

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

MALAWI 2016





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Friedrich-Ebert-Stiftung (FES)
fesmedia Africa
Windhoek, Namibia
Tel: +264 61 417500
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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-Saharan 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.

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 2016 the African Media Barometer had been held in 31 African countries, in some of them already for the fifth time.

Zoe Titus
Regional Director
Media Institute of Southern
Africa (MISA)
Windhoek, Namibia

Sara Brombart
Head of fesmedia Africa
Friedrich-Ebert-Stiftung
Windhoek
Namibia

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 31 AMB Countries (2005-2016)

African Media Barometer Malawi 2016

Summary

Two years after the last African Media Barometer (AMB) in 2012, Malawi experienced its first-ever tripartite elections involving presidential, parliamentary and local government contests, ushering in a new President, Peter Mutharika. The state of the media and freedom of expression under Mutharika's presidency has been mixed. The government has generally been hostile to the media. Occasional incidents of violence and harassment of journalists have sporadically taken place. There have also been many cases when the President has verbally attacked the media, and the government has on many occasions blocked journalists' access to presidential functions. Cases of the arrest and harassment of ordinary citizens for simply expressing their views have also been reported. Some citizens have been charged with sedition for their online comments on social media platforms.

While freedom of expression and press freedom are guaranteed in the Constitution in sections 35 and 36 respectively, other pieces of legislation such as the Penal Code of 1930, the Protected Flag, Emblems, and Names Act, the Police Act of 1946, the Official Secrets Act of 1913, and the Censorship and Control of Entertainments Act of 1968 variously restrict the freedoms in the Constitution. Similarly, the Constitution guarantees access to information, but there is no legislation to support this right. There have been considerable delays in the adoption of the Access to Information Bill. Accessing government information remains a considerable challenge for reporters and civil society organisations.

Although former President Joyce Banda in 2012 repealed section 46 of the Penal Code (Amendment) Act that empowered the Minister of Information to ban newspapers, efforts to bring the country's national legislation and practice in line with international freedom of expression obligations has stalled under the current regime. The government's promise to amend and/or repeal laws that limit freedom of expression, including signing the Declaration of Table Mountain, which calls on African governments to abolish criminal defamation laws, has not been realised.

Despite legal restrictions impacting on freedom of expression, Malawi has a wide range of sources of information. The radio broadcasting sector is quite dynamic and diverse, with a number of private and community stations. Since 2012, a number of new, privately owned, commercial television stations have been licenced, but some are not operational as yet. Credit should be given to the Malawian Communications Regulatory Authority (MACRA), which regulates broadcasting services, for being quite transparent in the processes of applying and awarding for licences. Even though the country has a wide selection of newspapers, access and affordability remain a challenge. Production of many of the newspapers is urban-centred and circulation to peri-urban and rural areas is scanty. In addition, the cost of buying a newspaper is beyond the reach of

many poor people. Similarly, mobile phones are cheap and widely available, but access to the internet is not affordable to most Malawians. Internet tariffs in the country are the most expensive in the region. The country has an estimated internet penetration of less than 10% of the population.

Though the media landscape is characterised with a plurality of information sources as noted above, state broadcasting dominates in reach and access. The state radio broadcaster, Malawi Broadcasting Corporation (MBC) has wide national network coverage. The MBC and its television counterpart are not seen as accountable to the public and are heavily biased in favour of the ruling party, Democratic Progressive Party (DPP). The appointment of the Board rests with the President, in consultation with the Public Appointments Committee, a committee of the National Assembly. The process lacks transparency as there is no public consultation and no nominations are solicited from the public in this regard. The Communications Act of 1998 (now revised), which regulates broadcasting, guarantees editorial independence of the MBC. However, this guarantee of independence has not always played out in practice. Lobbying efforts over the years by the media freedom advocacy organisation, Media Institute of Southern Africa – Malawi Chapter (MISA-Malawi), for the transition of the MBC from a state broadcaster to a truly public broadcaster have so far failed.

Like in most African countries, digital media is opening a vast array of communicative possibilities in the country. Malawi has several policies that support digital media, including the ICT Policy (2013), the National Access to Information Policy (2014) and the Digital Broadcasting Policy (2013), among others. The country also managed to meet the 17 June 2015 deadline set by the International Telecommunications Union, and officially switched from analogue to digital broadcasting by the deadline. These noble efforts are being undermined as the government is at the same time introducing legislation that attempts to regulate and limit online expression. The Electronic Transactions Bill (E-Bill), passed in July 2016, contains broad provisions on protecting “public order and national security,” and facilitating “technical restriction to conditional access to online communication”. More worryingly, “offensive communication” via ICTs that disturbs the privacy rights of any person is penalized with a fine and 12-months’ imprisonment.

Despite a challenging and often hostile operating environment, the media in Malawi is playing a critical role in providing citizens with information, while at the same time exposing the abuse of power. Investigative reporting has also improved as many journalists are moving away from strictly event-based reporting, to increasingly probing issues at a deeper level. Improved journalistic skills helped to uncover Cashgate – the gross abuse of public resources and power between 2010 and 2013.

The media space in the country is steadily opening up for discussion of LGBTI issues. Reporting of gender issues has also greatly improved. This growing

vibrancy of the media is, however, threatened by poor working conditions of journalists. Salaries for journalists in many media houses have dropped due to the devaluation of the Kwacha in 2012 and this has sometimes led to journalists asking for money from organisations in exchange for covering stories, or in some cases receiving bribes.

As Malawi heads for elections in 2019, there is urgent need for government to pass the Access to Information Bill, which will give journalists more freedom to ask for information that they are currently not allowed to access. It is also hoped that the government will prioritise the transformation of the MBC into a truly public broadcaster, as per the *Declaration of Principles for Freedom of Expression in Africa*, to which Malawi is a signatory.

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.

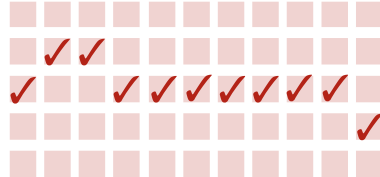
Freedom of expression is guaranteed in the constitution of the Republic of Malawi under Section 35, which states: “Every person shall have the right to freedom of expression.” Section 36 of the country’s constitution protects media freedom as follows: “The press shall have the right to report and publish freely, within Malawi and abroad, and be accorded the fullest possible facilities for access to public information.”

No legislation, other than the Constitution, refers to the issue of freedom of expression.

Scores:

Individual scores:

- 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



Average score:

2.9 (2012 = 3.6; 2010 = 3.3; 2008 = 3.9
2006 = 2.5)

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

Citizens and journalists, to some extent, are practising their right to freedom of expression.

Recently, “elements of fear” are being instilled among Malawians, with recent incidents including the arrest of citizens for speaking out against the government, while human rights activists have been arrested and charged with treason.

“The elements of fear are there and many people don’t want to rise up and challenge the current government, which is known to use intimidation tactics... Even members of the anti-corruption bureau are being intimidated. We seem to be sliding backwards in this regard... Even within political parties, if an MP, a high-level politician expresses sentiments that are contrary to those of the ruling party and/or the president, he or she will face threats for having voiced their own opinion.”

A few weeks prior to the African Media Barometer (AMB), there were news reports of journalists being threatened by officials and this has had a chilling effect on investigative journalism. The privately owned English newspaper, *The Daily Times*, published a list of these targeted individuals, who have been deemed anti-government in their reporting.

In January 2016, a picture of President Peter Mutharika stumbling was published on the front page of the *Malawi Sunday Times*. It subsequently went viral, doing the rounds on social and mainstream media. The photographer received a number of threats as a result.

“The government is not so willing to ensure that freedom of the press is paramount... and there are lots of things that we don’t report on.”

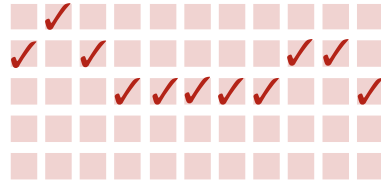
In general, urban citizens tend to be more informed and outspoken, thanks largely to a politically active civil society, while in rural areas, citizens are largely hampered by the conservative approach of traditional authorities.

“The work of civil society organisations has freed more people of fear... more people are open to talk, especially in urban areas... Despite the intimidation out there from official sources, there is a growing movement of people taking to the streets to express themselves.”

Scores:

Individual scores:

- 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



Average score:

2.5 (2012 = 3.0; 2010 = 2.4; 2008 = 4.0
2006 = 2.6)

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

There are a number of mostly archaic laws, many dating to the time of British colonial rule, that are still on the statute books and that hinder the role of the media and the constitutional guarantee of freedom of expression. These include the Penal Code of 1930, which criminalises libel, sedition and defamation; the Protected Flag, Emblems and Names Act of 1967; the Police Act of 1946; the Official Secrets Act of 1913; and the Censorship and Control of Entertainments Act of 1968.

Even some recently promulgated laws, such as the Electronic E-Transactions Bill, limit the right to freedom of expression. The Bill, passed in July 2016, contains broad provisions on protecting “public order and national security” and penalises “offensive communications” on online platforms.

In 2015, two Malawian citizens, one just a teenager, were arrested for expressing in public their dissatisfaction with the president.

“We still have many old laws on our books which work against freedom of expression in Malawi.”

Regulatory bodies like the Malawi Communications Regulatory Authority (MACRA) are also used to suppress freedom of expression.

