

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

LESOTHO 2012





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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 homegrown 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” (ACHPR)¹. 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 ACHPR-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 two to three 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 1 1/2 days they discuss the national media environment according to 45 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ The ACHPR is the authoritative organ of the African Union (AU) mandated to interpret the African Charter on Human and Peoples’ Rights.

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

Outcome

The final, qualitative report summarises 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 biennial or tri-annual 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.

At the end of 2008 the indicators were reviewed, amended and some new ones were added to address the rapid developments in Information Communication Technology².

By the end of 2012 the African Media Barometer had been held in 29 African countries, in some of them already for the fourth time.

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² 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 29 AMB Countries (2005-2012)

African Media Barometer

Lesotho 2012

Summary

In May 2012, the then ruling party, Democratic Congress (DC) lost out in nationwide elections to various opposition parties that had come together to form a coalition. This coalition government was formed with the aim of ensuring that the DC did not retain power. The coalition government is lead by New Prime Minister, Tom Thabane, from the All Basotho Congress (ABC), with the deputy being Mothetjoa Metsing from the Lesotho Congress for Democracy (LCD). Other smaller parties are also part of the coalition.

Prior to the May poll, both the ABC and LCD made various pronouncements regarding the need for media reform in Lesotho, but it still remains to be seen whether they will follow it through now that they are in power.

More substantively, Section 14 (1) of the constitution of Lesotho clearly provides for freedom of expression, which covers among other issues, freedom to receive, communicate and exchange ideas and information without interference. In spite of its seeming embrace of such freedoms, this provision is thwarted by existing laws such as the 1967 Official Secrets Acts and the 2005 Public Services Act, which prohibit civil servants from disclosing information received in confidence, among other similar restrictions leaving room for the abuse of such a provision. In addition, the Sedition Proclamation (No.44 of 1938) and the Internal Security (General) Act of 1984 prohibit criticism of the government. The Sedition law endangers journalists' ability to protect the confidentiality of their sources. Further, laws such as the Parliamentary Powers and Privilege Act undercut journalists' right to information by providing powers, privileges and immunities for each of the Houses of Parliament and for related matters including printing and publication of proceedings.

One consequence of restricting the right to freedom of expression is that journalists operate in a climate of uncertainty and fear. This is particularly so because of the libel and defamation clause contained within common law. As a result, there is an increase in self-censorship by journalists due to extremely high fees in libel cases handed down by courts against publications and airing of information generally seen as critical of the government.

Another big hurdle for journalists is the lack of access to public information. For instance, the government signs agreements but does not inform the public even though the information may be of national importance. For instance, an agreement was signed on 11 August 2011, between Lesotho and the South

African government over the second phase of the Lesotho Highlands Water Project. However, the state denies ever signing such a contract. The state also signs international protocols regarding freedom of expression, at both regional and international levels, but never feels compelled to publicise this information to the general public.

MISA is the only fully functional media advocacy organisation in Lesotho that attempts to lobby for the rights of journalists. There are no organised trade unions or professional associations that represent the interests of the media. MISA has had a hard time because media houses are often unwilling to join as they do not see the benefit of this. Editors are suspicious of such initiatives.

The general media landscape of Lesotho is marked with unevenness in terms of accessibility and circulation. The country for instance, does not have a national daily newspaper. There are numerous weekly publications that are published on different days. Also, newspapers circulate in limited ways due to distribution problems and because most people consider them extremely expensive. By comparison, radio is the most popular media in the country and has an expanding market.

Since the last Africa Media Barometer in 2010, 5 new radio stations have been established in addition to the existing private radio stations. Radio has a wider reach than all other media, and is connected to the national grid, going beyond the urban space to accommodate its broader rural audience. Similarly, Lesotho Television has a national reach. However, its accessibility and coverage are affected by infrastructure and resource availability. Lesotho does not have a signal distribution company so it relies on South African company Sentech to provide technical expertise on signal coverage. Other factors such as weather affect the coverage as well.

Access to the Internet is becoming easy as anyone with access to a computer or a cell phone can get connected. That said, such access is limited to urban areas which also boasts the majority number of cyber cafes. Controlling the new media space has proved a lot harder for the state which has not succeeded in censoring information circulation. On a more positive note, the government promotes a diverse media landscape by assisting small private radio stations to set up their own transmission infrastructure through linking them to the national broadcasting grid. However, this is not always seen as a necessarily good thing as the government retains control of the kind of information aired through the ability to switch off specific station connections to the national grid. The government also does not restrict citizens from accessing international media from anywhere in the world.

