005: 1.3; 2007: 1.3; 2009: 2.2; 2011: 2.3)

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

The government does not make any effort to promote a diverse media landscape.

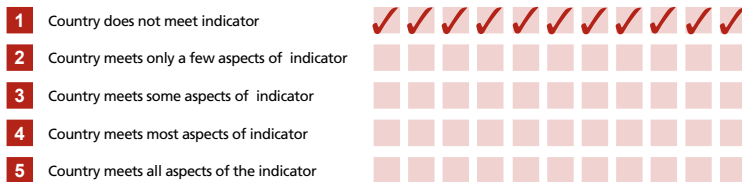
“There is no political will to do it in the current dispensation.”

The proposed substantial increase of the bond to be paid to the state by print media operators is seen as an effort by the government to deliberately constrain diversity in the media arena (see indicator 1.3) by imposing high financial hurdles.

Currently, the legal framework for the broadcasting industry does not accommodate a three-tiered broadcasting sector (with public, commercial and community operators). There is a sense that the status quo suits the powers-that-be because, in terms of local radio, citizens only have access to national news broadcasts emanating from the state-run SBIS.

Scores:

Individual scores:



Average score:

1.0 (2005: n/a; 2007: n/a; 2009: 1.8; 2011: 1.4)

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

While panellists felt there had been some improvement in recent years in the way in which the media represent the views of both men and women, in general, issues continue to be portrayed from a gender-biased perspective.

Sources for hard news, such as politics, business and economics, tend to be male, while for what is considered 'softer' news - such as issues pertaining to children or the abuse of women - women's voices are sought. On particular issues, prominent members of society (the "darlings of the media") tend to be drawn on for comment regularly and there is not a diversity of sources.

"We see the same faces and hear the same voices."

The Swazi media continues to present women in stereotypical ways and there is a strong tendency to report in a sensational, rather than sensitive manner. Recent articles on baby dumping have labelled women as "baby killers".

"Women, at the end of the day, tend to be degraded and humiliated in the media, and presented as objects to be used by men. A woman known to have had an affair with a man would be blamed for being promiscuous and of loose morals, while the man involved would be presented positively."

Panellists felt this was strongly related to culture and tradition, with Swazi society being predominantly male-dominated. Print newsrooms tend to be run by men and have a majority of male journalists. Female journalists sometimes have to go out of their way to convince their editors that it is worthwhile publishing articles on gender-based violence, for example. Women in Swaziland tend to avoid taking a public stand on hard issues, especially politics, and thus resist talking to the media. This makes it difficult for journalists to provide the necessary gender balance of their news sources.

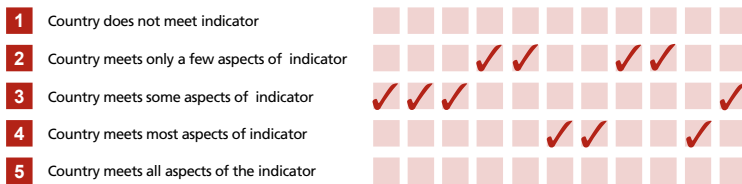
“What you see in the media is a reflection of the patriarchal society.”

Most of the comments sourced by the media are from pro-government sources. There is also a sense that only authoritative sources can speak on issues of concern, thus restraining the diversity of political views. With most senior positions in government being held by men, this further constricts the gender balance in reporting.

Women are fairly represented on SBIS, which has specific programmes for men and women.

Scores:

Individual scores:



Average score:

2.9 (2005: n/a; 2007: n/a; 2009: 3.1; 2011: 3.4)

2.8 All media fairly represent the voices of society and its minorities in its ethnic, linguistic, religious diversity.

Although Swaziland is, relatively, ethnically homogenous and the majority of Swazis speak siSwati, all the print publications are in English. Only two radio stations (i.e. SBIS 1 and Voice of the Church) and one television station (Swazi TV) offer programming in siSwati.

The voices of society represented in the media tend to be very similar, with little variety or representation of minority voices in Swaziland. Minorities, such as people with disabilities or homosexuals, are simply ignored by the public and the commercial media. This can be attributed directly to how these groups are treated in Swazi society. Most of the public buildings in Swaziland, for example, are not accessible by people with disabilities.

“The disabled just don’t exist in Swaziland. Culturally, disabilities are taboo. They didn’t even get to participate in drawing up the country’s Disability Policy.”

Similarly, same-sex relationships are not reported on in the media, as social and political dissent is forbidden in Swazi culture. Legally, the Swazi Constitution

recognises only relationships between women and men, or “one man and many women”, as polygamy is commonly practised. The king himself has 13 wives.

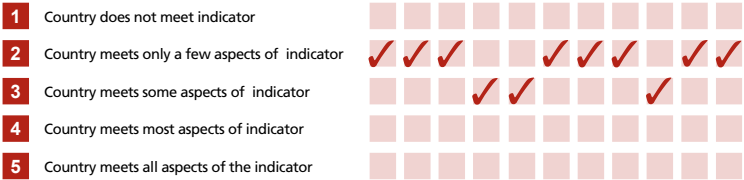
In terms of religion, Swaziland is said to be a Christian country, with about 90 percent of the population self-identifying as Christians. As such, there is not a fair representation of other religious voices in the media, and one rarely reads or hears about followers of Islam, Ba’hai, Buddhism or Hare Krishna.

Even within the broad category of Christianity, there is a bias within the media, reflecting social mores. Members of the Council of Swaziland Churches, for example, receive very little media coverage because the council (comprising Anglicans and Catholics) is considered to be subversive because it tends to be critical of government, and is vocal on human rights issues. The Swaziland Conference of Churches and the League of Swazi Churches, however, which are more supportive of Swazi traditions, including the monarchy, receive wider coverage. A point was made, however, that personal biases of individual journalists tend to be reflected in their reporting. For example, because there are a few Catholic journalists at the *Swazi Observer*, compared to other media, the newspaper gives greater coverage to Catholic issues.

“Religion is highly politicised in Swaziland, where it is used as a political tool. Government officials will make comments like: ‘We are like Mount Zion, we cannot be shaken.’ And those who question authority will be labelled publicly as demons.”

Scores:

Individual scores:



Average score:

2.3 (2005: n/a; 2007: n/a; 2009: 2.0; 2011: 2.9)

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories.