“The private, commercial Zodiak Broadcasting Station (ZBS) has been taken before a ‘kangaroo court’, accused by the ruling Democratic Progressive Party (DPP) of being biased against them, yet we have our state broadcaster, the Malawi Broadcasting Corporation (MBC), being used by the government as a propaganda tool to push the views of the party and certain politicians.”

There are no legal requirements that unreasonably prevent certain people from entering the journalism profession. The Media Council of Malawi (MCM) is a voluntary body and practising journalists are not forced to register with the MCM.

“At the end of the day, Malawi does not have the legal restrictions to restrict practising journalists.”

It was noted that the Penal Code could no longer be termed an “archaic” law as it was revised in 2012, “apparently after public consultation”. Needless to say, the issues impacting on freedom of the media were retained despite these revisions.

However, a panellist felt that: “Even if laws have been recently reviewed and revised, if they do not meet human rights or democratic principles, they are archaic... They do not augur well for a democracy. The Penal Code, for example, does have archaic clauses that impact on freedom of expression. Most of these archaic laws would not pass the constitutional test of Section 44 and should not exist in the kind of democracy Malawi is meant to have.”

Section 44 of the Malawian Constitution pertains to the limitations of rights. The first part of this section reads:

“(1) No restrictions or limitations may be placed on the exercise of any rights and freedoms provided for in this Constitution other than those prescribed by law, which are reasonable, recognized by international human rights standards and necessary in an open and democratic society.

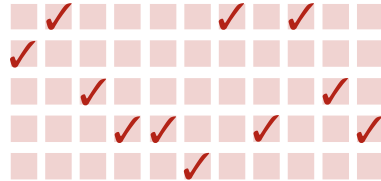
(2) Laws prescribing restrictions or limitations shall not negate the essential content of the right or freedom in question, shall be of general application.”

It was also noted that the Official Secrets Act is a security legislation which, among others, mentions information divulged by military and police officials, and does not apply generally to the media. “The Official Secrets Act classifies information for security purposes, so it is not necessarily a stumbling block to freedom of expression.”

Scores:

Individual scores:

- 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



Average score:

2.9 (2012 = n/a; 2010 = n/a; 2008 = n/a
2006 = n/a)

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

The Malawian government is known to be very effective at signing regional and international instruments on freedom of expression and freedom of the media. However, government tends not to honour these instruments by signing them into law and domesticating them.

“After signing these kinds of documents, our government keeps silent so the information of the signing does not trickle down to citizens. Because the citizens are not informed, it is very difficult for them to demand these rights.”

“Anything that will give journalists and citizens more power is not enacted and the government will sit on these kinds of issues... If the intention and the political will were there, we would not have been struggling for 15 years.”

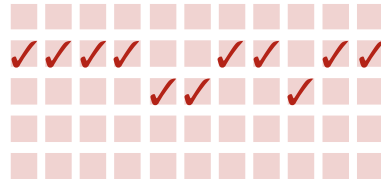
While some of these regional and international instruments are reflected in the Malawian Constitution – for example, the contents of Article 9 in the *Declaration of Principles on Freedom of Expression in Africa* – it was noted that in practice, these are not necessarily being followed.

“The government will take efforts to honour regional and international tools on freedom of expression and freedom of the media only as long as they feel it is in line with their mandate or if they will benefit from it. Otherwise I don’t see any keenness on their part to honour such agreements, and those not in favour of the government, particularly the more empowered citizens, sense that the government is in fact fighting freedom of expression, not supporting it.”

Scores:

Individual scores:

- 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



Average score:

2.3 (2012 = 2.1; 2010 = 1.8; 2008 = n/a
2006 = n/a)

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

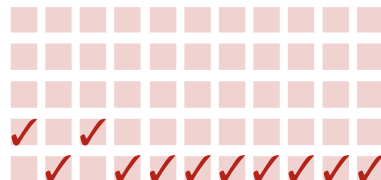
Beyond registering a company as a legal entity with the Registrar of Companies, print publications do not need to obtain permission from state authorities in order to publish.

However, print publications do need to be registered with the National Archives of Malawi, and copies need to be lodged with the archives within two months of the date of publication, as per Section 5 of the colonial-era Printed Publications Act of 1947. Failure to comply with this requirement is punishable by law with a £100 fine. This, however, is largely a procedural formality and does not involve obtaining ministerial permission.

Scores:

Individual scores:

- 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



Average score:

4.8 (2012 = 2.1; 2010 = 4.5; 2008 = n/a
2006 = n/a)

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

There are no laws in Malawi to protect confidential sources of information.

“The law is silent on protecting confidential sources of information... which maybe is what leads to kangaroo courts.”

The Malawi Cabinet approved the Access to Information Bill in February 2016, but this has not yet been passed into law by Parliament. Section 30 of this draft law states:

“An information holder may not disclose information which has been requested where disclosure of the information would reasonably be expected to -

- (a) cause damage to the security or defence of Malawi or would divulge information which relates to the defence or security of a foreign government which is communicated in confidence by, or on behalf of such foreign government;
- (b) disclose or enable a person to ascertain, the existence or identity of a confidential source of information in relation to the enforcement or administration of law or endanger the life or physical safety of any person; or
- (c) cause substantial harm to the legitimate interests of Malawi in crime prevention and any preliminary investigation of criminal or other unlawful acts.”

“If a progressive court with a good understanding of human rights hears a case related to the protection of confidential sources of information, they may protect the journalist and his or her sources. But the silence around this issue, up till now, means that the outcome could be ambiguous.”

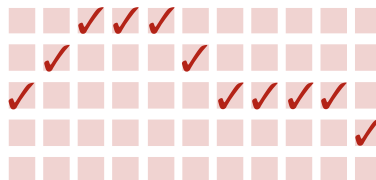
The code of ethics of the Media Council of Malawi (MCM) states that journalists should protect their sources of information.

“The issue of whether journalists’ sources are protected or not doesn’t really come into it. It’s more about whether it is in the public interest to know this information.”

Scores:

Individual scores:

- 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



Average score:

**2.4 (2012 = 1.6; 2010 = 1.6; 2008 = 1.4
2006 = 2.4)**

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

The right of citizens to access public information is guaranteed in the Malawi Constitution under Section 37, which broadly states that: "Every person shall have the right of access to all information held by the State or any of its organs at any level of Government in so far as such information is required for the exercise of his or her rights."

However, the practical application of this right is not always in evidence and this right is not yet supported by an enabling Access to Information Act, which could spell out the details of how such a system of accessing information would operate. As mentioned in the previous indicator, the Access to Information Bill has not yet been passed by Parliament.

Some pieces of legislation do guarantee access to publicly held information, such as the Environmental Management Act of 1996, which states under Section 17 (2) that: "A person is entitled to have access to any record or document in the Environmental Register."

The Parliamentary and Presidential Elections Act of 1993 states in Section 109 that "International observers shall, in Malawi, have the right- (f) to have access to information transmitted by or to the Commission and its officers". This act does not, however, refer to citizens in general.

The Monuments Act contains similar provisions, but all these laws fail to explain what members of the public can do in the event of being denied access to information held by the state.

"These institutions that provide for access to information are not so significant, so the government can afford to offer such information."

Depending on the information sought from public authorities, in practice, accessing such information can be a simple procedure if the information is not of a sensitive nature. Sensitive information is very difficult to access, and investigative journalists find it very difficult to obtain information considered to be sensitive. There is also little clarity on who has the mandate to disclose public information.

“At a rural level, it can be a challenge to access information, particularly if it is of a monetary or political nature. There is lots of secrecy in the villages. If people demand accountability from their leaders, it will become a challenge.”

However, it was also noted that there has been a slight improvement in terms of accessing information held by local councils. Information held by the central government tends to be harder to access, compared to local government information.

“When it comes to local councils, you can obtain a lot of information on how funds have been used or abused because the local councillors are able to demand the information, and these councillors are the closest representative of the people.”

A new movement called the Citizen Alliance, an umbrella body of non-governmental human rights organisations in Malawi, has begun conducting civic education in rural areas in an effort to get citizens to demand the local plan from their councillors¹. Citizen Alliance describes itself on Facebook as “a non-profit, non-governmental organization with citizen engagement as its priority hence promoting proactive participation in Malawi”.

While the rise of this alliance is seen as a positive development in the social and political landscape, “there is room for improvement”.

Government and public institutions have created a gatekeeping system, through their public relations officers (PROs) in virtually every department. These PROs are said to impose obstacles, rather than facilitate openness, thus hindering access to public information.

“When it comes to trying to obtain information about state contracts in oil exploration and mining, for example, it is a nightmare. Government officials close up and won’t reveal anything. This is especially true if the information being sought relates to accountability.”

Positive mention was made of the Malawi Electoral Commission, however, which has demonstrated to citizens that they can make information accessible.

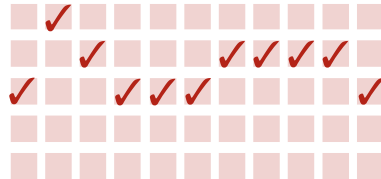
“Whether this is an institutional approach or comes down to the PRO responsible is not clear.”