Reform efforts in the broadcasting sector remain slow, despite the promulgation of the Communications Act of 2012 which, although allowing a four tier

broadcasting system – public, private, commercial and community - does not spell out licencing and market entry procedures.

It is important to note that broadcasting is not regulated by an independent body. Board members to the Lesotho Communications Authority are appointed by the Ministry of Communications, Science and Technology which does not consult with civil society organisations or stakeholders or even the public regarding such appointments.

The state broadcaster, Lesotho Television, does not have a board, leaving all operational and policy decisions to the Ministry of Communications, Science and Technology.

The Lesotho Communications Authority also regulates broadcasting licences and there is limited knowledge of how the process actually works. Community radio broadcasting in Lesotho is still young and the inauguration of stations such as the Mafeteng Community Radio Station in May 2012 pays testimony to the various ambitions individual communities might have.

Like other laws in the country, there was very little discussion on the broadcasting law and this is evident from the fact that very few people, including journalists, knew about the enactment of the law in April 2012.

In terms of media and journalism professionalism, factors such as lack of proper training, lack of incentive around working conditions and salaries, corruption and government interference, have affected the quality of journalists and nature of media output in Lesotho. Other issues affecting the standard of reporting include lack of resources (human, technical and financial), lack of communication between editors and journalists, poor choices on the part of media owners who hire untrained journalists to cut costs. Selection of stories is often biased, focuses on urban areas, dictated by scandal rather than important issues and often defined by unwillingness to carry out extensive and in-depth reporting.

Media regulation remains a challenge in Lesotho. There exists a provision for the establishment of a Broadcast Disputes Resolution Panel whose mandate is to develop a broadcast code of content and to deal with all disputes regarding content. Appointments of members of the panel are yet to be made.

Attempts by MISA to set up a self-regulatory body have been met with resistance because of differences of opinions between media practitioners on how it would be run. However, MISA has been central in the drafting of a 'Media Policy' which seeks to set out the operating framework for media in Lesotho. At the time of publishing this report, MISA had just made another presentation to the Ministry of Communications, Science and Technology. Hopes remain high that the draft media policy will be tabled before cabinet early 2013.

The media policy advocates for the repeal and review several pieces of legislation that unduly restrict the operations of the press. It has been lauded by media organisations in Lesotho as representing a major step forward for the media as it seeks to regulate the broadcasting, print and publishing industries in the country and provide written guidelines to the industry.

Some of the laws that are cited in the policy include the Obscene Publications Proclamation (1912), the Sedition Proclamation (1938), the Official Secrets Act (1967), the Printing and Publications Act of 1967 and the Internal Security Act of 1984.

The policy became MISA's flag-post against which politicians bounced their manifestos before the May 26 2012 elections.

There is a lack of in-house editorial policies meaning that journalists operate in a professional and ethical vacuum. Editors make ad hoc decisions which often also mean they have a lot of room to abuse their power. There is also gross interference from the state in many ways. The Communications Act (2012) is silent on the editorial independence of the state broadcaster. Nor does the broadcaster have a charter or editorial policy that addresses editorial independence. The state takes positions according to who is in power because the sitting government is able to use the state media to serve its own agenda. This is often felt around election period.

The lack of editorial policies in newsrooms has affected the question of gender balance in the media. A quick survey of sources quoted in newspapers or even radio and television shows a preference given to men as they seem to be regarded as the voices of authority. Not a lot of resources have been directed towards training journalists and redressing gender imbalances both within newsrooms and also in content. More often than not, the efforts that are being made are not supported by existing cultural and social structures. Furthermore, the representation of diverse sexualities is almost non-existent. For instance, there is a lot of resistance towards discussion and representation of homosexuality. Stories affecting women and homosexuals are rarely privileged in the media. In much the same way, minority ethnicities and religions are not given much coverage.

One of the key missing links to quality journalism in Lesotho is the lack of training. There exist a few institutions that attempt to address this problem. The Institute of Extra Mural Studies (IEMS) of the National University of Lesotho – Mass Communications gives special consideration to people working with the media even if they do not meet the entry requirements. It offers a Diploma in Mass Communication and a degree in Journalism in Media. Limkokwing University of Creative Technology offers studies in media, journalism and advertising, even if the training is not of high quality.