Panellists felt that the Swazi media makes an effort to cover a variety of topics, although most of the reporting tends to be event-driven and there is a dearth of analytical and investigative reporting across the board. Most of the print media have a broad range of sections, including business, community, sports and social pages, for example. Radio programmes, through SBIS, cover various topics and interests, but again, the quality is limited in terms of depth.

The lack of resources and time also impact the quality of articles. Journalists on daily print publications usually have to meet a quota of three stories a day, and therefore do not have sufficient time to explore issues in depth..

Political reporting is generally not well covered because of editors' and journalists' fears of treading on the toes of tradition and the monarchy, and having to face the associated consequences.

"There is serious political conflict in this country, but you are not going to find that in the media, only what the *tinkhundla* says."

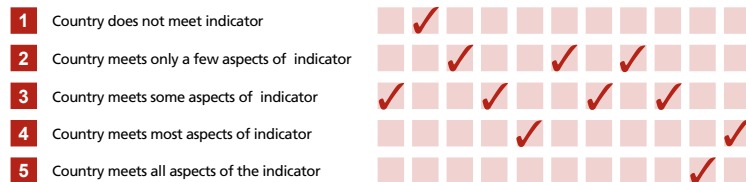
Limited access to information also hampers the depth of articles. "How can you write a good article when you can't get hold of the relevant information?"

Publications, like *The Nation*, attempt to cover some of the more controversial topics. However, the lengthy incarceration of lawyer Maseko and the publication's editor Makhubu are clear examples of the price that may be paid for being outspoken in Swaziland.

Content is also being affected by an increase in advertising and shrinkage of editorial space.

Scores:

Individual scores:



Average score:

2.9 (2005: 3.4; 2007: 2.8; 2009: 3.7; 2011: 3.7)

2.10 Private broadcasters deliver a minimum of quality public interest programmes.

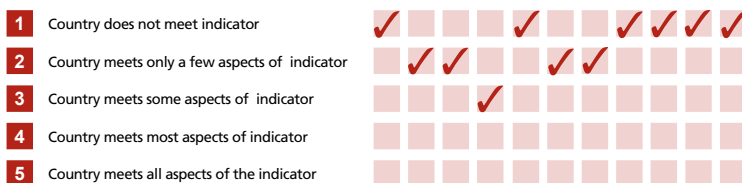
Channel Swazi, which has been in operation since 2001, is the only private broadcaster in the country. It is a popular station for local content, including its local soapias, but it lacks the resources of the public broadcaster, which is reflected in the quality of the content. The channel tends not to offer public interest programmes, except for the news, which is generally considered to be better than that of the state Swazi TV.

Some panellists described Channel Swazi as a “semi-private” broadcaster, because of its royal connections. It was started by the controversial Qhawe Mamba, former palace correspondent for Swazi TV, who in 2008 was convicted of an E18m pyramid scheme fraud, and is currently in prison. His wife Sibongile is runs the television station.

The radio station VoC deals with religious issues only and operates on a provisional licence, although it has applied for a community licence (see indicator 3.1.).

Scores:

Individual scores:



Average score:

1.5 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a)

2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

A National Information Communications Technology (ICT) Policy has been in existence since 2007, but it does not meet the information needs of all Swazi citizens - especially those in marginalised communities. Further, the government does not promote the policy.

“The policy is there, and it is a very good policy, but it is generally not known. Even the current ICT minister seems ignorant about it and the implementation is very poor.”

An Information and Media Development Department has been established to create an enabling environment for the development of information technologies in the country. The creation of this enabling environment is meant to benefit the Swazi people, but currently it only appears on paper, and is not being implemented.

“There is no political will to do this in Swaziland. It seems to be deliberate, as a way of keeping citizens in the dark about what is really happening.”

Scores:

Individual scores:



Average score: 2.9 (2005: n/a; 2007: n/a; 2009: 4.0; 2011: 2.5)

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

The government is a very big player in the Swazi economy, and is the biggest advertiser. It is known to use its power to withhold advertising from publications considered non-supportive of the state, and to threaten to withdraw its advertising in an effort to get publications to ‘toe the line’ politically.

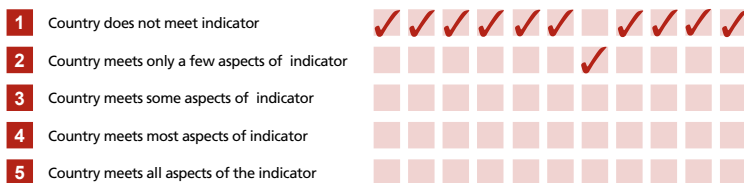
Such directives tend to be unofficial and verbal, as happened with the *Times* a few years ago when government adverts were withdrawn from the paper because it was considered to have an anti-government editorial slant. Currently, the Nation is facing this situation, and does not receive any direct government advertising, although it does receive adverts from public enterprises.

The government recently instituted new restrictions on public service announcements on the SBIS radio channels. In order to submit such an announcement to SBIS, individuals must first get permission from their chief to

do so. This process is, demonstrative of the over-riding power of the *tinkhundla*-based system, where the power of the king is fed down to the chiefs, and as such, the status quo is maintained.

Scores:

Individual scores:



Average score:

1.1 (2005: 2.9; 2007: 1.5; 2009: 1.2; 2011: 1.7)

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

The advertising market is not large enough to sustain a diversity of media outlets. Panellists felt the reason for this was that the cost of advertising is so high.

“If advertising rates were reduced, the market would be large enough to support a diversity of media.”

According to a panellist, the total adspend in Swaziland is reportedly E100 million (US\$10m) a year. However, no documented figures could be found to confirm this.

In 2012, the *Times*’ target for advertising sales per month was reportedly E9,5 million (US\$0.95m). The current cost to publish a half-page press statement in the *Observer* is more than E6,000 (\$600). Print media advertising is prohibitively expensive for smaller companies and non-governmental organisations. Private sector advertisers tend to advertise in the two dailies, the *Times* and the *Observer*, which have wider reach than other publications. Adverts in the *Times* are more expensive than those in the *Observer*. Interestingly, government currently spends more money advertising in the *Times*, a privately owned publication, than in the royally connected *Observer*, because of its broad reach.