¹ Retrieved at <http://www.news24.com/Africa/News/activists-to-storm-malawi-parliament-over-albino-killings-20160523>

Scores:

Individual scores:

- 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



Average score:

2.4 (2012 = 1.7; 2010 = 1.8; 2008 = 1.9
2006 = 1.8)

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

Digital publication platforms are not required to register with or obtain official authority from the state.

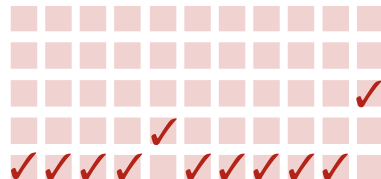
“The government is still grappling with this area. It doesn’t have much through which it could enforce it.”

Malawi is moving towards establishing an Electronic Transactions Bill, which was passed by Parliament in July 2016 but has not yet been signed into law by President Peter Mutharika. The bill seeks to curb cybercrime and internet pornography².

Scores:

Individual scores:

- 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



Average score:

4.7 (2012 = 5.0; 2010 = 4.8; 2008 = n/a
2006 = n/a)

² Retrieved at <http://zodiakmalawi.com/top-stories/malawi-parliament-passes-e-bill>.

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 is a sense that government is unreasonably blocking internet content in Malawi that it deems as critical of the state.

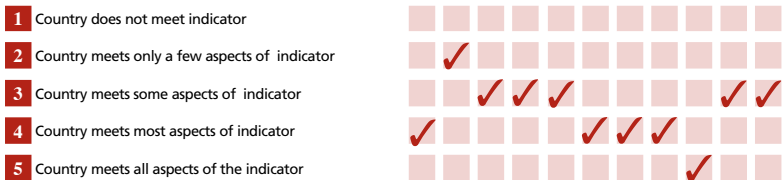
“Sometimes a website is inaccessible... like the (privately owned, online) *Nyasa Times*. You never know why but there are rumours that the government has blocked it.”

Some participants felt that the state lacked the technical capacity to block internet content.

“The government tries to use other ways of blocking content on the internet. There is lots of monitoring by the state of social media. If I post something on social media that is critical of the government, I can expect to receive threats. There have also been suspicious incidents of duplicate social media accounts being created.”

Scores:

Individual scores:



Average score: **3.5** (2012 = 3.9; 2010 = 4.4; 2008 = n/a; 2006 = n/a)

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

At times, civil society organisations (CSOs) have worked on issues related to media freedom with the Media Institute of Southern Africa’s Malawi chapter (MISA)

Malawi). At other times, these groups have worked on such issues in isolation. When they have united, CSOs and MISA have worked well together.

Advancing the role of the media, however, is predominantly a MISA mandate.

“The approach of CSOs may not be strictly about freedom of expression but about the role of the media in society and empowering citizens to realise that the media is a very important ally and they should not fear it. Citizens are increasingly taking information to the media without fear of misinterpretation.”

Participants noted that the media environment appears to have been maturing in recent years, and that there are fewer lawsuits against media houses these days.

Civil society groups and MISA Malawi have used continental agreements on media freedom, such as the *Declaration of Principles on Freedom of Expression in Africa* and the *African Platform on Access to Information Declaration (APAI)*, to push government to drive the access to information agenda in the country.

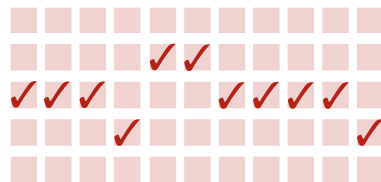
The lobbying by other media groups on issues related to media freedom has been “isolated, fragmented, disjointed and sporadic”. These groups include the Freedom of Expression Institute and the Journalists Union of Malawi (JUMA), the latter of which is largely an association of business journalists, which tends to lobby more around issues of media standards and not the cause of media freedom.

“The media industry is slightly okay, so it’s not been necessary for other media-related groups to form.”

Scores:

Individual scores:

- 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



Average score:

**3.0 (2012 = 3.7; 2010 = 4.4; 2008 = 3.0
2006 = 4.1)**

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

The Malawian government does consult stakeholders on media legislation, but the outcome does not necessarily reflect the inputs of these stakeholders.

“In terms of the Access to Information Bill, what went to Parliament did not necessarily contain what had been discussed.”

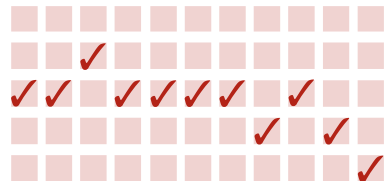
At times, however, more meaningful consultation does take place. In 2013, for example, the government involved media stakeholders in a review of the Communications Act of 1998 and discussion about the Electronic Transactions Bill, which resulted in some proposed amendments to the 1998 Act. The proposed amendments included the reduction of presidential powers in the communications sector.

“There was consultation and it was largely incorporated into both pieces of legislation. It is not possible to consult everyone, but the Malawi Law Commission conducted workshops in all three regions of the country to encourage wider input from various stakeholders.”

Scores:

Individual scores:

- 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

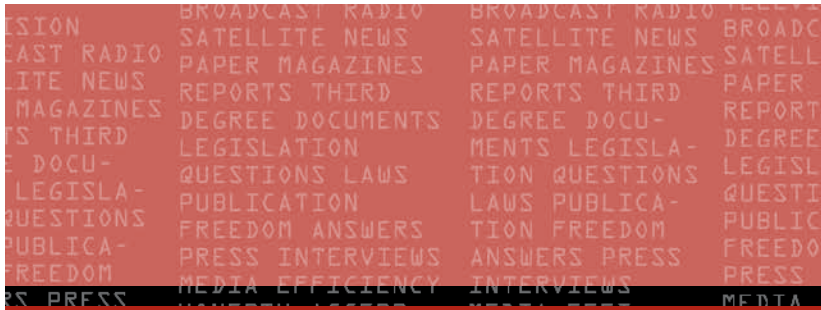


Average score:

**3.3 (2012 = 2.6; 2010 = 2.6; 2008 = n/a
2006 = n/a)**

Average score for sector 1:

3.1



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.

There is a wide range of sources of information in Malawi, but they are not widely accessible or affordable to citizens.

“Access has improved, but affordability remains a challenge.”

Radio broadcasting remains one of the most widely accessible and affordable sources of information, with a wide national network coverage. A survey conducted in 2015 revealed that MBC’s listenership stands at 80.2 percent while that of Zodiak is at 80.1. The survey also showed Zodiak was the most favorite with 31.8 percent, followed by MBC Radio 1 with 15 percent³. Similarly, with TV stations, many people can only receive MBC as the other stations have limited coverage.

“Some people have no choice, as MBC is the only station they can access.”

While mobile phones are cheap and widely available, access to the internet is not affordable to most Malawians. In fact, the cost of internet is among the most expensive in the region. Data can cost between K40,000 and K50,000 (US\$55 to US\$70) a month in a home.

“Internet access in Malawi is a luxury that few can afford. In urban areas, people have the advantage of having access to internet cafes and other places where they can access the internet, but it is not available to the masses.”

To date, Malawi has an estimated internet penetration of less than 10 percent of the population⁴. This has doubled, however, since 2012.

In recent years, the government has been setting up ‘tele-centres’ in villages in a bid to improve access to the internet in rural areas. Participants were unsure how many had been established and if they were still functioning. While most of these

³ The survey was conducted by the National Statistics Office and is available online: www.nsomalawi.mw (Access and Usage of ICT services in Malawi 2014). The survey in question has been contentious. The protocol used was not on the 100% basis to determine the most popular compared to the rest of the radio stations. The respondents were merely asked to rate the radio stations and this was not quantified to a 100% base.

⁴ Internet World Stats retrieved at <http://www.internetworldstats.com/africa.htm>

tele-centres used to offer free internet, this ceased once donor funding dried up, and now most offer other simpler services, like photocopying.

The majority of Malawians do not have smart phones with internet access, but even the cheapest mobile phones usually have FM radio.

The daily newspapers are the *Daily Times* and *The Nation*, while weekly publications include the *Malawi News*, *Sunday Times*, *Weekend Nation*, *Nation on Sunday* and *The Globe*. *Pride* Magazine and *Nkwaso* newspaper are bi-monthly, while *The Lamp*, *Together* magazine and *The Investor* magazine are quarterly publications. They are all published in English, except for *Nkwaso*, which is published in Chichewa.

Malawi Broadcasting Corporation (MBC) is the public national broadcaster, and included in its stable are Radio 1, Radio 2 and MBC Television.

Private, commercial radio stations include those owned by the Malawi Institute of Journalism, Zodiak Broadcasting Station, Joy Radio Station, Capital Radio, FM 101 Power, Star FM, Galaxy Radio (new since 2012), Maziko Radio Station (since 2010), Matindi Radio (since 2012), Beyond FM (since 2012) and Dziko FM (since 2012).

Faith-based community radio stations include Radio Alinafe (broadcasting regionally), Radio Maria (broadcasting nationally), Trans World Radio Malawi (national), Radio Tigabane (northern region), Calvary Family Radio (southern region), Living Waters Radio (national), Radio Islam (national), Seventh Day Adventist (national), Channel for all Nations (national), CCAP Blantyre Synod Radio (since 2012), CCAP Nkhoma Synod Radio (since 2012), CCAP Livingstonia Radio (since 2012), Goodnews Broadcasting (since 2012), Ufulu FM, Yonoco FM, Pentecostal Life FM, Angaliba FM, Radio Act and Karonga Diocese (Tuntufye FM).

