

SWAZILAND 2005

MEDIA BAROMETER SWAZILAND

Report on the Media Barometer Workshop Held at Orion Hotel, Pigg's Peak: 3 – 4 September 2005.

Sector 1: Freedom of expression, including freedom of the media, are effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.

ANALYSIS:

Swaziland is currently governed without a constitution. A Westminster style constitution with a bill of rights that was introduced at independence in 1968 was suspended by King Sobuza II's Proclamation to the Nation in 1973, which also banned political activities and declared a state of emergency. The new constitution signed into law by King Mswati III on 26 July 2005 will only come into effect in January 2006. Freedom of expression is enshrined under section 24 of the new basic law but "very broad" limitations allow for restrictions.

Current legislation neither guarantees nor protects freedom of expression. A recent audit of restrictive media laws (done by MISA-Swaziland) identified 32 pieces of legislation that restrict / inhibit media freedom and freedom of expression. Among these, the 1973 Proclamation seriously inhibits freedom of expression, and therefore freedom of the media. This law bans the media from publishing material whose content is of a political nature or appears to be furthering the cause of banned political parties.

The Official Secrets Act has a restrictive effect on freedom of speech and expression in regard to matters of a political nature in that the media will not have access to information in the hands of the government. The Proscribed Publications Act of 1968, enacted directly to restrict the content of media publications, empowers the Minister of Information to declare by notice in the government gazette that any publication or series of publications "prejudicial or potentially prejudicial to the interests of defence, public safety, public morality or public health" be banned. The Sedition and Subversive Activities Act, 1968 criminalizes the publication or the making of oral statements that:

- bring into hatred and contempt, or to execute disaffection against the person of His Majesty the King, his heirs, or successors in title;
- incite His Majesty's subjects, or inhabitants of Swaziland to attempt to procure otherwise than by lawful means, any matter in Swaziland as by law established;
- raise discontent or disaffection amongst His Majesty's subjects and inhabitants of Swaziland;
- promote feelings of ill-will and hostility between different classes of the population of Swaziland.

Customary law also inhibits freedom of expression. For instance, male journalists are culturally not permitted to interview the King's wives. On the other hand, women cannot speak in public gatherings without obeying certain culturally prescribed forms of behaviour such as kneeling and wearing of head-scarves.

SCORES:

Individual scores: 1, 2, 2, 1, 1, 2, 1, 2

Average score: **1.5**

1.2 The right to freedom of expression is enforced and citizens, including journalists, are not prejudiced when using this right.

ANALYSIS:

Swaziland is run on a dual system of governance: a one-party adaptation of Western-style parliamentary structures on the one hand, and a powerful traditional system of governance on the other. Conflict between the two systems is unavoidable and impacts heavily on freedom of expression. While the media may seem to be operating freely, journalists practice self-censorship due to a pervasive atmosphere of intimidation, state unpredictability and constant fear. Such fear is induced through intimidation and veiled threats, in the name of the King or by certain cultural values. For example, the culture of 'respect' for elders influences journalists not to question those in authority (or elders) and thus limits the way in which the media communicates certain information that may be perceived as offensive to the authorities. It is also not uncommon for foreign media owners to be threatened with withdrawal of their residence permits or licenses whenever their media houses are perceived to be too critical in their reporting. Such threats do not always come from official sources.

The authorities, both in government and in traditional structures, also use many other forms of pressure to further limit media freedom. Though such pressure is not exerted on a story-by-story basis, editors have in the past been harassed and summoned by traditional authorities, sometimes to the royal residence, for tongue-lashings and warnings following publication of stories deemed too critical by the authorities ("The King is not happy, you know.").

Information is heavily censored in the state media, particularly broadcast. When a caller to a radio talk show touches on a sensitive issue, he or she is immediately taken off air. Some sectors of society such as trade unions and political formations are officially barred

from appearing on state radio - the Swaziland Broadcasting and Information Services (SBIS).

For ordinary citizens, the King's Proclamation to the Nation of 1973 seriously inhibits freedom of expression. In terms of the Proclamation opposition political parties remain banned and all forms of political expression such as protest rallies or meetings remain prohibited. Offenders risk being arrested and thrown into jail. The Public Order Act of 1963 also prohibits gatherings and processions of a political nature without the prior authorization of a police officer in charge of the district in which the meeting or procession is to take place. Offenders risk being arrested and put into jail.

Generally, freedom of expression is not seen as a right but as a privilege that can be taken away.