“As such, new players will find it very hard to get into the market.”

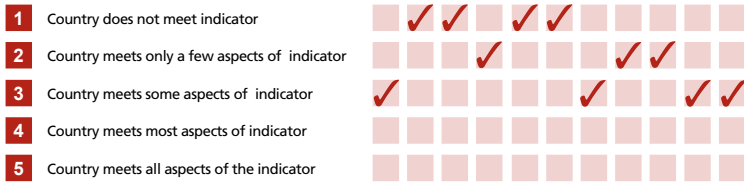
Because the advertising market is tight, there is considerable competition within the media sector. Some panellists felt that a certain media house, which has the relative security of having more extensive reach, “operates like the mafia”

in the advertising arena by approaching advertisers and instructing them not to advertise in other print publications or to otherwise risk not being granted space in the specific publication. The publisher of the same paper also limits reporting on companies that it feels are not advertising sufficiently in the paper.

This works both ways, however, as advertisers are also known to put pressure on editors if they are unhappy with the stance of a particular newspaper's reporting. A case in point is a newspaper article published in May 2014, wherein the prices of basic groceries from various retailers were compared. One of these retailers came out looking more expensive than the others. The supermarket chain responded to the article by threatening the paper's editor with the withdrawal of future advertising in the paper, if an apology was not forthcoming. In a prominently placed article, the newspaper accordingly apologised for the 'inaccuracies' as well as the harm the article had caused, despite its honest reporting.

Scores:

Individual scores:



Average score: 2.0 (2005: 1.0; 2007: 1.4; 2009: 1.6; 2011: 1.4)

Average score for sector 2: 2.6

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.

Since 2006, legislative reform has been pending. These reforms are meant to transform and free the broadcasting sector from state control, but this has been a slow process and much of the necessary regulations remain outstanding.

An Information and Media Policy exists, which mentions creating a conducive three-tiered environment for public, commercial and community broadcasters. However, this policy, which was developed more than 10 ago, is still not supported by any legislation.

The Swaziland Media Communications Act was passed in 2013. Under this Act, a single regulatory structure - the Swaziland Communications Commission - was established for all sectors of the communications industry. The regulatory powers of the Swaziland Posts and Telecommunications Corporation (SPTC), which regulated the radio sector until the ICT ministry ostensibly took over this responsibility a few years ago, are expected to be transferred to this commission. The regulatory and licencing functions of the Swazi Television Authority (STA) will also be transferred to the new Commission. As such, the commission will become a single regulator for all sectors of the communications industry. Importantly, the STA would no longer be both a player and a regulator, as is currently the case.

The board for the Swaziland Communications Commission has been established. However, the commission has not begun operating yet as it does not have the requisite capacity or legislation to do its work, and licences cannot be issued at this stage. Advertisements for staff, including for a CEO, have been placed in the media. Still in the draft stage are the general Swaziland Broadcasting Bill to regulate commercial and community broadcasting, as well as the Swaziland Public Broadcasting Bill. The latter would pave the way for Swazi TV and SBIS to be merged into one state broadcaster.

The Swaziland Media Communications Act does not go into specifics about the regulations pertaining to the broadcasting sector. The broadcasting acts therefore need to be in place for the commission to be able to do its work.

“Even when it has sufficient staff, the commission will not be able to act in any meaningful way because it needs to implement broadcasting legislation, which has still not been tabled in Parliament.”

Previously, radio broadcasting and telecommunications were regulated by the 1983 Swaziland Posts and Telecommunications Act, which empowered the MD of the SPTC to issue radio licences. The regulatory powers of the SPTC were passed on to the director of communications in the ICT ministry prior to the Swaziland Media Communications Act being passed in 2013, although no licences have been granted in the past few years.

“So as not to step on the leadership’s toes, the ministry has not issued licences at all for the past few years.”

To date, VoC is the only radio broadcaster that has been granted a licence, albeit a provisional one. It initially applied for a community licence, but in the absence of legislation pertaining to the granting of community licences, VoC has been operating under a provisional licence. Recent licence applications of other would-be community radio broadcasters to the ICT Ministry have been ignored. When the Communications Commission was created in 2013, the ICT ministry had already been given the SPTC’s regulatory powers over radio, but it was not active in this regard.

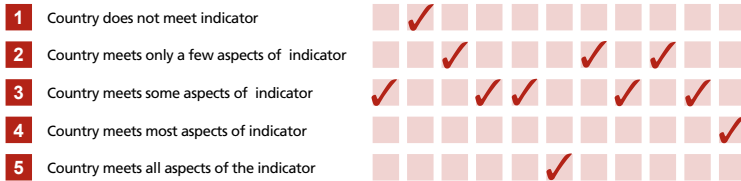
In the absence of more current legislation, the television broadcasting environment is still regulated by the 1983 Swaziland Television Authority Act, which established the STA. The STA was empowered to operate television broadcasting stations in Swaziland, as well as to issue and withdraw licences. Because the STA is in charge of both issuing licences and operating Swazi TV, this makes it both a player and a regulator in the broadcasting environment, thus exposing the authority to a conflict of interest.

The Swaziland Communications Commission and the draft broadcasting bills allow for a three-tiered broadcasting environment with public, commercial and community broadcasting, although this has not been put into practice.

“The reluctance to pass broadcasting legislation appears to be a sign of the government not really wanting to open the airwaves, as access to broader sources of information by citizens could threaten the status quo of the current traditional leadership.”

Scores:

Individual scores:



Average score:

2.8 (2005: 1.1; 2007: 1.3; 2009:1.0; 2011: 1.4)

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

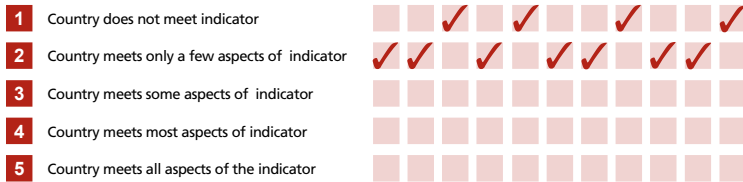
Currently, as mentioned in indicator 3.1, there is no active regulatory body for the broadcasting sector, which remains in limbo. Legislation governing the Swaziland Communications Commission stipulates that its board of directors be appointed by the ICT minister. A board of directors was recently formed, but staff for the body are yet to be appointed,. The ICT minister appoints the chairman, and may fire this person as well as any board member without giving any reasons.