National Assembly Radio has been granted a licence, but is not yet operational.

There has been a considerable rise in the number of community radio stations in the last four years since 2012. Community radio stations, which are limited to 100km radius, include Nkhotakota Community Radio, Mzimba Community Radio, Dzimwe Community Radio, Mdziwathu Community Radio and Usisya Community Radio. Community radio stations which began operating since 2012 include Chancellor College Radio, Nyathepa Community Radio, Gaka FM, Umoyo FM (Waga), Chirundu FM, Radio Dinosaur, Neno FM, Radio Bembeke, Mzati FM and Nthalire Radio.

Likoma FM, a community radio station, has been granted a broadcasting licence but is not yet operational.

Since 2012, a number of new, privately owned, commercial television stations have emerged, including Zodiac TV, Times TV, Luso Television, Matindi Television,

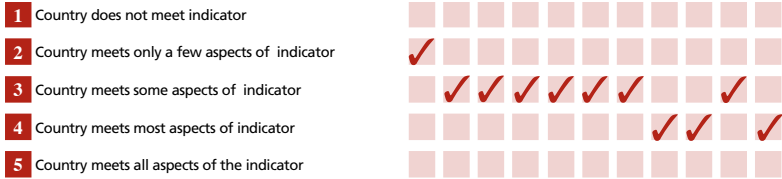
Ufulu Television, Laura Television, and Angaliba Television. The private, national broadcaster AFJ Television has had its licence revoked because it was not meeting some of its licence conditions, while the private regional Joy Television and the private national Tele-Pursuit Television have been granted licences since 2012. Community/faith-based television channels include Television Luntha (national), African Bible College Television, Timveni Television (since 2012) and SDA Television (since 2012).

The faith-based TV station, CAN TV (Assemblies of God, regional), the private national broadcaster Gateway Television, and community TV Chancellor College Television have received broadcasting licences from MACRA, but are not yet operational.

Private, national television stations that have been granted licences since 2012, but which are not yet operational, include Galaxy Television, Pentecostal Life Television, Sunrise Television, Rainbow Television, Television Islam and Independent Television Networks. (Note: information about TV and radio broadcasting stations sourced from MACRA.)

Scores:

Individual scores:



Average score: **3.2 (2012 = 3.6; 2010 = 2.5; 2008 = 3.0 2006 =2.6)**

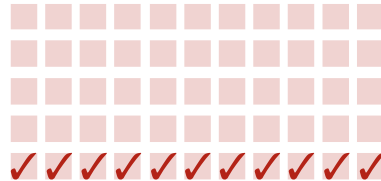
2.2 Citizens’ access to domestic and international media sources is not restricted by state authorities.

There are no restrictions by the state on citizens’ access to domestic or international media sources. Malawi receives BBC, CNN, Russia Today, SkyTV and other international news channels over digital satellite television. South African weekend papers and magazines are also sold in the country.

Scores:

Individual scores:

- 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



Average score:

5.0 (2012 = 4.9; 2010 = 4.6; 2008 = 4.0
2006 = 2.6)

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

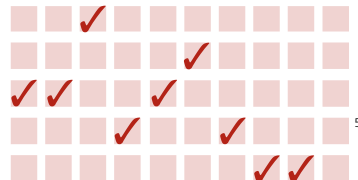
There is no state print media in Malawi, except for Boma Lathu (meaning 'Our Government'), a free government mouthpiece publication that is infrequently published by the Ministry of Information. Boma Lathu, which is published using taxpayers' money, is not considered an "opinion-maker" as it mostly publishes news about government's development projects.

"Boma Lathu is not considered a propaganda publication. The idea of the publication is to inform people, especially those in rural areas, about government developmental programmes."

Scores:

Individual scores:

- 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



Average score:

3.4 (2012 = 1.3; 2010 = 1.4; 2008 = 1.4
2006 = 2.6)

5 A panellist left that he/she could not score due to insufficient information/ research provided to form an opinion.

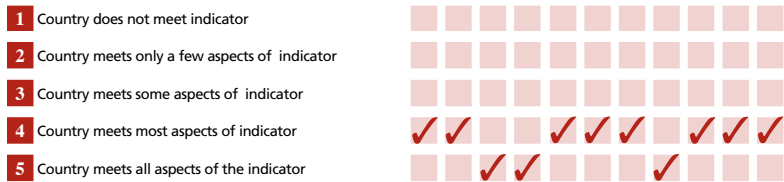
2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

Theoretically, there is no secrecy about media ownership and people can conduct a search into such ownership via the Registrar of Companies. Details regarding the ownership of new television stations, etc., are available via the MACRA website (www.macra.org.mw/).

“Sometimes it is hard to determine the ownership of some bogus newspapers, but in general there is no secrecy in this regard.”

Scores:

Individual scores:



Average score:

4.3 (2012 = n/a; 2010 = n/a; 2008 = n/a; 2006 =n/a)

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

The Competition and Fair Trading Act of 1998 regulates competition in Malawi, but no one appears to have used this legislation to challenge media monopolies in the country.

In recent years, however, the Competition Commission has come in to stop price fixing in the newspaper sector.

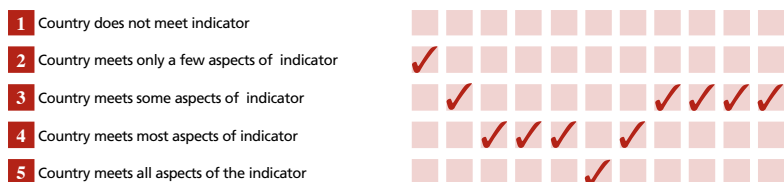
Additionally, when Zodiak applied for a second national television licence, it was informed by MACRA that since it already had one national TV licence, it could only apply for a regional licence.

“This approach is being challenged now by digital technology, which is overriding these laws by making broadcasting stations accessible wherever there is access to the internet.”

The Times Group, which already owns a TV station and a newspaper, is buying a radio station. There has been no known challenge to this acquisition. The Times Group owns the following print and electronic media: *The Daily Times*, *Malawi News*, *The Sunday Times*, *The Business Times*, *Times Online*, *Times Television* and now *Times Radio*.

Scores:

Individual scores:



Average score:

3.5 (2012 = 2.3; 2010 = 3.3; 2008 = 1.7
2006 = 2.1)

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

When Joyce Banda of the People’s Party (PP) came to power in April 2012, she removed the 16.5 percent value added tax (VAT) on newspapers and newsprint as a show of commitment to freedom of information. This tax was reinstated following the inauguration of President Peter Mutharika in May 2014.

The impact of the resulting cost increase means that newspapers have become inaccessible to the majority of the population, as they are too expensive.

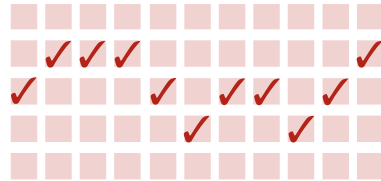
The government has provided community radio stations with some assistance in the form of capacity building and training, and equipment, such as computers, but this assistance is often insufficient or unsustainable.

In general, the government does not assist the print or broadcast media to be economically sustainable or independent, although it is providing an enabling environment through MACRA, as is evident by the granting of a considerable number of commercial and community broadcasting licences.

Scores:

Individual scores:

- 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



Average score:

**2.8 (2012 = 1.6; 2010 = 2.1; 2008 = n/a
2006 = n/a)**

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

While there has been some improvement in the past four years in terms of the representation of women and men’s voices in the media, there is still room for improvement.

“We are seeing an attempt by journalists to seek out different sources and ensure more of a gender balance. But in practice, the media reflects society and the truth is that the leaders in society are mostly men, including in the media, and so most of the prominent sources are men. And while the media is trying to do something to improve the situation, you can only do so much.”

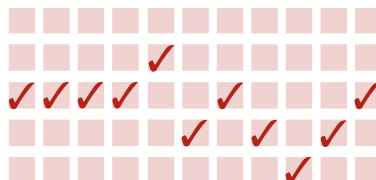
The Media Council of Malawi’s code of conduct states that members must adhere to it and strive for gender balance in their work. Most media houses also have their own policies to guide journalists on issues of gender balance.

“In rural areas, most of the victims of crimes tend to be women, while those in power are men, which gives the impression that women are victims and men are in charge. The media must still learn that women are as capable as men and not to degrade women.”

Scores:

Individual scores:

- 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



Average score:

**3.4 (2012 = 2.7; 2010 = 3.0; 2008 = n/a
2006 = n/a)**

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

In general, there is no discrimination in how the media represents the various voices in society and, specifically, minorities.

The self-regulatory Media Council of Malawi encourages members of the public to approach the council if they have complaints related to the misrepresentation of people, but this rarely happens.

“Some progress is visible in the private and even the public media in opening up with regard to sexual minorities. Even on MBC, where we witnessed this year, for the first time in the history of Malawi, a live debate on gender identity and sexual orientation.”

Linguistically, English is the most dominant language in the public and commercial media landscape, with a smattering of Chichewa. MBC radio broadcasts in some of the other indigenous languages – including Yao, Tumbuka, Tonga, Lomwe and Sena⁶ – but only for the five-minute news broadcasts or some adverts. There are more than 40 local languages in Malawi. Geographical community radio stations broadcast in indigenous languages e.g. Gaka FM broadcasts in Sena as it targets Chikhwawa and Nsanje districts⁷.