SCORES:

Individual scores: 1, 2, 2, 2, 1, 3, 1, 1

Average score: **1.6**

1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

ANALYSIS:

There are as many as 32 different restrictive pieces of legislation that severely curtail freedom of expression and media practice (see 1.1). Some of these laws have been in existence since 1935. The Proscribed Publications Act of 1968 empowers the Minister for Information to ban any publication or series of publications deemed to be prejudicial or potentially prejudicial to the interests of defence, public safety, public morality or public health. The Official Secrets Act of 1963 has a restrictive effect on freedom of speech and expression as regards matters of a political nature in that the media will not have easy access to information in the hands of the government. The Books and Newspapers Act, 1963 provides for the payment of a 15 000 Emalangeni [E equals the South African rand] bond to the Registrar of Books and Newspapers as a pre-requisite for the operation of a print media house. Aspiring media owners, particularly local Swazi media practitioners, wishing to establish their own media businesses find this amount prohibitive.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 2, 1, 1

Average score: **1.3**

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

ANALYSIS:

There are no legal restrictions for those wishing to enter or practice the journalistic

profession. An attempt by government to introduce compulsory registration through a statutory Media Council by way of an imposed Media Council Bill in 1997 was thrown out by Parliament.

SCORES:

Individual scores: 5, 5, 5, 5, 3, 5, 5, 5, 5, 5

Average score: **4.7**

1.5 Protection of confidential sources of information is guaranteed by law.

ANALYSIS:

Swaziland has no law that protects confidential sources of information (or whistleblowers). This undermines mutual confidence between journalists and their sources and thus freedom of expression because sources are reluctant to disclose information for fear of being named. In a recent litigation case a journalist was forced by a court of law to disclose the source of a story cited in a defamation case. In the absence of a law protecting confidential sources, such protection remains an ethical rather than a legal issue.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

1.6 Public information is easily accessible, guaranteed by law, to all citizens, including journalists.

ANALYSIS:

There is no freedom of information legislation in Swaziland. Where information is requested from public institutions including government departments there are stringent screening conditions and bureaucratic barriers to be overcome. Due to the lack of clear procedures for obtaining information of public interest and the reluctance of public officials to release information, the media has resorted to the use of 'whistle blowers' and other covert means to obtain information.

The Official Secrets Act, 1963 prohibits access to government secrets. Access to such information is not seen as a right but as a privilege. Unorthodox means of information gathering put journalists in danger of violating the law – an impediment to investigative journalism. Under the Statistics Act certain figures may not be published if publication of such is against public safety, public morality and public health. The Public Health Act also prohibits the publication of certain information on health or health statistics. The budgets of the army and the King's office are not known to the public.

SCORES:

Individual scores: 1, 1, 4, 1, 1, 1, 1, 1, 1, 1

Average score: **1.3**

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

ANALYSIS:

Civil society has so far played only a minimal role in the advancement of freedom of expression. This has mainly two reasons: Civil society groups have either experienced “burning their fingers” in their relations with the media and/or they do not clearly understand or appreciate the role of the media. As a result the tendency has been to shy away from media issues. As civil society sees it, the media is too preoccupied with its own agenda, to the exclusion of civil society and the public in general. Media lobby groups do not reach out to civil society and, therefore, there is a need to develop a civil society-media partnership to advance and strengthen the cause of media freedom. The panel workshop for the media barometer was the first formal meeting between civil society and media.

There are numerous media organisations representing the media and advancing the cause of media freedom in Swaziland. These are MISA-Swaziland, SNAJ (Swaziland National Association of Journalists), Editors Forum, SMEWA (Swaziland Media Women’s Association), SMEPAWU (Swaziland Media Publishers and Allied Workers Union) and SMEGWA (Swaziland Media and Gender Watch).

SCORES:

Individual scores: 3, 2, 2, 3, 1, 2, 3, 2, 1, 2

Average score: **2.1**

Overall score for sector 1: 1.9

Sector 2: The media landscape is characterised by diversity, independence and sustainability.

2.1 *A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.*

ANALYSIS:

A wide range of information sources is available: print, broadcast, and the internet. Radio is by far the most widespread medium in Swaziland. The SBIS (state broadcaster) signal reaches all parts of Swaziland and covers about 99 per cent of the country. SBIS broadcasts on two channels: English and SiSwati. This enables Swazis, including rural audiences, access to information in the country's two main languages. Almost every Swazi household, both urban and rural, owns a radio set. Community radio is not yet available.

Television, though largely an urban medium, reaches about 70 per cent of the country. Swaziland has two television stations: Swazi TV (state owned) and Channel Swazi (private).

Radio and TV stations of the South African Broadcasting Corporation (SABC) spill over into the country and complement the overall offer to the citizens.

The country's two daily newspapers, *The Times of Swaziland* (private) and the *Swazi Observer* (owned by the King through a royal conglomerate) also put out weekend editions. The *Times* has a daily print run of 22 000 copies (with an estimated 110.000 readers) and the *Observer* about 15 000 (88.000 readers). For a small country like Swaziland with a population of 1 million, the combined daily newspaper circulation of 37 000 copies (and nearly 200.000 readers) is seen as reasonable. At E2 per copy, newspapers are still affordable even for rural communities (a loaf of bread costs E3.50). The *Times* also prints a vernacular paper, *Tikhatsi TeMaswati*, which is published daily with a circulation of 2 000 copies at E1 per copy. People prefer to read English, however, as English is the medium of instruction in schools.