One redeeming factor in the Lesotho media landscape is the fact that media houses can register new companies easily by simply going to the Post Office. Journalists also do not have to be registered but merely register just to gain access to official state functions.

It is also hoped that the new government, formed in May 2012, will prioritise media reforms in the country and that they will be responsive to engagements by organisations such as MISA.

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.

Panellists agreed that freedom of expression is contained in the Constitution but it is but it is not specific nor does it explicitly address freedom of the media.

Section 14 of the Constitution of Lesotho states that:

“(1) Every person shall be entitled to, and (except with his own consent) shall not be hindered in his enjoyment of freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.”

However, it is restrictive in the sense that the legislation goes on to say:

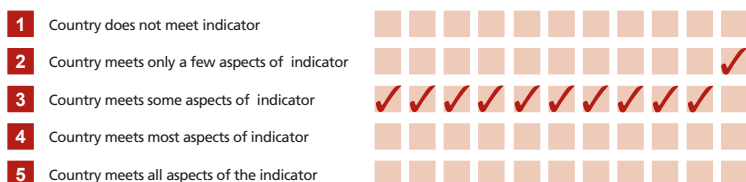
“nothing contained or done under the authority of any shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision:

- (a) In the interest of defence, public safety, public order, public morality, public health*
- (b) For the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television: or*
- (c) For the purpose of imposing restrictions upon public officers.”*

Freedom of the media and freedom of expression are not supported by other pieces of legislation.

Scores:

Individual scores:



Average score:

2.9 (2010 = 2.1; 2008 = 1.9; 2006 = 2.1)

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

People are fearful of expressing themselves and this is mainly due to common law which contains within it aspects relating to libel and defamation.

Several cases of defamation have been brought on by individuals and in some cases the government. There is a culture of using the courts to fight issues reported in the media. Lesotho has a culture of using the courts to fight issues reported in the media and, thus, can be considered one of the most litigious countries in Africa.

"If you say something nasty about someone, then expect to get a summons the next day. It is a weapon that people use."

According to a statement on the Freedom House website page which quotes MISA: “In recent years, extremely high fines have been handed down by the courts in libel cases against publications and radio stations known for criticizing the government, forcing some to the verge of closure.”¹

The former head of state was known as “the suing Prime Minister” because he was always taking different media houses – print and broadcast – to court for defamation.

Journalists are harassed, and this was more evident in the build up to the last elections in May 2012, during which there were cases of physical attacks by political party activists against media personnel.

"I suffered in 2010 when I wrote a story about Members of Parliament being able to receive 25% of their gratuity after being in office for 2 years, instead of

1 Freedom House – Lesotho, available at <http://www.freedomhouse.org/report/freedom-press/2011/lesotho>

receiving it at the end of their 5 year term. So MPs have access to over 200,000 Maloti (approximately US\$23 000) to 300,000 Maloti (approximately US\$35 500) after two years in office. The story was in The Sunday Express. When I went into Parliament [during the week] all the MPs called for me to be sent out. There were 80 to 100 faces just looking at me. The Deputy Speaker of Parliament brought it under control and said 'there is nothing factually wrong about this story so she is not going,' but I was shaken."

In a separate incident a journalist was shoved and prevented from posing a question to the Master of Ceremonies at an official launch ceremony held in 2011. Earlier that year, the journalist had written a story about an employee of the Highlands Development Authority who had been convicted of fraud, served a very short time of his sentence and was released before his jail term came to an end. "I wanted to ask how somebody is released from prison and immediately gets a top job. I was actually chunked out of the event and after that I started receiving calls and somebody arranged a meeting. At the meeting I was shown an envelope with money in it. I have never seen such money, there was a lot of it. I was told to quit journalism but I didn't."

There seems to be a difference between print media and electronic media, as broadcast media tends to be freer. Journalists and people are more fearful of expressing themselves in print.

The broadcasting media (such as radio) has introduced call in programs, which invite citizens to express themselves freely. Furthermore, the call in programs seems to not only attract people living within Maseru but also people living outside Maseru make use of the programs. It also seems that there are more people who call from outside Maseru.

"The only problem with this process is there are so many intra-industry violations of ethics, law and all other parameters. While there is some sense of freedom of expression that is being practiced, it is fraught with other problems."