“We have seen radio stations capturing the issues of a specific ethnic group, even if it is not in their language... Our radio stations have never been divisive or incited violence.”

In terms of religion, there are now more faith-based religious broadcasters than ever before, across the country. Some of these stations, including Trans World

⁶ Retrieved at <http://mw-nation.com/mbc-private-radios-failing-languages/>

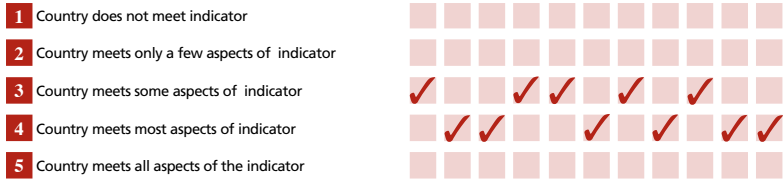
⁷ These are districts in the Southern Region of Malawi.

Radio Malawi (TWR Malawi) and Radio Maria, broadcast some programming in Tumbuka and Yao.

On the disability front, the media has been doing well in capturing the stories of disabled people and representing their views.

Scores:

Individual scores:



Average score: 3.5 (2012 = 3.8; 2010 = 3.2; 2008 = n/a
2006 = n/a)

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

The news on the public broadcaster, MBC, mostly covers politics, targeting the opposition, as well as positive government-related news. The MBC also broadcasts cultural shows, drama, environment and development programmes in the 24 hours a day that they are on air.

“MBC journalists fail to capture other audiences as they scramble over the ministers, although there are incidences of MBC TV, for example, being less sensational and focussing on substantive news and not only propoganda.”

The private media, especially the radio stations, tend to be more neutral and to embrace various aspects of Malawian life in their coverage, than the MBC. MACRA broadcasting licences stipulate certain sectors that must be covered by the broadcasting station concerned. These include development and social and economic issues, for example.

Most of the media do provide balanced coverage. The MISA Malawi Annual Media Awards, handed out each year on World Press Freedom Day, May 3,

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

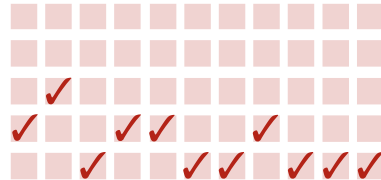
Commercial and community broadcasting licences stipulate the percentage of content that must be of a public interest/developmental nature. Each broadcasting station has to allocate some hours for public interest content. MACRA monitors this performance and if the stations fail to meet the standards and are not compliant with the stipulations of their licences, they are summoned to the regulatory authority.

“The fact that there is a strong monitoring mechanism through MACRA’s regular assessments, and a risk of losing one’s licence, private broadcasters tend to toe the line. Advertisers often want to sponsor a programme which will have a broad public appeal, which helps the broadcasters financially and serves the public interest.”

Scores:

Individual scores:

- 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



Average score:

4.5 (2012 = n/a; 2010 = n/a; 2008 = n/a
2006 = 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.

Malawi has an estimated internet penetration of less than 10 percent population.

Currently, there is a Minister of Information, Communications Technology and Civic Education – a change from 2012, when there was just a Minister of Information. This is indicative of the important role that information and communication technology (ICT) plays in today’s world. ICT/e-government issues were previously lodged with the Office of the President and Cabinet (OPC), but

now that this sector has been extended, ICT issues have been brought under the Ministry of Information.

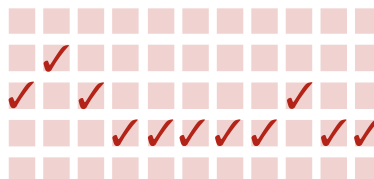
A National ICT for Development Policy was adopted in 2013. The policy was meant to support the E-Transactions Bill, but this Bill, passed in July 2016, has not yet been implemented. The US\$80-million Digital Malawi Project began roll-out in September 2016.

Also in 2013, Malawi adopted a Digital Broadcasting Policy to promote and guide the process of digital migration. The country met the International Telecommunications Union (ITU) deadline of June 2015, and is currently broadcasting on both analogue and digital platforms. To help promote the process of digital migration, the government reduced the price of set-top boxes from K15 000 (US\$21) to K10 000 (US\$14). All local television stations can be viewed digitally. In some outlying, rural areas, the digital signal is problematic. Digital reception is best in the country's cities.

Scores:

Individual scores:

- 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



Average score:

3.5 (2012 = 4.0; 2010 = 3.5; 2008 = n/a
2006 = n/a)

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

There is no evidence that government uses its power over the placement of advertisements as a means to interfere with editorial content. Over the past few years, there have been threats from official sources about the president not reading particular newspapers deemed critical of the state; and former presidential press officer, Gerald Viola, previously threatened to withdraw advertising from The Nation newspaper. He was fired in April 2016, allegedly for saying the president was a "puppet controlled by some aides"⁹.

9 Retrieved at <http://allafrica.com/stories/201511021448.html>

In the current political environment, most of the money that the government spends on various projects comes directly from foreign donors, which means “the circumstances still prevail to make it necessary for the government to advertise in the two private daily newspapers.”

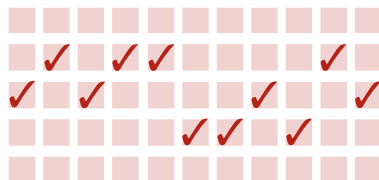
It was also noted that apart from these two daily newspapers, government departments, ministries and parastatals mostly advertise solely with the public broadcaster, MBC, which already receives government funding, instead of distributing this advertising to all media houses.

“This practice discriminates against other media houses. It is an ongoing practice and has been happening through the three presidents (Bakili Muluzi, Bingu wa Mutharika and Joyce Banda) ...”

Scores:

Individual scores:

- 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



Average score:

**2.9 (2012 = 2.0; 2010 = 1.3; 2008 = 4.1
2006 = 3.2)**

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

The advertising market does appear large enough to support a diversity of media outlets in Malawi, although it is not a very strong market due to the current poor economy.

“Those with strong marketing policies do survive. When we thought initially about opening up the new private radio stations, people said the advertising market was too small, but they have survived... There have only been two private daily newspapers in Malawi in the last 10 years and there is a sense that collusion prevents the entry of new players into the market.”

Some participants felt the establishment of the new radio stations was impulsive, as no proper market research was conducted.

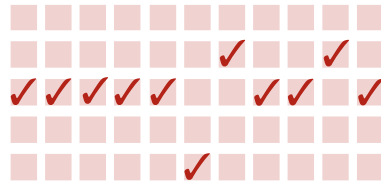
“Most of the radio stations we have now haven’t been around for five years and most are really struggling and probably won’t survive the next 10 years.”

“It is expensive to run a radio station. We came from a very prohibitive and restrictive broadcasting environment to suddenly having many players. Market analysis is important but so is strong management, which many of these new stations lack. They may have had money to buy the equipment to broadcast but it’s questionable whether they have the necessary capacity for good programming and business management.”

Scores:

Individual scores:

- 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



Average score:

**3.0 (2012 = 4.3; 2010 = 2.8; 2008 = 2.3
2006 = 2.2)**

Average score for sector 2:

3.1

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.

Broadcasting in Malawi is regulated by the Communications Act of 1998, which provides for a three-tier system of public, commercial and community broadcasting. Aspects of this act have been reviewed, and were passed in July 2016 by Parliament, but have not yet been signed into law by the president. The review of this legislation began in 2003 and has been a lengthy back-and-forth process. Most of the amendments relate to convergence, technical and governance issues (tenures of board members, etc.) and the changes suggested are largely seen by the media fraternity to be improvements for the sector overall. Other changes relate to the appointment of the boards and management of MACRA and MBC, which now will have to be approved by the Public Appointments Committee (Pac) of Parliament.

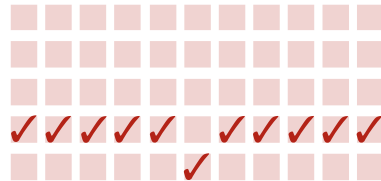
“This sector is so dynamic that the amended act needs to be accommodative enough to last more than two-to-three years.”

Broadcasting legislation as it stands now, with its three-tier approach, creates a rather conducive environment for the sector as a whole.

Scores:

Individual scores:

- 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



Average score:

4.1 (2012 = 3.3; 2009 = 4.8; 2007 = 3.9
2005 = 3.3)

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.

In terms of Section 5 of the Communications Act of 1998, which governs the broadcasting regulatory body, MACRA is supposed to be independent in the performance of its functions. However, in terms of the appointment of its board, the seven members (including the chairperson) are all appointed directly by the nation's president, as per this law. This compromises the body's independence, according to the *Declaration of Principles on Freedom of Expression in Africa*, which states in Section 7(2) "The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party."

"The media is a unique field because information is power and therefore the control of information is critical. This is why the media should not be regulated by the state. It's not the same as the health sector, for example, because the media is a controversial sector."

These board members' posts are not advertised, there is no public consultation or involvement on behalf of Parliament, which the declaration suggests are good practices. Amendments to the Act stipulate that the president will appoint these board members, but that Parliament has the power to approve or reject these appointments. In the existing Act, the Minister of Information is responsible for policy direction at MACRA.