There are also two monthly magazines: *The Nation* and *Youth Connexion*. Both magazines have a combined circulation of 3 500. But at about E10 per copy, they are unaffordable for the great majority, particularly rural communities who are characterised by high levels of poverty.

Internet is available but still limited to urban centres. It is non-existent in rural communities. At E10 an hour, internet browsing is expensive and beyond the reach of most people.

SCORES:

Individual scores: 5, 4, 2, 2, 2, 3, 3, 3, 3, 2

Average score: **2.9**

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

ANALYSIS:

Citizens' access to international media is not restricted by the state, although in some instances in the past state police have confiscated or collected copies of international newspapers deemed to be carrying sensitive stories. For instance, on 7 September 2003 the state bought all copies on sale in Swaziland of the South African *Sunday Times* newspaper which carried a story about one of the King's wives and her alleged illicit sexual relationship with a South African man. Foreign newspapers, particularly South African and UK papers, circulate freely in the country. Their penetration, however, is limited to urban centres mainly due to economic and cost factors.

State radio broadcasts live BBC news bulletins on a daily basis without any restrictions. Swazi TV, the state TV broadcaster, also relays the CNN news daily without restrictions. The relatively rich urban dwellers can access international television channels via subscription to television providers such as M-Net and DSTV.

SCORES:

Individual scores: 4, 3, 5, 4, 4, 4, 3, 4, 4, 1

Average score: **4.0**

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

ANALYSIS:

Although the newspapers are a predominantly urban medium, the two dailies – the *Times*

and *Observer* – do make an effort to deliver reasonable amounts of copies, relative to demand, to rural areas as well. To reach the rural communities both papers use similar modes of transport such as public buses and bakery vehicles. Both use their own company vehicles to deliver copies to all urban centres and accessible semi-urban and rural communities. Both newspapers make constant efforts to increase their rural circulation through promotional activities such as road-shows and competitions, although circulation is still largely restricted to the urban corridor between Mbabane (the capital) and Manzini (the airport).

SCORES:

Individual scores: 2, 3, 2, 3, 2, 2, 4, 2, 4, 2

Average score: **2.6**

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

ANALYSIS:

The broadcasting environment is not conducive to providing a level playing field for all players. Government continues to maintain and cling to a virtual monopoly on broadcasting. There is no clear and transparent process for the licensing and regulation of the broadcasting media. The colonial era Posts and Telecommunications Act (60 of 1962) does not include a clearly specified licensing procedure. The act makes it cumbersome if not impossible for community and commercial radio stations to be granted licenses. In terms of the act, applicants have to go through a complicated process involving no less than five ministries before they are granted licenses. The state radio station has to give final approval to such applications but sees community and commercial broadcasting as competition. A religious radio station, *Voice of the Church* (VOC), was granted a license under unclear circumstances.

Likewise, the Swaziland Television Authority Act, 1983 entrenches the monopoly of the state over the television industry. It is not clear how the only private TV station, *Channel Swazi*, obtained its license.

However, an all-inclusive ICT (Information, Communications and Technology) policy to regulate the broadcasting industry was recently finalised by stakeholders and is awaiting government approval. The proposed policy will allow for public, commercial and community broadcasters.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 2, 1

Average score: **1.1**

2.5 Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.

ANALYSIS:

Due to the prevailing environment where the airwaves are controlled by the state, there are still no community radio stations in operation. There have been a number of applications for community radio licenses brought before the Minister for Public Service and Information, but from recent reports it would appear that these applications never get finalised and are left to be handled casually by officials at the state radio station. MISA is currently engaged in a major campaign for the freeing of the airwaves to enable the launch of community radio stations. Already, communities such as Lubombo are ready to go on air as soon as the airwaves are freed and a license is granted.

SCORES:

Individual scores: 1, 1, 1, 2, 1, 1, 1, 1, 1, 1

Average score: **1.1**

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

ANALYSIS:

Although the *Swazi Observer* is owned by the King (through a royal conglomerate), the newspaper is free to criticise the government - but there has been an uneasy tolerance of the paper's criticism of government corruption. The Prime Minister seems to think that the paper is part of government but the *Observer* seems to stand firm. However, its editorial policy restricts it from criticising the King and the Queen Mother. The newspaper knows its limits and obliges. (The private *Times* also writes only positive stories about the monarchy – “they are in the same boat as the *Observer*”.)

SCORES:

Individual scores: 2, 1, 4, 2, 2, 2, 2, 2, 1, 1

Average score **1.9**

2.7 Local and regional independent news agencies gather and distribute information for all media.

ANALYSIS:

Swaziland currently has neither local nor regional news agencies operating in the country, most probably due to economic and cost factors.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.8 Media diversity is promoted through adequate competition regulation / legislation.