This manner of appointment impacts on the independence of the board. The board comprises nine commissioners, most of whom are government representatives. These include the CEO, a representative from each of the four line ministries (ICT, education, finance and commerce), two royal appointments (a prince and a chief, who represent the interests of the king), and two 'independent' members. According to the 2013 Swaziland Media Communications Act, political party members are not eligible for board membership. The process for the appointment of the current board was closed, and in no way transparent or inclusive.

"How the minister identified some of these individuals is not publicly known. Practically everything in Swaziland is pre-determined and the current commission is clearly dominated by interests of the monarchy and the state."

Scores:

Individual scores:



Average score:

1.6 (2005: n/a; 2007: n/a; 2009: 1.2; 2011: 1.0)

3.3 The body, which regulates broadcasting services and licences, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Because the Swaziland Communications Commission has not yet begun to issue licences, it cannot be determined if it would do so fairly and in the public interest. However, considering the strong role of the government in the appointment of the board, as discussed in the previous indicator, it is likely that this process would be biased towards the interests of the country's rulers and the maintenance of the status quo.

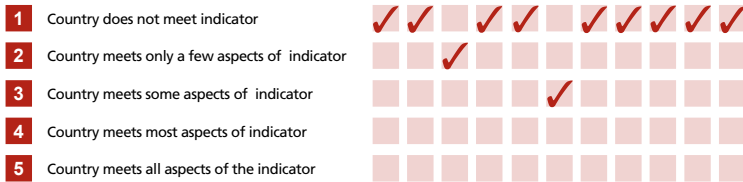
The SPTC continues to be the only legal body that is allowed to issue radio broadcasting licences. However, this process is not transparent, and appears to be stalled in legislative limbo.

Panellists doubted whether the broadcasting bills would be tabled by Parliament in their current form, because of their progressive nature - in that they would open up the airwaves to other players and possibly to divergent views.

Currently, only SBIS broadcasts nationally and, as previously discussed, no dissenting views are permitted on this station.

Scores:

Individual scores:



Average score:

1.3 (2005: 1.5; 2007: 1.0; 2009: 1.2; 2011: 1.0)

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

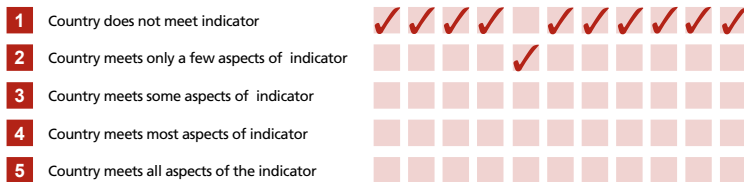
SBIS does not have a board, and is regarded as a department of the information ministry, controlled solely by the Minister of Information. As a result, the state radio broadcaster cannot be said to be accountable to the public in any way, but is rather accountable only to the government, which is ultimately controlled by the king. SBIS reporters are not regarded as professional journalists with the public's interests at heart, but are seen as civil servants, answerable to the ICT Minister. All the decisions at SBIS are made by the Minister and the Permanent Secretary of ICT.

In terms of state television broadcasting, the Swaziland Television Authority has a board, which is appointed by the ICT minister in the same manner as the Swaziland Communications Commission board (described in indicator 3.2). As with the SCC board, the Minister can remove any board members, as has happened in the past, without providing any reasons. Thus, the STA board is dominated by state interests and has never been independent or representative of society at large. The appointment of the STA board is neither open nor transparent; and the regulation of broadcasting is not free of political interference.

"Members of the STA board are accountable only to the state through the ICT minister, not to the public, so Swazi TV cannot be seen as a true public broadcaster. The board was only appointed because the King III report on good governance recommends this."

Scores:

Individual scores:



Average score:

1.1 (2005: 1.0; 2007: 1.0; 2009: 1.8; 2011: 1.1)

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes.

There is no legislation that protects the editorial independence of SBIS or Swazi TV, or that protects them from political interference. SBIS is operated as a government department, through the Ministry of Information. Swazi TV is governed by a board, the composition of which is stipulated in the Swaziland Television Authority Act (see indicator 3.2). This Act, however, does not contain any mention of editorial independence.

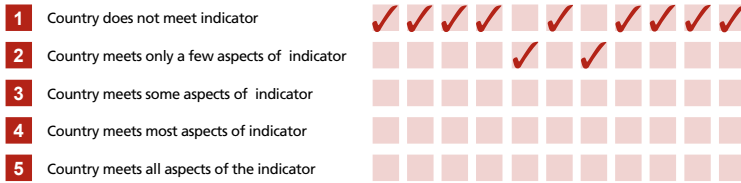
Although SBIS is said to have a written editorial policy, it is largely unknown even by SBIS staff, who are considered civil servants and are guided by standard government regulations rather than a media code of ethics. As such, the editorial content of state broadcasting is definitely influenced by the ruling powers and this is clear in the resulting positive focus on the king, the royal family and the government in general.

While state broadcast journalists may cover a variety of events, any voices critical of the state/monarchy tend not to be broadcast, and dissenting voices are routinely blocked out. For example, neither SBIS nor Swazi TV carried any reports on the seven-week-long teachers' strike in 2012, even though the action took place close to the SBIS building. Even when the teachers were pardoned by the queen mother in the absence of the king, who was out of the country at the time, the PM stated that the incident must not be broadcast. In another incident a few years ago, MPs passed a vote of no confidence in Cabinet, but the Prime Minister prevented them from going on air to voice their grievances.

“In this policy, there is a general hierarchy of news stories on SBIS. Stories about the king are at the top, then the queen mother, followed by the prime minister and then cabinet ministers. In fact any programme can be stopped with no notice to broadcast, for example, the king’s speech.”

Scores:

Individual scores:



Average score:

1.2 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a)

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

State radio, through the two SBIS channels, receives its budget through the ICT Ministry. The amount that it receives is not public knowledge. As such, panellists could not comment on whether it was adequately funded, although they were adamant that it was influenced by political pressure because it falls directly under the ICT ministry and thus must toe the government line.