In 2012, when Zodiak Broadcasting applied to renew its licence, as is necessary every seven years, MACRA renewed it, but the Minister of Information threatened to revoke it as the broadcaster was seen to be critical of the government.

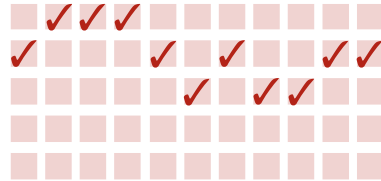
"This seems to be the political line of authority: the president has overall control of MACRA and then his line minister who gives MACRA advice on what to do. This is surely political interference."

"There is indeed a lot of political interference in MACRA's operations. If a board member does not serve the political interests of the state, they are out... Also often the board members are not appointed based on their professional backgrounds, but on their political affiliations. Even now, as we are speaking, only one of the board members at MACRA is a true professional. This is endemic across all government-appointed boards in Malawi."

Scores:

Individual scores:

- 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



Average score:

2.0 (2012 = 1.6; 2010 = 1.7; 2008 = n/a
2006 = n/a)

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

Panellists had mixed feelings about whether MACRA serves in the public interest. Some noted that although the appointment of its Board members is not independent, to a large extent, MACRA does regulate broadcasting services and licences in the public interest.

“The instances we complain about are isolated instances and they happen maybe three times a year, if that. Generally, MACRA conducts its work professionally, especially with regard to the awarding of licences.”

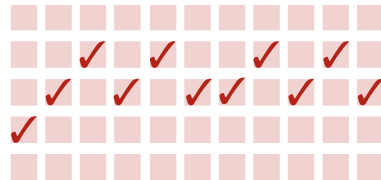
The process of applying for a licence is quite transparent: the licences are advertised, people apply, their applications are reviewed and the applicants are invited to the regulatory authority for a briefing session on the progress made. Radio stations need to submit 100 signatures from people living in the area that has been planned for broadcasting.

However, other panellists felt that MACRA was not necessarily acting in the public interest. In the run-up to national elections, for example, it was never critical of the public broadcaster’s dominant coverage of the ruling party, and the MBC was never reprimanded for its failure to provide more diverse views.

Scores:

Individual scores:

- 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



Average score:

2.7 (2012 = 2.0; 2010 = 2.4; 2008 = 1.7
2006 = 2.8)

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.

The MBC is not seen as accountable to the public. The chairperson of its board, on which the Secretary of State serves as an ex-officio member, is appointed by the president, who also appoints the six other board members in consultation with the Public Appointments Committee, a committee of the National Assembly. The process lacks transparency, as there is no public consultation and no nominations are sought in this regard.

“The public, although it is their radio paid for with their taxpayers’ money, are not in control as the owner. It is owned by the government, especially the executive. The public cannot make full use of it... All the political parties that have been in power have benefitted from the system.”

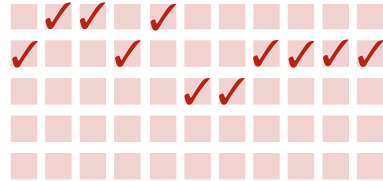
During the last three years, MISA Malawi has lobbied for the transition of the MBC from a state broadcaster to a truly public broadcaster, but as yet, there has been no movement on the ground in this respect.

“The quality of the MBC board members raises more questions than answers. Board members include religious and traditional leaders... Most are there just to rubber-stamp what the government wants.”

Scores:

Individual scores:

- 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



Average score:

**1.9 (2012 = 1.6; 2010 = 2.0; 2008 = 1.2
2006 = 1.3)**

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.

Panellists agreed that there is considerable political interference in the editorial operations of the MBC, regardless of which regime is in power. Until about four years ago, the MBC did not even have an editorial charter. When this was finally drawn up, it was disseminated among members of staff and not shared with the public.

The Communications Act of 1998 implies that the MBC will be independent editorially, but “in practice this has always been problematic”.

MBC staff who are seen as too controversial (i.e. not toeing the government line or seen as being affiliated to the opposition) are victimised by being transferred to the northern part of the country. For example, MBC television journalist Peter Makawa in December 2015 faced disciplinary action for asking President Peter Mutharika a question on gay men who had recently been arrested in Lilongwe. He was placed on ‘relief’ and was threatened with a transfer to the north.

During national elections, the MBC has been clearly biased in its coverage by favouring the ruling party. Mention was made of MACRA calling in the media houses, including MBC, that were deemed to be biased in their 2014 pre-election coverage. The MBC purportedly told MACRA that they had no authority, even though the elections are a national issue that affect everyone.

“News and current affairs programmes tend to tilt towards the political party in power, covering whatever the ruling party is doing, as long as it is positive. The opposition parties barely get any coverage, except when there is a scandal of

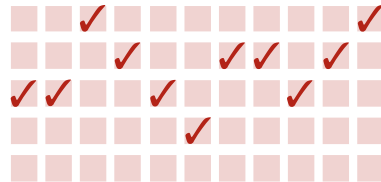
sorts, when they are given extreme amounts of coverage to show them in a really bad light, like now that there is a split in the MCP.”

There is hope that this situation will be remedied with the new Communications Bill, which stipulates that the MBC “shall function without any political bias”.

Scores:

Individual scores:

- 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



Average score:

2.5 (2012 = n/a; 2010 = n/a; 2008 = n/a
2006 = 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.

KBC is funded through government grants, dividends from its stake in Multichoice Malawi, and from advertising. The Auditor General’s report of 2015 pointed out that the broadcaster received KSh 480 million (USD 4.8 million) from their 40% ownership of Multichoice Malawi and KSh1.084 billion (USD10.84 million) grant from the government.

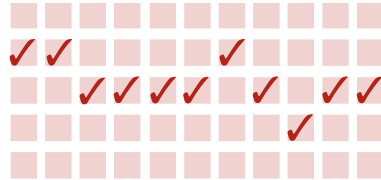
However, this is insufficient, and the broadcaster is currently in huge debt estimated at billions of Malawi shillings, and suffers from both political and commercial pressure leading to editorial interference.

Due to the political appointment of its board, the station suffers from management gaps as most of the board and senior staff lack the requisite skills to manage the media station. There have been mismanagement claims, which have also affected the financial situation of the station.

Scores:

Individual scores:

- 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



Average score:

2.7 (2012 = 2.3; 2010 = 2.4; 2008 = n/a
2006 = n/a)

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

MBC offers a reasonable amount of diversity in its programming, including programmes on environmental issues, business, sport and entertainment. However, the quality of this programming is questionable.

“Some of the content on MBC is not even edited and it is just plain embarrassing. It’s not obscene but it is definitely not good.”

What is missing from MBC’s offerings are “real Malawian” children’s programmes.

“MBC uses children’s shows from other countries, like cartoons, and often the content is just not relevant. It is just filling space and does not fit in with Malawian cultural life.”

Some panellists felt the MBC tried its best to cover the entire country by having studios in each of the three regions.

“The MBC also has listening clubs, the members of which are provided with recorders, so they do try to capture what is important to the people on the ground.”

This is provided for under the concept of “Development through Radio” and is used under a separate unit called the “Development Broadcasting Unit”. Originally, it started as a project under the model of “Radio for Development”.

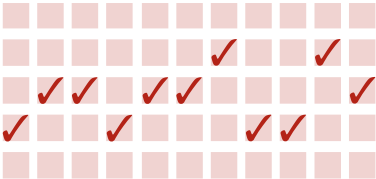
The MBC also provides a platform for people with hearing disabilities, and MBC TV news has sign language interpreters.

MBC lacks the capacity to do much local programming, although during prime time, a reported 90 percent of the programmes are local, including the news, talk shows and music. From 8pm to the morning, the programming is mostly made up of international content: news (BBC and CCTV), movies and South African 'soaps' (*Generations*, *Muvhango* etc).

Scores:

Individual scores:

- 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

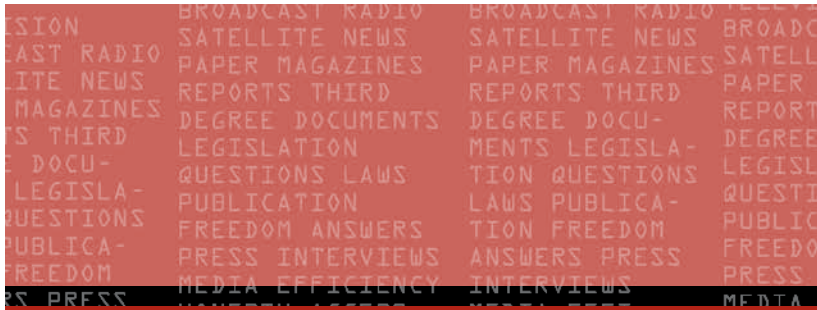


Average score:

3.2 (2012 = n/a; 2010 = n/a; 2008 = n/a
2006 = n/a)

Average score for sector 3:

2.7



SECTOR 4:

The media practise high levels of professional standards.



The media practise high levels of professional standards.

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

In recent years, the standards of reporting in Malawi, with regards to fairness and accuracy, have improved, particularly in the print media.

“The Times and Zodiak [radio station] are doing especially well and try hard to provide high-quality reports. They are the veterans in the industry. The print media has definitely matured and we are not seeing the number of media-related court cases that we used to have. They are generally presenting issues in a balanced way and are making sure their stories are factual.”