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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4	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.7 (2010 = 2.7; 2008 = 2.8; 2006 = 1.1)

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

There are several laws that restrict freedom of expression and media freedom. Amongst these are the 1967 Official Secrets Act and the 2005 Public Service Act which prohibit civil servants from disclosing information.

Two thirds of the stories in the media contain information sourced from civil servants that provides the perception that there is freedom of expression but the danger is there are several outdated pieces of legislation that are still on the statute books and can easily be pulled out to admonish or punish the media. The threat is always hanging over the media.

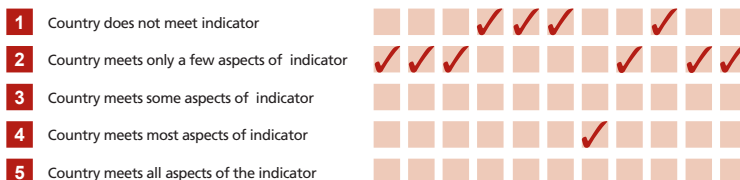
The Sedition Proclamation (No. 44 of 1938) and the Internal Security (General) Act of 1984 prohibit criticism of the government, provide penalties for seditious libel, and endanger reporters' ability to protect the confidentiality of their sources. The Parliamentary Powers and Privileges Act of 1994 provides for powers, privileges and immunities of each of the Houses of Parliament and for related matters including printing and publication of proceedings.

"If the police believe there are any documents that could be of interest to them in a case they want to look into, they can raid the offices of that media house or organisation."

In June 2012, the Lesotho Times did a one on one interview with the current Prime Minister when he expressed his desire to stay in his current home while renovations were being carried out at State House. The interview was carried out at his personal residence which the writer described in detail. Describing the furniture and decor in his bedroom was intended to get readers to understand how simple his surroundings were which in turn would reveal the nature of the Prime Minister. The reporter was summoned by the police and questioned extensively - by 12 different officers - on this story, on the basis that it compromised the security of the Prime Minister. The reporter was eventually released after a day. Two days later the reporter was picked up and taken by the Special Operations Unit for further questioning and released without being charged. She eventually lost her job.

Scores:

Individual scores:



Average score:

1.8 (2010=1.3; 2008=1.7; 2006=1.6)

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

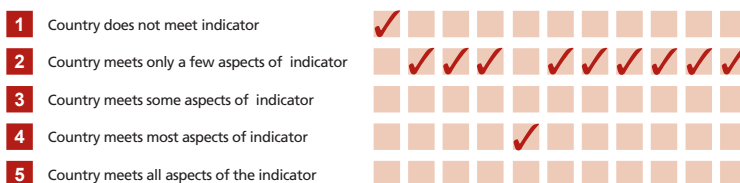
When the government attends international meetings, it tends to sign every protocol that is presented. The SADC Protocol on Information, Sports and Culture and the African Union Declaration of Principles on Freedom of Expression have been signed but that is where it stops. There is nothing in the Constitution that compels the government to domesticate protocols that it has signed and ratified.

There are no consultations in the follow up to ratifications and so the public is not aware of what government has agreed to, in terms of protocols. Sometimes journalists become aware of protocols that have been signed by government but do not publicise this information.

"As media practitioners we have to ensure that we engage with government and discuss what has been signed and the impact it has on the country."

Scores:

Individual scores:



Average score:

2.1 (2010 = 1.0; 2008 =n/a ; 2006 = n/a)

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

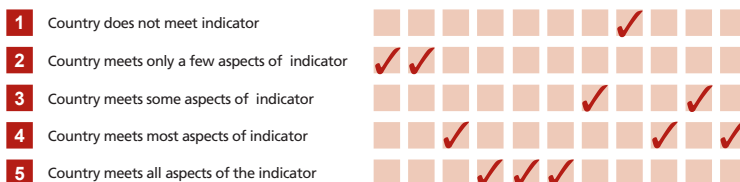
The process of registration depends on the way the company is set up and the manner in which the newspaper is registered.

A media practitioner who was planning to start up a new publication went through the process of registering a company upon which she received a Memorandum of Association, that was handed to the Ministry of Trade and Industry for a trading licence. This was taken to the Law Office and the final step was registering with the Post Office. This was because she was registering her newspaper under a holding company.

The simpler way to publish a newspaper is to go to the Post Office with a copy and register it. The registration of publications is very straightforward and the process takes less than a day and only costs 200 Maloti (US\$23).

