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FREEDOM OF THE PRESS

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Press freedom in Zimbabwe remained restricted in 2012, as promised reforms to liberalize the legal and regulatory environment after years of authoritarian abuse were stalled by President Robert Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) party, which was entrenched in the executive branch and continued to exercise control over the nominally inclusive government of national unity formed in 2009. Legal harassment and attempts to extend regulatory controls over journalists, particularly those who work for the few independent print media outlets, were still primary concerns. Nevertheless, positive changes during the year included a decline in physical attacks and a modest increase in media diversity and viewpoints as a result of new private radio stations.

Despite constitutional provisions for freedom of expression, a draconian legal framework continues to inhibit the activities of journalists and media outlets. The 2002 Access to Information and Protection of Privacy Act (AIPPA) requires all journalists and media companies to register and gives the information minister sweeping powers to decide which publications can operate legally and who is able to work as a journalist. Unlicensed journalists can face criminal charges and a sentence of up to two years in prison. In addition, the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor their content to prevent a “serious offense” or a “threat to national security.”

Authorities continued to exploit these laws to harass and punish journalists in 2012. Criminal defamation charges filed in July 2011 against Nevanji Madanhire, editor of the weekly *Standard*, and two other staff members at the paper remained in limbo throughout 2012, pending a Supreme Court decision on the case. Meanwhile, a number of politicians from all parties and other prominent figures continued to file defamation cases against journalists, under either the criminal code or civil laws, demanding exorbitant amounts in damages. Although many cases are dismissed by the courts, charges can remain pending for months, leading to hardships for the journalists involved.

In a positive development, the draft constitution currently under consideration contains explicit provisions for media freedom and access to information, as well as source protection, but it had not been adopted by year's end. Other proposed legislation to reform the media sector was criticized by local stakeholders as an insufficient improvement on the extremely restrictive legal framework currently in place.

The new Zimbabwe Media Commission (ZMC), mandated in 2008 as part of the power-sharing Global Political Agreement (GPA) between ZANU-PF and the two factions of the opposition Movement for Democratic Change (MDC), is tasked with regulating the licensing of publications and journalists. It was finally formed in February 2010 and proceeded to license five new publications in May of that year, including several independent dailies. In September 2012, the ZMC announced the creation of the 13-member Zimbabwe Media Council as provided for under AIPPA. The council is to develop codes of conduct for print media and has the power to impose punishments on media houses that transgress the codes. Meanwhile, the independent Voluntary Media Council of Zimbabwe (VMCZ), a self-regulatory body covering all types of media that is supported by a majority of print outlets, continued to develop its scope of activities, hearing several dozen formal complaints throughout the year and adjudicating a number of other disputes regarding media content. The potential for competition between these dual regulatory frameworks raised concern among local analysts.

Broadcasting licenses have been consistently denied to independent and community radio stations, despite the fact that liberalization of the airwaves was also mandated by the GPA. Critics allege that the board of the Broadcasting Authority of Zimbabwe (BAZ), which is responsible for granting radio and television licenses, was illegally appointed in 2009 by the information minister and stacked with ZANU-PF loyalists. Calls for the BAZ to be reconstituted had not been resolved by the end of 2012. Meanwhile, after issuing an invitation for

radio license applications and receiving 15 submissions, the BAZ awarded two national commercial licenses to companies aligned with the ruling party in November 2011, in a process that was deemed opaque and politically biased. The decision faced a legal challenge in 2012 by two of the rejected applicants.

Journalists faced verbal intimidation, physical attacks, arbitrary arrest and detention, interception of communications, and financial pressure at the hands of the police, government officials, and supporters of ZANU-PF during the year. Many were harassed while attempting to cover news events or sensitive political issues such as the constitutional reform process, parliamentary hearings, or abuses at diamond mines. In March 2012, four journalists were arrested in Mutare while attempting to cover a story on local pollution, and in October, the editor of the *Daily News* and his deputy were temporarily detained after publishing a story concerning a prominent businessman. Media offices were also targeted during the year. The offices of Afromedia, a Harare-based news production company, were raided by police in September; at least 10 staff members were temporarily detained, and equipment was confiscated. Professional and media-monitoring organizations such as the Zimbabwe Union of Journalists, the Media Monitoring Project of Zimbabwe (MMPZ), and the local chapter of the Media Institute of Southern Africa (MISA) are also subject to official harassment. Legal charges that were filed against three MMPZ employees in December 2011, stemming from their distribution of DVDs, were reduced in January 2012.