ANALYSIS:

Currently, there is no legislation in place to ensure media diversity. However, the proposed ICT Policy (recently finalised by stakeholders and awaiting government approval) touches on matters of media diversity.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 3, 2, 1, 1

Average score: **1.3**

2.9 Government promotes a political and economic environment which allows a diverse media landscape.

ANALYSIS:

Existing legislation suggests that the government does not seek to promote an environment which allows for a diverse media. In fact, most of the current media laws inhibit the development of a diverse media. For instance, The Swaziland Television Authority Act, 1983 entrenches the state's monopoly over the television industry. The STVA Authority controls all television and broadcasting stations in Swaziland. It further controls the industry relating to sale and distribution of television receivers and associated equipment. The Authority regulates and controls the duration of broadcasting time and has the power to issue and withdraw licenses on such terms and conditions as the STVA Board may deem fit.

The Books and Newspapers Act, 1963 makes it difficult for aspiring media owners,

particularly Swazi entrepreneurs, to establish new newspapers. The bond amount to be deposited with the Registrar of Books and Newspapers as a pre-requisite for the operation of a print media house was only recently increased from E1 000 to the present E15 000. The media considered this prohibitive increase to be an effort by the government to frustrate media entrepreneurs, particularly local Swazi media practitioners, from venturing into the media business. The need for a cash bond is viewed as unjustified when insurance policies for professional indemnity are available to cater for alleged media misconduct.

The Swaziland Broadcasting Regulations (promulgated under the Swaziland Posts and Telecommunications Act no 11/1983 as amended by No. 6/1988) provide for government control and allocation of broadcasting licenses. The licensing process itself is not free, transparent or fair.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0**

2.10 *Private media outlets operate as efficient and professional businesses.*

ANALYSIS:

The *Times of Swaziland*, the only private and oldest newspaper, has been in existence since 1899 and continues to survive and make a profit, which indicates that it is professionally run. The *Observer* newspaper has until recently been receiving annual subvention from the royal institution, *Tibiyo TakaNgwane*, which runs the newspaper on behalf of the King. New publications such as the *Youth Connexion* magazine struggle to survive while the *Nation* magazine has put in place management controls to ensure efficiency and professionalism. Profitability of the *Nation* magazine is modest and there is room for improvement. In all publications journalistic professionalism is compromised by the demands of advertisers. It is alleged that editors and journalists have to stick to what the advertisers want. For instance, an advertisement which brings in revenue for the newspaper will usually get preference to a story.

SCORES:

Individual scores: 5, 2, 2, 2, 3, 2, 3, 3, 3, 1

Average score: **2.6**

2.11 *State print media are not subsidised with tax payers' money.*

ANALYSIS:

There is no state print media and therefore no government subsidy. The weekly *Swaziland Today*, published by government, is seen as a legitimate public relations bulletin.

SCORES:

Individual scores: 5, 5, 5, 5, 5, 5, 5, 4, 5, 4

Average score: **4.8**

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

ANALYSIS:

In May 1997, following stories viewed as critical towards the Prime Minister and the monarchy, government withdrew adverts from the privately-owned *Times of Swaziland* at the insistence of the then Prime Minister Sibusiso Dlamini. The ban lasted for several months and almost forced the closure of the publication as government's advertising accounted for about 20 percent of the newspaper's revenue at the time. The move was viewed as government's attempt to use the power of its advertising budget to influence the newspaper's content. Since then this tactic has not been used again but the experience still hangs over the media as a constant threat.

SCORES:

Individual scores: 3, 2, 1, 4, 4, 4, 1, 3, 3, 4

Average score: **2.9**

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

ANALYSIS:

There is consensus that with the declining economy in Swaziland resulting in the closure of many companies, the advertising market is increasingly getting smaller and unable to maintain a diversity of media outlets. Most advertising goes to the *Times* and the *Observer* which compete for their slices of the cake. The two magazines struggle to

survive. Swazi TV gets most of its advertising from South Africa while Channel Swazi has major problems. In view of the shrinking market, smaller or emerging publications have little chance to access the overall advertising spend.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1.

Average score: **1.0**

SECTOR 2 TOTAL SCORE: 2.2

Sector 3: Broadcasting regulation is transparent and independent, the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.

ANALYSIS:

There is no clear and transparent process for the licensing and regulation of the broadcasting media in Swaziland. A colonial era Posts and Telecommunications Act (60 of 1962 as amended by No. 6 of 1988) is meant to provide for the control of radio activities in Swaziland and also sets out a mechanism for the granting of broadcasting licenses to applicants. The act under which the Swaziland Broadcasting Regulations are promulgated does not set out an elaborate licensing procedure. This act places regulatory powers in the hands of the Board of the Swaziland Posts and Telecommunications Corporation. The Board has the sole authority to issue licenses. The Board may at any time revoke or suspend any license where it appears that such revocation or suspension is

expedient and in the public interest. The Act does not set out a right or procedure for an aggrieved party to appeal against such decisions. All of this makes the creation of a diversity of electronic media under the existing licensing framework most unlikely. Government's monopoly and the bottleneck licensing procedure ensure that the state remains the sole controller of all electronic means of communication.