SBIS staff are employed through the Civil Service Commission as civil servants. When government salaries are upgraded, SBIS staff benefit as well. The employment processes at SBIS are not considered to be transparent, as “most of the posts are not even advertised”.

“Part of the problem with state broadcasting is that most of its funding comes from the state, so there is no independence and there is definitely political pressure.”

State television’s Swazi TV is largely funded by the state as well, and as with radio, the amount funded was not known to panellists. Members of the public are meant to pay TV licence fees of E180 (\$18) a year, but this is not enforced and it is not known how much money the state recoups in licence fee payments. There have been incidents of door-to-door TV licence fee collectors being assaulted by members of the public and having dogs set on them.

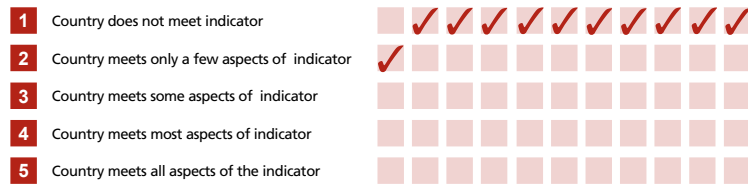
“Most people only watch the news on Swazi TV, and not the other programmes, so they don’t feel they should pay the licence fee.”

State radio and television are also funded partially by advertising fees, as well as fees paid to have pre-recorded programmes broadcast, usually by NGOs. Again, however, panellists did not know the extent of this funding. It was felt that these state broadcasters do not receive pressure over editorial content from commercial interests.

“There is some advertising money coming in for TV and radio, but this money is not enough which is why the state broadcasters rely on government’s support.”

Scores:

Individual scores:



Average score:

1.1 (2005: n/a; 2007: n/a; 2009: 2.4; 2011: 2.3)

3.7 The state/public broadcaster offers diverse programming formats for all interests including local content and quality public interest programmes.

While some panellists felt the state broadcasters offered a diversity of programmes, with SBIS radio offering a variety of music programmes catering to lovers of jazz and reggae, for example, most said they simply didn’t know about television broadcasts as they do not watch the state channel.

Approximately 70 percent of SBIS radio programmes are reportedly produced by civil society organisations. As such there is some diversity in the topics presented on social, economic, development and health programmes. These organisations do not have to pay to have their programmes aired “unless they are perceived to be problematic” - possibly as a means of deterring them. Individuals or organisations who wish to have announcements aired must pay a fee for these.

“Programmes on soft issues are commonly aired on SBIS, but one rarely hears anything on the harder issues of the Constitution, politics or human rights. SBIS

staff are guided about what they can talk about on air and certain content is just not allowed.”

Panellists noted that the cessation of the phone-in programmes on SBIS was a loss in terms of public interest programming.

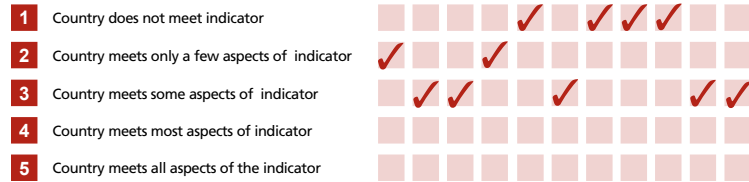
While there may be some level of diversity in terms of state programming, the quality is questionable, as there is little depth to these reports because the journalists do not provide any analysis or deeper questioning on the issues.

“What good is it if we can’t engage properly with issues, like those which suppress women and children every day? Certain topics are simply ignored by Swazi TV and SBIS and there are no critical programmes.”

The siSwati SBIS 1 channel offers vernacular-language programming, while Swazi TV has English and siSwati news bulletins and a small number of programmes in siSwati, though these are mostly religious in nature.

Scores:

Individual scores:

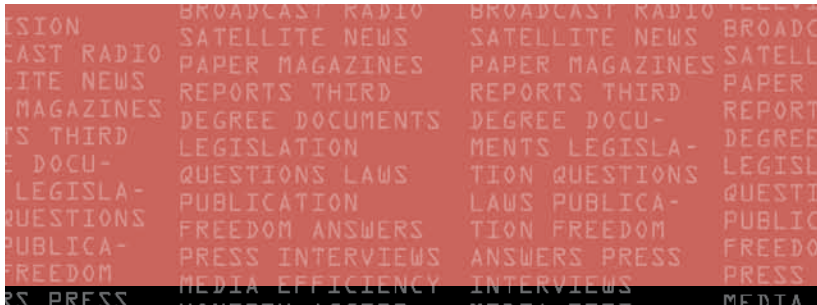


Average score:

2.1 (2005: n/a; 2007: n/a; 2009: n/a; 2011: n/a)

Average score for sector 3:

1.6



SECTOR 4:

The media practise high levels of professional standards.



The media practices high levels of professional standards.

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

The general consensus is that journalistic standards - in terms of accuracy - are improving. Panellists noted that print journalists especially try hard in this regard.

However, mention was made of an incident in which a retail outlet (see indicator 2.13) demanded that a paper apologise for what was an accurate and honest article, in order for the newspaper to continue securing the supermarket chain's advertising.

"How can we have a newspaper retracting the truth?"

Print journalists tend to narrate events, with inaccuracy or unfairness creeping in through the omission or distortion of information.

Mention was made of a *Times* headline stating that there were only going to be two police officers presiding over the May Day celebrations, although this turned out to untrue. "They were pre-empting that there would be violence but this wasn't correct and it was unfair."

Because the speeches of ministers are routinely broadcast on radio, possible journalistic inaccuracies are minimised .

"Generally state radio does follow these basic principles, except where the state interferes."

A code of ethics for journalists exists, adopted by the Swaziland National Association of Journalists (SNAJ) in 2007, but the organisation is largely defunct and this code is hardly followed or enforced.

Panellists felt that issues around fairness were more problematic and the media "faced serious challenges in this regard".

"Sometimes journalists or editors sensationalise the news, which leads to them making judgemental statements instead of simply stating the facts. In order to sell more newspapers, they may use eye-catching headlines, which are not necessarily fair."

"Fairness depends on which side you are on. Some people feel that if something does not suit them, it should not be reported on."

complaints if they feel aggrieved by the way in which they have been presented in the media.