“The print media is generally publishing well-researched and accurate articles. Only once in a while do you read about a retraction, and generally there are no quarrels with the print media... Some reporters are excellent and can really engage their audience.”

Some print publications, even “reputable” ones, have gossipy stories which are not based on evidence, and which invade the private lives of public figures; but generally these are few and far between. This tendency to sensationalise stories, prompted by the desire to generate as much revenue as possible, flies in the face of more ethical, public interest reporting.

“All media houses are in competition with social media and this results in a race to be the first to break the story, meaning that sometimes reporting standards drop and a story goes on air or is published without the facts being thoroughly verified.”

“There is also a tendency among print publications to report ‘fashionable’ and biased viewpoints... Some reporters seem to have already made up their minds about certain people or issues, and are not being objective.”

The quality of reporting on some of the private radio stations, however, is not considered up to standard.

“These private radio stations are a challenge and one wonders what news college their staff went to, if any at all. They use slang and are grammatically incorrect to the point of not making any sense and there is a lack of seriousness in bringing out the issues.”

Resources are known to be limited in most Malawian media houses, which don't make much money. This results in management employing junior, inexperienced and incompetent people, thus leading to lower standards of reporting.

"Even journalists who have been trained have mostly very basic training and they are not trained adequately with regard to areas of specialisation. Today almost every church has its own radio station...and these don't provide much journalism information, but just meet the requirements of their faithful. Online publications are particularly biased."

The MBC is also a point of concern, with mention made of a lack of seriousness in the newsroom. "Sometimes the newsreaders are even giggling on air and chatting. This is not acceptable... They are also very biased and generally report in favour of the government of the day."

There is also a need for more 'development journalism'. While the UN's Sustainable Development Goals (SDGs) are reported on, most of the messages advocate for just that, without digging deeper into the issues.

"We need journalism that will build up our country and not break it down, otherwise people just become discouraged and Malawi is seen only in a negative, poor light."

Economics journalism has improved, although there are still instances of reporters covering a story or interviewing people without having done any research beforehand, resulting in a final product that is shallow and lacking in context. Panellists felt that many journalists in Malawi don't have basic journalism training and research skills, resulting in substandard reporting.

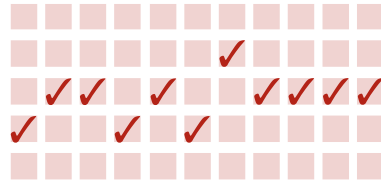
"Something that is lacking in Malawian journalism is specialisation. If journalists are not conversant with a thematic field, they tend to report incorrectly on issues, meaning that people become misinformed."

There is also an overreliance among journalists on experts, elite sources, and 'event-driven' reporting.

Scores:

Individual scores:

- 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



Average score:

3.2 (2012 = 3.6; 2010 = 2.9; 2008 = 4.2
2006 = 3.0)

4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public.

The Media Council of Malawi (MCM), an independent self-regulatory body, has a code of ethics to which its members subscribe. As a voluntary organisation, MCM membership is open to all media houses (print and electronic) and institutions, journalists' training institutions, professional journalists' associations and press clubs. The MCM is mandated to represent all media in Malawi in terms of ethics, and its code of ethics booklet is distributed free to anyone.

The number of complaints the MCM has received over the last five years has dropped considerably, a possible indication that the media sector is maturing and becoming more professional. In 2012, the MCM received 11 complaints; 10 in 2013; eight in 2014; four in 2015; and only one, to date, in 2016.

In the past four years, the media council has conducted an awareness campaign to inform the public that they can bring complaints that are related to misrepresentation or unprofessional behaviour in the media to the MCM, before they resort to taking the court route. Complainants receive advice from the MCM, in accordance with the code of ethics and standards of practice. While all radio stations routinely broadcast announcements saying that listeners can direct complaints about broadcast content to MACRA, some panellists felt that the existence and functions of the MCM were not being promoted widely enough.

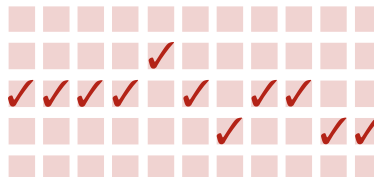
"If someone is in the wrong, we will advise accordingly on the best course of action. The media council cannot stipulate fines but we can demand the publication of an apology. It is a challenge for the MCM to ensure that all media houses and journalists in Malawi are compliant with the code of ethics and that it is effective."

Media houses also tend to be affiliated to particular political parties, which is an unethical practice.

Scores:

Individual scores:

- 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



Average score:

3.2 (2012 = 4.3; 2010 = 4.2; 2008 = 4.2
2006 = 3.0)

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

In the past four years, there has been a slight improvement in salaries at some media houses.

The Nation has the highest journalists' salaries in Malawi, with benefits of a car allowance, medical insurance and pension. In 2015, an entry level journalist at *The Nation* received K150,000 (about US\$200).

Zodiak is the second-highest paying media employer, with entry level journalists receiving K100,000 (about US\$140) a month and interns earning K50-60,000 (about US\$70-85). These salaries include medical insurance, housing and other benefits.

Times TV follows in third place, with MBC coming in fourth, despite not having had any salary increases for the past two to three years. The public broadcaster was in first place in 2012.

However, despite the apparent increase in salaries, the devaluation of the Kwacha in 2012 has in actual fact resulted in most people taking severe pay cuts. "I have lost half to two-thirds of my salary in the last four years due to devaluation."

Journalists at private radio stations are among those who earn the least in Malawi's media sector, but those working for community radio stations are likely the worst paid, with entry level journalists earning just K40,000 (about US\$55) a month.

In terms of safety, women journalists do face challenging situations, especially when it comes to investigative reporting.

“Media houses do not offer insurance to ensure journalists’ safety. At the end of the day, you are on your own. Your employer might assist after an event, but there is no guarantee in black-and-white.”

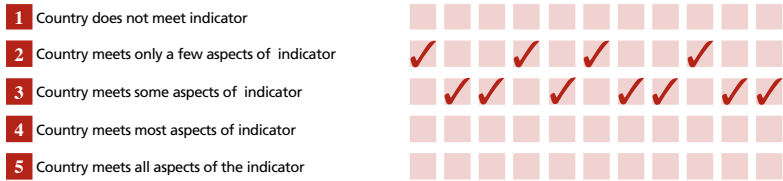
Most media houses provide compensation, in line with the Workers’ Compensation Act, for any suffering, arrest or injury that occurs while journalists are carrying out their duties.

There is no association of freelance journalists, and pay for freelancers is determined by each media house. Freelance journalists in Malawi often work for foreign news agencies, such as Reuters, and are paid a monthly retainer as well as an amount for each story used.

“Some freelancers work for specific media houses, but probably don’t get paid very much, if anything, and have no protection or benefits. A freelancer may earn between K1000-1800 for a story.”

Scores:

Individual scores:



Average score: 2.6 (2012 = 3.1; 2010 = 1.9; 2008 = n/a; 2006 = n/a)

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

Private print journalists tend to belong to the labour union, the Journalist Union of Malawi (JUMA), while private broadcast staff are more often associated with the Communication Workers’ Union, which is more representative of electronic media workers.

JUMA looks after the welfare of journalists in Malawi, but is currently considered to be only partially effective, although it has offices and holds Annual General Meetings (AGMs). Further, its small size prevents it from qualifying as a fully-fledged union.

“To qualify as a union, you have to have a certain threshold (number of members) so JUMA is struggling in this regard.”

JUMA has, however, been successful in initiating salary increases at various media houses in the last few years.

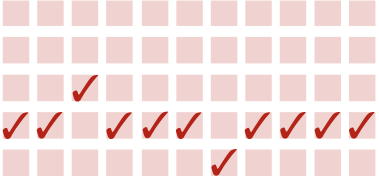
Members of these two unions are generally not victimised by their employers as a result of their union affiliation.

There are also various journalist associations grouped around particular topics or groups, including HIV and AIDS, business, environment, media owners, editors and faith-based media.

Scores:

Individual scores:

- 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



Average score: **4.0 (2012 = 3.9; 2010 = 3.8; 2008 = 4.2
2006 = 3.7)**

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

As mentioned previously, there is a culture in Malawi of journalists only being willing to attend a media event and cover an issue if they know they will receive an allowance for food or transport.

Some media houses insist on paying allowances to their journalists for food and transport so they can cover a story on merit, rather than be beholden to sources. Zodiak pays allowances to journalists to cover idea-driven stories, while the private broadcaster does expect its reporters to get food and transport allowances from

sources of event-driven reports, particularly if the journalist is expected to travel far away from the office.

For civil society organisations, this is a grey area. “The media is critical for us in terms of playing a role in the advocacy of a human rights issue, for example. So we need to ensure our press conferences and other events are covered. Also, our finance department wants to see proof that we have engaged with the media, and they budget for these kinds of allowances.”

“Most journalists will not ask outright for money to cover a story, but MBC, for example, may say they are unable to attend our event because they don’t have transport. So you sometimes have to pay journalists if you want coverage. If you want to engage with a politician, for example, it’s the same: you buy them dinner. It’s one of the principles of lobbying and advocacy, but because the amounts are not significant, it’s not considered to be corruption.”

The problem with lack of integrity among journalists appears to be more of a problem among the smaller, mushrooming media, as these journalists are apparently the ones who are demanding ‘brown envelopes’. A panellist noted that the MCM should come in and deal with this situation.