The Swaziland Television Authority (STVA) Act, 1983 entrenches the monopoly of the State over the television industry. The STVA Authority controls all television and broadcasting stations in Swaziland. It further controls the industry relating to the sale and distribution of television receivers and associated equipment. The Authority also regulates and controls the duration of broadcasting time and has the power to issue and withdraw licenses on such terms and conditions as the STVA Board may deem fit. With regard to the content of television transmissions, the Board has the power to censor the content of any programme and other transmission to ensure that they conform with 'acceptable moral standards'.

The Christian radio station Transworld Radio approached the King in 1974 with the request to be licensed as an operator that does not serve the local market but Africa as a whole. The King agreed and registered Transworld Radio as a mission by way of a Royal Command. In 2003, Transworld Radio (through a 'gentlemen's agreement' between the station and the Director of SBIS) gained access to the local frequencies FM 96 and FM 101 in an obvious attempt to block the spill-over from South Africa's Radio Zulu and Radio siSwati.

SCORES:

Individual scores: 2, 1, 1, 1, 2, 1, 1, 1, 1.

Average score: **1.2**

3.2 The appointments procedure for members of the regulatory body is open and transparent and involves civil society.

ANALYSIS:

There is no independent body regulating the broadcasting industry. The Minister for Tourism and Communications appoints the SPTC Board which is supposed to be the broadcasting regulatory authority in terms of the Posts and Telecommunications Act incorporating the Swaziland Broadcasting Regulations. The Minister for Public Service and Information appoints the Swaziland Television Authority (STVA) Board which regulates the television industry. The appointment of both boards is not transparent and there is no involvement of members of the public.

SCORES:

Individual scores: 2, 1, 1, 1, 1, 1, 1, 1, 1.

Average score: **1.1**

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

ANALYSIS:

There is neither an independent regulatory body nor a policy aiming to ensure these principles in the overall broadcasting landscape in Swaziland yet.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1.

Average score: **1.0**

3.4 The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.

ANALYSIS:

There is no independent body regulating broadcasting in place and thus no broadcasting policy developed in a transparent and inclusive (or any other) manner. A draft ICT Policy seeking to free the broadcasting industry from government control was recently finalised by all stakeholders and is currently awaiting government approval before being implemented.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1.

Average score: **1.0**

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

ANALYSIS:

The Swaziland Television Authority is labeled a public broadcaster but this is compromised by the fact that the Minister of Public Service and Information appoints the

STVA Board. In fact STVA is a parastatal and the board is accountable to the minister and not to the public. Initially there was an attempt to appoint members from a broad spectrum of relevant professional skills. This attempt, however, fizzled out like it did in other parastatals in the country. The Swaziland Broadcasting and Information Services (SBIS), the national radio, is a state broadcaster and controlled directly by government. As a government department, it does not have a board.

SCORES:

Individual scores: 2, 5, 1, 1, 1, 1, 1, 1, 1.

Average score: **1.5**

3.6 Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.

ANALYSIS:

Because the Minister for Information has the sole authority to appoint the STVA Board, the seven board members are *de facto* state representatives, although there seems to be an attempt to avoid too many conflicts of interest.

SCORES:

Individual scores: 4, 2, 3, 3, 2, 3, 1, 1, 1.

Average score: **2.2**

3.7 The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practiced.

ANALYSIS:

The editorial independence of STVA is not guaranteed. The board has the power to censor the content of any programme and other transmissions to ensure that they conform with 'acceptable moral standards'. In the past, politicians have censored the news and ordered certain programmes viewed as critical of the government off air. The same goes for SBIS which is a government department.

SCORES:

Individual scores: 1, 1, 1, 1, 2, 1, 1, 1, 1.

Average score: **1.1**

3.8 The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.

ANALYSIS:

STVA revenue comes from advertising, television license fees and government subsidies. At E10 million a year, government subsidies make up a big chunk of the station's budget which is thus not protected from arbitrary interference by the state. There is need to improve the collection of license fees so as to cut or reduce reliance on government subsidies. Currently, the STVA uses the door-to-door system of collecting license fees. Because the ad revenue (mainly from South African companies) goes directly to the state treasury, the ratio between the three sources of income is unknown.

The national radio, as a government department, is funded exclusively by the state.

SCORES:

Individual scores: 1, 1, 3, 2, 4, 1, 1, 1, 5

Average score: **2.1**

3.9 The public broadcaster is technically accessible in the entire country.

ANALYSIS:

The state radio, SBIS, with its two channels: English and SiSwati, reaches all parts of the country (about 99 per cent) while Swazi TV covers about 70 per cent of the country.