The MCC, which is supposed to be owned jointly by the print and electronic media, also has a code of ethics (which are not enforced), and procedures for lodging complaints. Media practitioners were involved in establishing both the code of ethics and the complaints procedures.

However, there appears to be only a small amount of support for the MCC, notably from the *Times* and the *Observer*, with the broadcast media refusing to be involved. As such, funding of the body remains problematic and “no one seems to care about it”.

“Complaints tend to be dealt with in-house by media houses rather than being passed on to the MCC.”

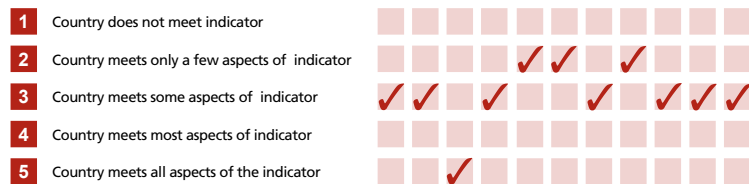
Although the Media Ombudsman has made an effort to publicise the MCC and its work through radio programmes and various print media articles, there is general consensus that members of the public are still unaware of its existence. Panellists were unaware of any complaints that have been made to the MCC. This is despite newspapers like the *Times* publishing notices on page 2, informing the public that it may contact the MCC if they feel the newspaper has been inaccurate in its reporting.

“The MCC is like a baby without parents to nurse it. It is not enough that MISA provides it space to operate; it needs the media houses to own it, but they have distanced themselves from it.”

“One day, very soon, the media will be in trouble, because the government doesn’t like to have an independent media. If the media does not get its house in order, in terms of self-regulation, I foresee the government will set up a statutory version.”

Scores:

Individual scores:



Average score:

2.9 (2005: 1.3; 2007: 2.6; 2009: 2.3; 2011: 2.7)

4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners are adequate.

Journalist's salaries in Swaziland are relatively low and benefits are limited.

At the privately owned *Times*, entry salaries start at about E6,500 (\$650) a month with editors earning from E17,000 (\$1,700), although these figures are at the discretion of the editor.

Salaries at the *Observer* tend to be lower, with some journalists starting out with as little as E4,000 (\$400).

The Nation's entry level salary for a cub reporter fresh from university is about E6,000 (\$600), while middle to senior staff will earn E10,000 (\$1,000) and more.

Salaries at the *Independent* start at E4,000 (\$400).

"There are gazetted salaries for media practitioners, and these start at E3,000 (\$300), so private media companies use this as a benchmark."

Salaries at SBIS start at about E6,000 – E8,000 (\$600 - \$800) with editors earning between R10,000 and E15,000 (\$1,000 and \$1,500). Most of the SBIS staff are full-time employees, but the broadcaster also hires freelancers on renewable three-month contracts.

Swazi TV salaries are significantly higher, with entry level journalists starting at E10,000 (\$1,000).

Working conditions at SBIS are considered to be poor as the journalists are treated as civil servants.

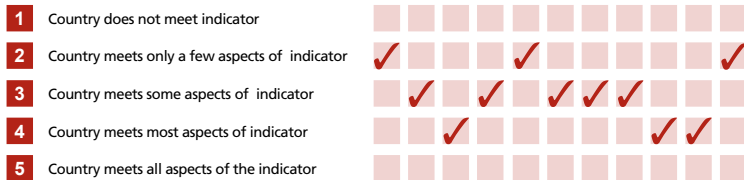
"The profession of SBIS journalists is compromised, because their work is more about taking orders than working as professional journalists."

Working conditions at private media houses are not great, with irregular and long working hours. The *Times* appears to have some of the better working policies. The company provides transport home for those working late, within a 10km radius of Mbabane. It also provides medical aid and a funeral policy, and can assist with legal fees or advice if the issue is related to an article published by the newspaper. The newspaper also offers psychological support to journalists, at the discretion of the publisher.

Safety policies for journalists are generally not known, although the *Times*, which owns its own printing press, has workman's compensation for employees working on the press.

Scores:

Individual scores:



Average score:

3.0 (2005: n/a; 2007: n/a; 2009: 1.8; 2011: 3.3)

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

The dominant media organisation in the country is MISA Swaziland, which conducts workshops on various issues relevant to the media.

The only active media association is the Swaziland Editors Forum, although it is not considered to be very progressive, and has the interests of editors and their publications at heart, rather than the interests of journalists. The Forum recently began hosting monthly breakfast meetings between editors and the PM and Cabinet ministers, which panellists felt was a positive development in the country.

The Swaziland National Association of Journalists (SNAJ) exists in name only and is effectively defunct due to a lack of support and funding. When it was active, the association dealt with professional issues more so than labour concerns.

“It is dormant because of a lack of interest from journalists. They wouldn’t even pitch for meetings.”

When SNAJ was functioning, its membership was made up primarily of *Observer* employees.

Times’ journalists are allowed to belong to unions, as long as there is at least a 50 percent representation of that union within the company, but “there is a tendency among journalists not to join unions because of a lack of interest.”

“It is difficult to interest journalists in their own welfare, and a big challenge to bring them together on issues. Even with the Makhubu-Maseko case, it has not been possible to unify journalists on the issue of freedom of expression. If we can’t connect on this level there is no way we could form a union... It’s an issue

of personalisation, which leads to the divisions and fragmentation experienced among media houses.”

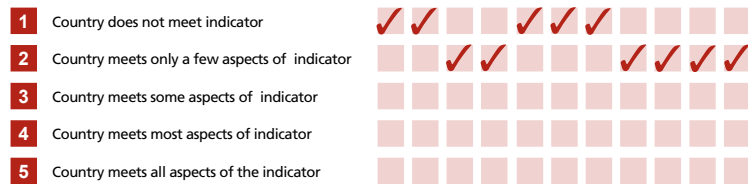
Employers also have a role to play in SNAJ’s history as they have tended not to be supportive or interested in the union. Some panellists felt that the *Times* has a “divide-and-rule strategy and there is victimisation of union members. They don’t really want their staff to be union members”. In some cases the publication has apparently even enticed individual journalists away from union membership with the “dangling carrot” of increased packages.

“A large part of it is a lack of understanding of the collective power of a union.”

The Media Women’s Association of Swaziland has also become defunct for similar reasons to SNAJ.