“The majority of our journalists will only cover an event if there is a going to be an allowance, even if they are getting a salary at the end of the month. If you don’t provide an allowance, you will get a media ‘blackout’ and your issue won’t be covered. Politicians and donor organisations contribute to this situation by providing subsistence allowances for journalists to cover events. For me, this is a violation of the very existence of the media council and a contributing factor to poor professional standards.”

The ‘brown envelopes’ that journalists have been known to receive from State House contain significantly larger amounts of cash, as much as K50,000. “It’s these kinds of ‘allowances’ that are seen as forms of inducement. But it is a very fine line... a very grey area.”

The United Nations Development Programme (UNDP) provides allowances of about K2,500 (about US\$5) per journalist, while the Millennium Challenge Account (MCA) provides K10,000 (about US\$15).

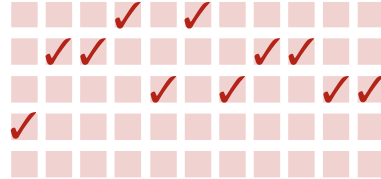
“There needs to be a thorough analysis for standardisation of approach on this issue. We’re not saying journalists are corrupt... but if we say we won’t provide media allowances, then it will be very difficult to get journalists to attend a function.”

The MCM promotes the code of ethics and, pay or no pay, if a story merits publication, then it must be published. “But nobody can eat ethics... and politicians are culprits in this regard because their budgets support such initiatives to give journalists cash.”

Scores:

Individual scores:

- 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



Average score:

**2.4 (2012 = 2.9; 2010 = 2.0; 2008 = 1.9
2006 = 2.3)**

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

Various media programmes are offered through the University of Malawi, as well as a number of private institutions and technical colleges, which offer training that is mostly certified by international bodies. In addition, a number of domestic, indigenous institutions, such as Blantyre International University, have developed media curricula that are recognized by the National Council for Education.

There has been an improvement in the number of training facilities that offer media studies courses in Malawi. These include:

1. The University of Malawi:
 - a) The Polytechnic: (Bachelor of Arts in Journalism, Diploma in Journalism, Bachelor of Arts in Business Communication and Master of Arts in Behaviour Change Communication)
 - b) Chancellor College (Bachelor of Arts in Communication and Cultural studies)
2. Blantyre International University (Bachelor of Arts in Journalism)
3. Malawi Institute of Journalism (Diploma in Journalism, Certificate in Journalism and Diploma in Mass Communication)
4. Soche Technical College (Diploma and Certificate in Journalism examined by Association of Business Managers and Administrators of UK)
5. African Bible College (Bachelor of Arts in Mass Communication)
6. Share World University (Bachelor of Arts in Mass Communication)
7. Exploits University (Bachelor of Arts in Mass Communication)
8. Karonga Polytechnic (Bachelor of Arts in Communication examined by UNISA)

There are also various organisations that offer project-based training to journalists on particular topics such as fistula, sexual minorities, the environment, human rights, elections and management.

Some media houses, such as Zodiak, offer opportunities to their journalists to upgrade their existing qualifications, for example from a diploma to a degree. Additionally, in-house training takes place on an ad hoc basis as a result of partnerships between media houses and international trainers.

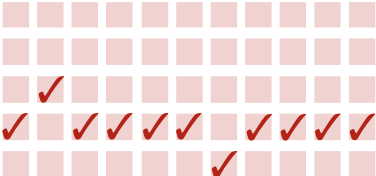
The Polytechnic, which offers a Bachelor of Arts degree in Business Communication, recently introduced weekend and evening classes.

“One problem with media training is the entry criteria. The University of Malawi insists in six credits, including English and Math, but many would-be journalists don’t like Math, so these criteria can be restrictive.”

Scores:

Individual scores:

- 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



Average score:

**4.0 (2012 = 4.4; 2010 = 3.6; 2008 = 3.9
2006 = 4.3)**

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

Panellists felt that there was some discrimination in media houses against disabled people, as well as non-black races and sexual minorities.

“Disabled people generally do not get employed in the media, including on MBC. The Polytech has to include people with disabilities but then the training facilities don’t cater for people with disabilities, especially not for people who are visually impaired.”

“I’ve never seen a Malawi Indian working as a journalist. Race is an issue in Malawi, not just in the media sector but across most professions in Malawi. It’s

not about the opportunities being open to different races but about other social and economic factors, which means that non-black people might not be oriented towards certain employment sectors.”

“The composition of our newsrooms is really a reflection of society in general. The education system is like this too. You go to a certain type of school based on your colour. Indians go to private schools. Black Malawians go to public schools. Even in our national soccer team, there are no Indian Malawians.”

Faith-based media houses are also seen to be discriminatory towards people from other religions, employing only those practising their own religion.

It appears that deliberate efforts need to be made in Malawi to include all people in the media sector. A positive development is that the Polytechnic, in collaboration with the Centre for the Development of People (CEDEP) and an international organisation, has created a training manual for journalists on sexual minorities.

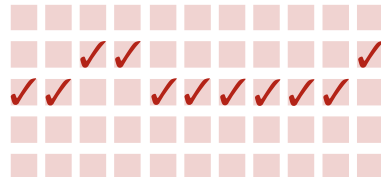
“One problem is that even when journalists come to cover CEDEP events, they are labelled by members of the public as being homosexual themselves, which discourages them to attend in future.”

Another positive move towards improving diversity in the newsroom is Zodiak's gender policy.

Scores:

Individual scores:

- 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



Average score:

**2.7 (2012 = 2.9; 2010 = 3.4; 2008 = n/a
2006 = n/a)**

Average score for sector 4:

3.1

The way forward

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

Positive

- Increase in the number of television and radio stations.
- Increased competition is helping to improve the standards of the media in general.
- Positive media legislation and policy: The Communication Bill has been passed. The adoption of the ICT policy in 2013 and the Access to Information (ATI) policy in 2014. Malawi met the June 2017 deadline for digital migration. The ATI Bill may now get Cabinet's attention as it has already been to Parliament. The E-transactions Bill amendment (revised) has been passed by Parliament.
- For the first time in 2016, the media could cover court proceedings live.
- The National Council for Higher Education has been established to accommodate media training.
- Reduction of the number of cases of journalists being arrested in the course of their duties and a general reduction in media harassment from government.
- The launch of presidential debates in 2014.
- The passing of the Gender Equality Act, which imposes quotas in government departments and training institutions.
- The whole process of digital migration challenged the sector to be more creative.

Negative

- Journalists' salaries being hit hard by the devaluation of the Kwacha.
- The removal of the waiver on media-related taxes and the introduction of VAT on imported broadcasting equipment and newsprint.

- The arrests of ordinary citizens, who are being harassed by the state simply for expressing their views. Some have been charged with sedition for their online comments in the social media space.
- The reversal of efforts to transform the state broadcaster into a true public service broadcaster.
- The poor economy, which is affecting salaries of media workers, and the entire media sector.
- The president is not easily accessible to the private media.
- The level cross-ownership within the media sector has dangerous potential.

2. What kinds of activities are needed over the next 3-4 years?

- The implementation of ATI legislation. MISA Malawi, the Polytechnic and civil society organisations are working together to ensure that the ATI bill is enacted and implemented.
- The implementation of the new Communications Act should be evaluated and monitored by MISA Malawi. This should incorporate the transformation of the state broadcaster into a truly public broadcaster – a move supported by the majority of staff at the MBC, who want to see it develop into a more professional media body. Civic society should adopt this transformation as an election issue.
- The repeal of insult laws. Advocacy to be done by MISA Malawi and the Malawi Law Society.
- The Media Council of Malawi (MCM) needs to become more accessible and visible, and become a forum that tackles unethical behaviour. MCM and MISA Malawi should tackle this together. Further, the MCM's code of ethics should be translated into Chichewa to broaden its access to ordinary Malawians, and it should be well distributed.
- MCM, with assistance from the university, must establish a research centre to investigate issues that are affecting the media.

The panel discussion took place at Blue Waters Hotel, Salima, Malawi on 10-11th September 2016.

Panellists:

Media:

1. Dr Francis Chikunkhuzeni – Media Trainer
2. Anderson Fumulani – Media and Communication Specialist
3. Edward Kuwacha – Community Broadcaster
4. Vales Machila – Media Specialist
5. Teresa Ndanga – Private Radio Broadcaster

Civil Society:

1. Clemence Alfazema – Governance Analyst
2. Margaret Ali – Children’s Rights Campaigner
3. Martha Kwataine – Health Rights Advocate
4. Grace Malera – Human Rights Activist
5. Mandala Mambulasa – Attorney
6. Gift Trapence – Human Rights Activist

Rapporteur:

Sarah Taylor

Moderator:

Sarah Chiumbu

MISA Malawi Office

Peponi Plaza, 1st Floor, D2
Onions Complex
Off Chilambula Road Area 4
Lilongwe 3
Malawi
Tel: (+265) 1 758090
Email: misama@globemw.net

Friedrich-Ebert-Stiftung (FES)

fesmedia Africa
Windhoek
Namibia
Tel: +264 61 417500
Fax: +264 61 237441
E-mail: info@fesmedia.org
www.fesmedia-africa.org

MISA Regional Secretariat

Private Bag 13386
Windhoek, Namibia
Tel: +264 61 232975
Fax: +264 61 248016
www.misa.org