SCORES:

Individual scores: 4, 4, 3, 4, 3, 4, 4, 5, 4

Average score: **3.8**

3.10 The public broadcaster offers diverse programming for all interests.

ANALYSIS:

SBIS programming is generally diverse. Whilst the opposition and trade unions are

banned from appearing on the airwaves, NGOs and government departments such as police are given free time almost on a daily basis. News is packaged around the King and government ministers. When the King is engaged in a public function, the news and current affairs slots tend to be heavily skewed towards him. Live talk shows are allowed only when they deal with what the government perceives as 'soft' or 'safe' topics. Programmes considered to be too critical of the status quo have in the past been taken off air.

Swazi TV programming is dominated by foreign content. There is hardly any locally produced material except for news. On certain days, the monarchy, particularly the King and Queen Mother, tend to dominate air time. Moves are under way to improve the station's programming.

SCORES:

Individual scores: 4, 3, 3, 3, 2, 2, 2, 1, 1

Average score: **2.3**

3.11 The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.

ANALYSIS:

Both SBIS and Swazi TV hardly offer balanced and fair information reflecting the full spectrum of diverse views and opinions. On both stations, royalty and government ministers tend to dominate air time. Whilst Swazi TV occasionally features trade unions and other progressives in their news bulletins, SBIS is a no-go area for the opposition including trade unions. In radio, a current affairs programme aired from 18.15 from time to time attempts to probe issues.

SCORES:

Individual scores: 2, 2, 2, 2, 1, 2, 2, 1, 1

Average score: **1.6**

3.12 The public broadcaster offers as much diverse and creative local content as economically achievable.

ANALYSIS:

SBIS offers a great deal of local content in its programming on both the SiSwati and the English channel, including radio dramas. Its news contains a lot of local content and other programmes are produced by NGOs and government departments. However, the same

cannot be said of Swazi TV. Owing to lack of funds to produce local content, Swazi TV has very few programmes with local content. There are moves by the station to improve programming.

SCORES:

Individual scores: 4, 3, 2, 3, 1, 3, 4, 1, 1

Average score: **2.4**

Overall score for sector 3: 1.8

Sector 4: The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies.

ANALYSIS:

The Swaziland National Association of Journalists (SNAJ) in 2002 developed and approved a code of ethics to ensure professional standards are maintained by all journalists practicing in the country. The code was recently updated to include clauses on the coverage of HIV/AIDS and gender issues. However, in the absence of an enforcement instrument to ensure the code of ethics is adhered to, SNAJ currently relies on willing editors in newsrooms to sensitise journalists about the code. SNAJ has also embarked on an awareness campaign to educate its members about the code. This is an ongoing challenge because of high staff turnover. Due to low pay and poor working conditions, more and more journalists are leaving the profession for greener pastures. The result is a dangerous juniorisation in the newsrooms.

In the absence of an umbrella body to enforce the code of ethics, each newsroom has developed its own professional standards. For instance, the *Times of Swaziland* has created an internal ombudsman to address concerns of readers and sanction offending journalists. The *Observer* has its own internal structures to address concerns raised by readers. When the *Observer* loses a court case, the editor is made to pay a portion of the

awarded damages from his own pocket.

Owners are reluctant to endorse the common SNAJ code because they regard professional standards as “our own turf”. Their main criterion for editorial decisions is said to be the question “Are we going to be sued?” There is hardly any introduction to ethical standards for newcomers in the profession, the motto rather being “give them a pad and a pen”, and tell them to “go and find a story”. There is no mentoring in the newsrooms. Journalists, for their part, tend to see a code as a straightjacket and not as a means to help them improve their performance.

Members of the public are not yet aware of the existence of the SNAJ code.

Efforts are under way to put in place a Media Complaints Commission (MCC). The process is currently in its final stages. As soon as all stakeholders agree on the structure, the MCC is expected to begin operations.

SCORES:

Individual scores: 1, 2, 2, 1, 1, 2, 1, 1, 1, 1

Average score: **1.3**

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

ANALYSIS:

The general perception is that ownership structures and stakeholder considerations influence the degree of accuracy and fairness exercised. Different media have their own ‘sacred cows’ never to be reported on negatively. For instance, the *Observer’s* policy is to always portray a positive image of the King and Queen Mother. The two are never to be criticised by the newspaper. The same goes for SBIS and Swazi TV.

However, with the exception of such cases, the media aspire to be accurate and fair. Evidence of that is the fact that about 70 per cent of stories published or broadcast each day are said to meet this benchmark.

SCORES:

Individual scores: 4, 3, 3, 2, 1, 4, 2, 2, 2, 3

Average score: **2.6**

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

ANALYSIS:

In general media coverage is broad and diverse. The focus, however, tends to be predominantly urban. The rural areas remain marginalized, particularly by the print media. Another challenge regards in-depth and analytical stories. Restrictive media laws, a pervasive climate of fear and the political atmosphere in general have combined to create an environment that effectively inhibits investigative journalism. There are very few instances when investigative stories are published.