Faced with legal restrictions as well as the threat of extralegal intimidation, many journalists practice extensive self-censorship, particularly regarding stories on corruption or factional fighting within ZANU-PF. During the past decade, dozens of Zimbabwean journalists have fled the country, mostly to South Africa and Britain. According to the Committee to Protect Journalists, Zimbabwe has one of the largest numbers of exiled journalists in the world.

Foreign journalists can encounter restrictions on residing full-time in the country and are sometimes denied visas to file stories from Zimbabwe. Locally based correspondents for foreign publications have also been refused accreditation or threatened with lawsuits and deportation. Steep accreditation fees introduced in January 2011 for foreign media bureaus and their local correspondents remain in place. In April 2012, police detained and then deported freelance photojournalist Robin Hammond after he tried to cover the issue of Zimbabwean migration to South Africa.

The government, through the Mass Media Trust holding company, controls the two main daily newspapers, the *Chronicle* and the *Herald*, whose propagandistic coverage favors Mugabe and ZANU-PF. The private Alpha Media Holdings group publishes a number of the country's independent papers, including *NewsDay*, the *Standard*, and the *Zimbabwe Independent*. The *Daily News*, published by Associated Newspapers of Zimbabwe, resumed operations in 2011 after being shuttered in 2003 and is generally aligned with MDC viewpoints. The *Zimbabwean* is produced in South Africa for the Zimbabwean market, and some foreign newspapers, most of them also from South Africa, are available. However, in early 2012, the ZMC issued a directive banning distribution of unregistered foreign newspapers.

Newspapers typically have poor distribution networks outside urban areas, and they have been buffeted by soaring prices for newsprint in recent years. Vendors and distributors of independent newspapers are occasionally harassed by soldiers or ruling party supporters. In March 2012, the *Daily News* was "banned" from circulating in parts of Mashonaland East Province. According to MISA's African Media Barometer, state-run companies do not advertise in private papers, and state-run media outlets do not accept advertising from companies thought to be aligned with the opposition. Owing to poor economic conditions and salaries that do not keep pace with inflation, journalistic corruption and cash incentives for coverage have become rampant.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs the vast majority of broadcast media, which are subject to overt political interference and censorship. ZBC coverage, particularly before and during elections, overwhelmingly favors ZANU-PF. During 2012, two new privately run radio stations, Star FM and ZiFM, commenced operation. Despite concerns over their owners' close ties with ZANU-PF, local analysts noted that the stations' news and talk-radio content initially presented a diversity of views. The Broadcasting Services Act bans foreign funding and investment in this capital-intensive sector, making it very difficult for private players to enter the market. Radio broadcasts are currently the predominant source of information in rural areas. However, access to broadcast media in these districts is hampered by deteriorating equipment and a lack of transmission sites, although the government has reached an agreement with China to help upgrade transmission infrastructure. Official attempts to broadly jam the signals of popular foreign-based radio stations that broadcast into Zimbabwe—including SW Radio Africa, a station run by exiled Zimbabwean journalists in London; the Voice of America's Studio 7 service; and the Voice of the People—have decreased in recent years, although local authorities have on occasion raided homes in rural areas and confiscated the shortwave radios used to access these broadcasts. Satellite television services that provide

international and regional news programming remain largely uncensored and are being accessed by a rapidly growing share of the population thanks to new technology such as free-to-air decoders. It is estimated that approximately 60 percent of the population now have satellite dishes.

Access to the internet is limited by the high costs at internet cafés and service disruptions caused by frequent power outages. Nonetheless, Zimbabwe has a relatively high rate of internet penetration for Africa, at 17 percent of the population in 2012. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are popular among those with internet access, and diaspora media also distribute news and information via mobile-telephone text messaging.