Scores:

Individual scores:



Average score:

1.5 (2005: 3.0; 2007: 3.6; 2009: 2.6; 2011: 2.2)

4.5 Journalists and media houses have integrity and are not corrupt.

Rumours of corruption within the Swazi media abound, to the extent that MISA recently organised a general discussion between civil society and media practitioners on “yellow” journalism, allegations of bribery and manipulation through corrupt behaviour. The aim was for both sides to better understand one another and to minimise the practice of corruption.

“There is corruption in the media. And journalists need to be assisted to resist all kinds of pressure, especially from political sources.”

While there was consensus that there are many ethical journalists in both the print and electronic media who write dependable and fair copy, there are also those “rotten eggs” who will accept bribes to write favourable copy, not publish something in particular, or even demand money for such purposes.

Only some publications have written policies around freebies, such as the *Times*, where journalists are not allowed to accept any more than E100 (\$10) and have to declare freebies. Most publications do not have any such policies, although journalists have been dismissed when found guilty of such behaviour. Publishers have indicated their concern regarding corrupt behaviour, but actually proving such incidents is difficult.

“This definitely affects how the public perceives the credibility of the media.”

Article 3 of SNAJ’s code of ethics states that “journalists should not accept bribes or any form of inducement to influence the performance of his/her duties”.

No known cases related to corruption within the media have been taken to the MCC.

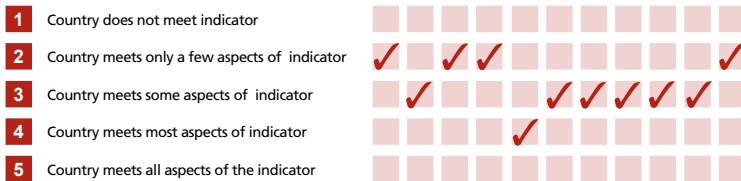
Journalists noted that at times, rumours of corruption are unfounded and have been created to tarnish the image of a specific journalist or publication.

Media houses tend to cover journalists’ accommodation and transport costs when they are working away on stories, so engaging in corrupt practices on these grounds is not a plausible excuse.

“The reason corruption is rife within the media is because people are living beyond their means.”

Scores:

Individual scores:



Average score:

2.7 (2005: n/a; 2007: n/a; 2009: 2.8; 2011: 2.8)

4.6 Journalists and editors do not practise self-censorship in in the private broadcasting and print media.

The environment in which journalists work in Swaziland, constrained as it is by the pervasive power of the monarchy and tradition, makes self-censorship common practice. Journalists working for public and private media houses are equally affected, with SBIS journalists and programme hosts treading particularly carefully to avoid serious consequences.

“Journalists find themselves in a catch-22. They don’t know what could get them into trouble... There is fear of the unknown, of stepping on important toes, even of being dismissed. So they have second-thoughts about writing certain stories, especially about the royalty.”

An article by the *Times on Sunday* about the king’s homestead being extended resulted in the paper’s publisher and managing editor being summoned to the royal court, where the king informed them that any stories related to the king’s property did not belong in the newspaper.

“This is difficult as so much in Swaziland is connected to the monarchy in some way or another.”

Self-censorship is not only a result of political and cultural pressure, but can also come from commercial interests (or lack thereof) as the Bushfire and Pick n Pay examples (indicator 2.13) demonstrate.

“Publishers know that if articles are written criticising their advertisers, these adverts will be pulled, so they don’t explore such issues.”

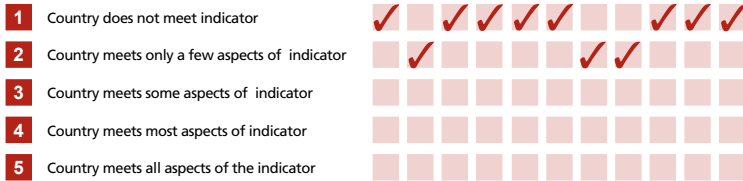
As a result, much of the journalism in Swaziland is “toned down” and lacks depth. While cultural events, such as the annual Reed Dance, may be covered by the media, they have to take a positive slant.

“As journalists, we sometimes feel that if we can’t tell the whole story, what is the point? So self-censorship definitely affects the quality of our work.”

Panellists noted that about 90 percent of Swazis come from rural areas, where land is held in trust by the king. “If you offend the monarch, even if you live in Mbabane, your family, your mother and father, could be evicted from the rural areas. So people know they must shut up or face the consequences.”

Scores:

Individual scores:



Average score:

1.3 (2005: 1.4; 2007: 1.5; 2009: 2.2; 2011: 1.7)

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

The University of Swaziland offers a four-year Bachelor degree in Journalism and Mass Communications. The first batch of four-year degree students is expected to graduate at the end of 2014. Prior to this, the university offered only a diploma in Journalism and Mass Communications.

The number of students enrolled in the degree programme has dropped dramatically in recent years, as the government has ceased to sponsor journalism, law and political science students' tuition and accommodation at the University of Swaziland. The state has now reportedly shifted its educational funding to students of the private Limkokwing University of Creative Technology, which is said to have royal associations.

"The government seems to be on a mission to destroy the University (of Swaziland), especially the journalism department, because it makes people too clever."

Panellists felt the quality of teaching at Limkokwing, which has been in existence for just a few years, is questionable. Some stated that it is "ruining our standard of education". Limkokwing offers an Associate Degree in Journalism and Media, Television and Film Production, Creative Multimedia, and Advertising, which panellists say is not recognised in the Southern African Development Community (SADC) region.

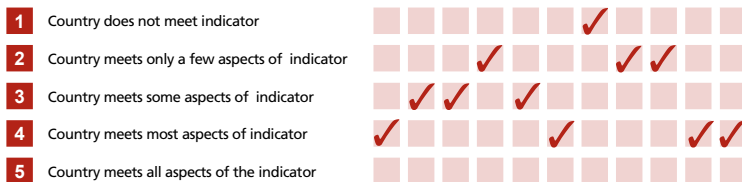
Panellists felt that the formal training of the University of Swaziland's degree programme prepared journalists for the job, while "students from Limkokwing can't even construct a sentence".

The *Times* encourages its practising journalists to seek additional training in Swaziland or beyond, and provides leave for them to attend short-term courses of up to a month. Although the publisher has been known to pay for such training, this is rare, and free courses are encouraged to a greater degree.