SCORES:

Individual scores: 4, 5, 4, 2, 2, 4, 2, 4, 3, 4

Average score: **3.4**

4.4 *Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.*

ANALYSIS:

Progress is slow in regard to gender mainstreaming and the promotion of equal participation of both sexes in the production process. More men than women work in Swaziland media today. There are also very few women in responsible positions in all media outlets. The *Times*, following the example of the South African *Star*, is taking steps towards focusing on women as their main target audience. As a result the positions of Business Editor and Entertainment Editor are held by women. At the *Observer*, the Chief Executive Officer is a woman.

Progress is slowed down by cultural norms which look down upon women. Men in all sectors of society feel threatened by the rise of women into higher positions. There is a common perception that women are “in charge of households” and have no time for a job. Another problem hindering women is the cultural norm that women cannot be at work at night, the busiest hours in every news room. “We must admit that we have a problem here.”

There are also reports of sexual harassment in the media. Men in higher positions are alleged to seek sexual favours for professional promotion, and women, in turn, are alleged to offer such favours for advantages.

SCORES:

Individual scores: 3, 2, 3, 2, 1, 2, 3, 2, 1, 2

Average score: **2.1**

4.5 Gender mainstreaming is reflected in the editorial content.

ANALYSIS:

The gender bias in the media is reflected in the editorial content. Women sources are generally absent. In fact, according to a recent gender and media baseline study for Swaziland published by Gender Links in collaboration with MISA-Swaziland, women constituted only 17 per cent of news sources in the Swazi media, one per cent less than the global average of 18 per cent. Swazi TV had the highest proportion of women's voices (35 per cent), more than double the figure of Swazi radio (15 per cent). The Swazi *Observer* had the lowest proportion of female sources (12 per cent).

Apparently, reporters prefer to quote 'informed' sources, who are usually seen as being men, and ignore women, most of whom are regarded as not being sufficiently knowledgeable or enlightened. This state of affairs is aggravated by the fact that most media are biased towards political stories and most political sources are – or are perceived to be - male. Failure by editors to provide leadership to journalists may explain the latter's inability to generate content that reflects the dynamics of the gender question and the reality on the ground. However, the weekend papers have dedicated certain pages to women issues.

In general, women are still being stereotyped as being suffering; there are hardly any stories on women succeeding in their lives.

SCORES:

Individual scores: 2, 2, 2, 2, 1, 2, 2, 1, 1, 2

Average score: **1.7**

4.6 Journalists and editors do not practice self-censorship.

ANALYSIS:

Although the independently owned press and lately even state owned media have been openly critical of the government in relation to corruption, the media has practiced self-censorship when it comes to issues concerning the monarchy. But self-censorship is also reflected in the tone and text of stories that do not concern the monarchy. Structural and ownership realities dictate the operating parameters. For instance, both journalists and editors of the *Observer* are aware of what is expected of them when it comes to matters that pertain to the King and the Queen Mother. They are aware of the consequences of deviation and exercise 'due care', a euphemism for self-censorship. The same goes for

Swazi TV and SBIS. Though independent, the *Times* also has its own limits when it comes to issues of the monarchy. They cannot be too critical without inviting trouble from the traditional authorities.

Advertisers also tend to exert pressure on journalists and editors to exercise self-censorship by using the power of money (threatening to withdraw their adverts) whenever their companies are subjected to critical reporting by the media. Swazis are also a homogeneous people. Almost each and every Swazi will be related to the next in one way or the other. Such homogeneity often makes journalists practice self-censorship when it comes to stories that pertain to people they know or are related to. Swaziland being a small society it is hardly possible to act independently from the government system because this system impacts, directly or indirectly, on the future of every citizen.

SCORES:

Individual scores: 2, 1, 1, 1, 2, 1, 2, 1, 2

Average score: **1.4**

4.7 Owners of private media do not interfere with editorial independence.

ANALYSIS:

Ownership structures determine the nature and degree of interference with editorial independence in the different media. In general it is not possible to promote views contrary to those of their owners. At the *Times of Swaziland* the owners have an overall say on what goes into the paper. Likewise in the *Observer*, the owners constantly check to ensure editors adhere to company policy. In the *Nation* magazine, the editor is also a shareholder and this places him in a unique position to dictate editorial policy, content and coverage preferences. Owners claim that it is impossible for them not to interfere because “it is not the editor who has to pay for libel”. Editors, on the other hand, complain that owners “have no faith” in them.

SCORES:

Individual scores: 2, 1, 2, 1, 2, 2, 1, 2, 1, 2

Average score: **1.6**

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption.

ANALYSIS:

Salaries are low (“pathetic”) and working conditions generally poor resulting in more and more journalists leaving the profession for better paid jobs elsewhere. Most journalists do not see a future in journalism. Average monthly salaries are E1 000 for junior reporters and E2 500 for senior reporters. The poverty of journalists exposes them to offers of various forms of gratification by sources in return for favourable coverage and promotion of private agendas, creating a “generally corrupt relationship”. There have been reports that some journalists glorify certain sources in return for financial kick-backs (“scratch my back and I’ll scratch yours”). However, some accusations of corruption cannot be substantiated. There is need for all media to improve the salary scales and working conditions in order for the journalism profession to retain its best.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 2, 2, 1, 1, 2

Average score: **1.4**

4.9 Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.

ANALYSIS:

Journalism training is available at the University of Swaziland which offers a three-year diploma course. The university will soon upgrade this course to a degree level. MISA-Swaziland has influenced the university curriculum by making an input to ensure that the training is tailored to the needs of the country. The Institute for the Advancement of Journalism (IAJ), based in Johannesburg, has come up with a training programme to be carried out in the country for those practicing journalists who do not have a formal qualification.

SCORES:

Individual scores: 3, 4, 2, 1, 1, 3, 2, 1, 1, 1

Average score: **1.9**

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

ANALYSIS:

The majority of Swazi journalists and other media practitioners are organised in professional associations such as SNAJ, MISA-Swaziland, Swaziland Media Publishers and Allied Workers Union (SMEPAW), Swaziland Media Women's Association (SMEWA) and the Swaziland Media and Gender Watch (SMEGWA). SNAJ has a membership of 150 out of 200 journalists. MISA-Swaziland has a membership of 60 individuals and 14 institutions.

SCORES:

Individual scores: 4, 3, 3, 5, 2, 3, 2, 2, 2, 4

Average score: **3.0**

Overall score for sector 4: 2.0

The panel meeting took place at the Orion Hotel, Pigg's Peak, 2 to 4 September 2005.

The Panel:

Ms Lomcebo Dlamini, lawyer and women's rights activist; Mr Phephisa Khoza, journalist; Ms Lindiwe Khumalo-Matse, lawyer; Mr Thandi Khumalo, academic; Mr Alec Lushaba, journalist; Mr Comfort Mabuza, media activist; Mr Myzo Magagula, publisher; ??? Lunga Masuku, publisher; Dr Joshua Mzizi, academic and human rights activist; ??? Mbuso Simelane, publisher and economist.

The Rapporteur:

Mr Michael Motsa

The Facilitator:

Mr Hendrik Bussiek

Sector 1 Freedom of expression, including freedom of the media, are effectively protected and promoted

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.	
1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.	
1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.	
1.4 Entry into and practise of the journalistic profession is legally unrestricted.	
1.5 Protection of confidential sources of information is guaranteed by law.	
1.6 Public information is easily accessible, guaranteed by law, to all citizens, including journalists.	
1.7 Civil society in general and media lobby groups actively advance the cause of media freedom.	

**Sector 2 The media landscape is characterised
by diversity, independence and sustainability**

2.1 A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.	
2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.	
2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.	
2.4 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.	
2.5 Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.	
2.6 The editorial independence of print media published by a public authority is	

protected adequately against undue political interference.	
2.7 Local or regional independent news agencies gather and distribute information for all media	
2.8 Media diversity is promoted through adequate competition regulation/legislation.	
2.9 Government promotes a political and economic environment which allows a diverse media landscape.	
2.10 Private media outlets operate as efficient and professional businesses.	
2.11 State print media are not subsidised with tax payers' money	
2.12 Government does not use its power over the placement of advertisements as a means to interfere with media content.	
2.13 The advertising market is large enough to maintain a diversity of media outlets.	

Sector 3 Broadcasting regulation is transparent and independent, the state broadcaster is transformed into a truly public broadcaster

3.1 Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.	
3.2 The appointments procedure for members of the regulatory body is open and transparent and involves civil society.	
3.3 The body regulates broadcasting in the public interest and ensures fairness and a diversity of views broadly representing society at large.	
3.4 The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.	
3.5 The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.	
3.6 Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.	
3.7 The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practised.	
3.8 The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.	
3.9 The public broadcaster is technically accessible in the entire country.	
3.10 The public broadcaster offers diverse programming for all interests.	
3.11 The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.	
3.12 The public broadcaster offers as much diverse and creative local content as economically achievable.	

Sector 4 The media practice high levels of professional standards

<p>4.1 The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies</p>	
<p>4.2 The standard of reporting follows the basic principles of accuracy and fairness.</p>	
<p>4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories</p>	
<p>4.4. Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.</p>	
<p>4.5 Gender mainstreaming is reflected in the editorial content.</p>	
<p>4.6 Journalists and editors do not practise self-censorship</p>	
<p>4.7 Owners of private media do not interfere with editorial independence</p>	
<p>4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption</p>	
<p>4.9 Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.</p>	
<p>4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.</p>	