There are no courses at either of the universities for mid-career journalists to upgrade their skills, although MISA and various CSOs regularly offer short workshops on specific topics (e.g. gender reporting). Panellists were sceptical of any positive impact from such workshops, however.

Scores:

Individual scores:



Average score:

2.9 (2005: 1.9; 2007: 3.8; 2009: 2.1; 2011: 3.3)

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

There is a large discrepancy in the numbers of men and women working in the media, with the industry being made up predominantly of men. About 80 percent of the staff at the *Times*, both in management and in the newsroom, are male. However, there is a higher percentage of female students training to be journalists at the University of Swaziland.

Most of the SBIS journalists are men, as “female journalists are not seen to be serious” about their work. This is because they may need to take maternity leave, and working long hours is problematic for those women with children. Most of the SBIS management is male, although there is greater gender balance among the heads of sections.

All the journalists at the *Independent* are men. *The Nation* has only a handful of staff members, with one male and one female journalist.

Openly gay or lesbian journalists are unheard of in Swaziland, and panellists noted this is a general cultural taboo. “You would not want to come out in Swaziland.”

Religion does not appear to be a factor in the hiring of journalists, and ethnicity is generally not an issue in Swaziland because the country's population is largely homogenous.

As mentioned in indicator 2.8, catering for people with disabilities in Swaziland in general is a problem and this extends to most of the newsrooms, with the exception of SBIS and Swazi TV. As such, the disabled do not have the same opportunities in the media as the able-bodied.

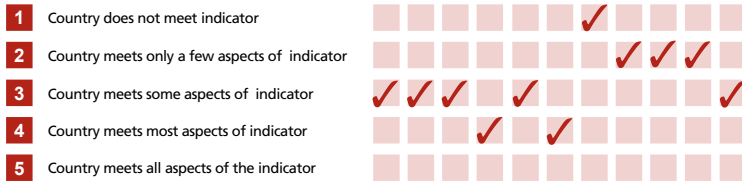
“People with disabilities in Swaziland are not taken into consideration.”

Panellists noted that most newsrooms have a large percentage of young journalists, aged between 28 and 35. There are only a few exceptions in this regard, such as at *The Nation*, which employs more senior journalists.

“Mature journalists tend to leave the newsrooms because the pay is not sufficient.”

Scores:

Individual scores:



Average score: 2.7 (2005: n/a; 2007: n/a; 2009: 4.2; 2011: 3.0)

Average score for sector 4: 2.5

The way forward

1. What were the developments in the media environment in the last two/three years?

Positive developments

- The initiation of monthly breakfast meetings hosted by the Editors Forum, bringing together the country's editors and senior politicians.
- The establishment of the Media Complaints Commission (MCC), although greater publicity is needed for it to function more effectively.
- The training of journalists through the four-year degree programme at the University of Swaziland.
- The enactment of the Swaziland Communication Commission Act.
- The increased access and use of the internet and social media.
- The establishment of the Community Radio Network (CRN) in 2013.

Negative developments

- The arrests of *The Nation* editor Bheki Makhubu and lawyer Thulani Maseko².
- The inactivity of the Swaziland National Association of Journalists (SNAJ).
- The stalled process of legislative reform, with a variety of media laws still in the draft stage (including the Swaziland Public Broadcasting Corporation Bill, the more general Swaziland Broadcasting Bill, the Books and Newspapers (Amendment) Bill, the National Film Bill and the Freedom of Information and Protection of Privacy Bill).
- The removal of government scholarships for journalism students at the University of Swaziland.

2. What kinds of activities are needed over the next years?

- MCC: Greater publicity and awareness about this self-regulatory media complaints body is needed among journalists and the public in general. Buy-in from media houses is essential, especially from editors. The danger of not having a functioning self-regulatory body is that the state will fulfil its threat of launching a statutory body to the further detriment of freedom of expression in Swaziland.

² Since conducting the AMB Swaziland 2014, the editor of *The Nation* magazine Bheki Makhubu and human rights lawyer Thulani Maseko were sentenced to two years in prison, without the option of a fine. The sentenced was handed down by Judge Mpendulo Simelane in the Mbabane High Court in Swaziland on 25 July 2014, and follows Makhubu and Maseko's convictions on contempt of court charges on 17 July 2014, for separate news articles that each wrote criticising the kingdom's chief justice, Michael Ramodibedi, and published in the independent news magazine, *The Nation*. *The Nation* and *Independent Publishers* were each fined R50,000.

- With MISA Swaziland's assistance, the MCC was tasked to address editors through the Editors Forum, and to review the MCC's code of ethics and complaints procedure, using best practices sourced from self regulatory bodies in, other countries.
- Media reform: Advocacy around the media legislation environment needs to be strengthened, with parliamentarians (particularly new MPs) being engaged on pending and existing legislation. Civil society also needs to be sensitised about the broader importance of the impact of media freedom on society in general. A starting point would be the five media-related bills, which have still not been passed, and a thorough analysis of the 32 laws that restrict the operations of the media.
- This could be a combined effort of skills from MISA Swaziland, Lawyers for Human Rights of Swaziland, the Council of Swaziland Churches, the Swaziland Coalition of Concerned Civic Organisations (SCCCO) and the University of Swaziland.
- Resuscitate and strengthen media associations, such as SNAJ, MWASA and the Press Club. Impress upon members of the media the importance of uniting to improve the media environment.

MISA Swaziland could initiate this.

The panel discussion took place from 31st May to 01st June 2014, Piggs Peak Hotel and Casino, Swaziland

Panellists:

Media:

1. Smangele Dlamini, journalist
2. Nomile Hlatshwayo, print journalist
3. Nimrod Mabuza, deputy editor
4. Maxwell Mthembu, media lecturer
5. Mfanasibili Sihlongonyane, publisher
6. Nontobeko Tshabalala, print journalist

Civil Society:

7. Lomcebo Dlamini, civil society activist/ lawyer
8. Siphon Gumede, human rights activist/ lawyer
9. Zamokuhle Lukhele, faith group
10. Simangele Mmema, unionist
11. Wandile Sifundza, unionist

Rapporteur:

Sarah Taylor

Moderator:

Reyhana Masters

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