Scores:

Individual scores:



Average score:

3.5 (2010 = 3.4; 2008 = n/a; 2006 = n/a)

1.6 Entry into and practice of the journalistic profession is not restricted by law.

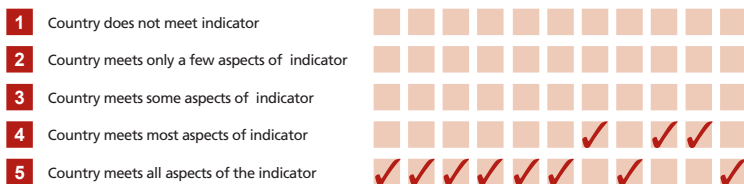
Journalists are not required to register and many of them do not do so. Most journalists who choose to obtain press cards, do so because it is easier to gain access to official events such as visits by regional and international leaders or State functions.

For this registration, journalists are required to go to the police station and pay a fee of 200 Maloti (US\$23) and obtain clearance. With this clearance, journalists then go to the Ministry of Information and get a press card. This is a mere formality and not a legal requirement.

There are many media houses who have initiated internal ID cards to prevent non-media practitioners from posing as journalists operating under their titles.

Scores:

Individual scores:



Average score:

4.7 (2010 = 4.2; 2008 = 2.9; 2006 = 2.4)

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

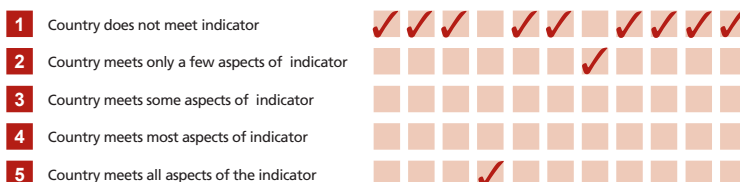
There are no laws protecting sources, so journalists can be forced to reveal their informants. In a country like Lesotho where there are numerous defamation cases, journalists are often asked to reveal their sources.

Keeping sources confidential is an individual choice based on ethical and professional obligation.

In fact, if the court chooses, it can force a journalist to reveal his or her source through Section 9 of the Official Secrets Act, (No. 36 of 1967), which states that it is "unlawful for a person not to disclose information which he or she has and knows or believes to be of material assistance in preventing any subversive activity or for securing the apprehension, prosecution or conviction of a person for an offence involving the commission, preparation or instigation of such subversive activity. A person found guilty of these offences may be fined or imprisoned for up to twenty years."

Scores:

Individual scores:



Average score:

1.5 (2010 = 1.2; 2008 = 1.0; 2006 = 1.6)

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

Information held by the State that should be available to the public is not always easily accessible.

Reading through various newspaper articles it is noticeable that journalists have been able to access documents which are considered to be extremely confidential. While it may appear that it is easy to access public information, it is the writer's sources who have managed to access confidential documents. Interestingly, there has not been any retribution from the State against media who publish this confidential information.

When the government signs agreements, it does not inform the public even though this information is of national importance. An agreement was signed between the Lesotho and South African government over the second phase of the Lesotho Highlands Water Project, which channels Lesotho's abundant water to South Africa but it was never made public. In fact the State denied that an agreement had been signed, yet it was signed on August 11, 2011.

It was reiterated that the Law Reform Commission tried to push for the adoption of the Freedom of Information Act which would allow for certain state institutions to be targeted for retrieval of information. This Act was never adopted.

What the media have managed to access easily are divorce proceedings of high profile personalities.

Scores:

Individual scores:

[illegible]

Average score:

1.3 (2010 = 1.3; 2008 = 1.4; 2006 = 1.2)

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

There are no laws restricting the setting up of websites or blogs. Anyone can start a new website or start writing a blog. Even the Lesotho Communications Authority which is a regulatory media body has no mandate to monitor or administer any content.

Scores:

Individual scores:

[illegible]

Average score:

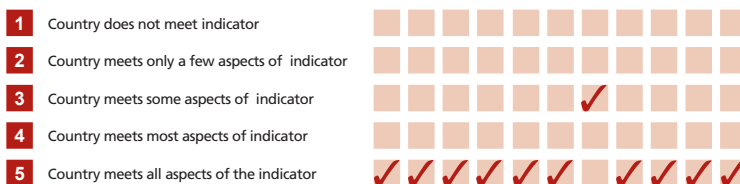
4.5 (2010 = 4.7; 2008 = n/a; 2006 = n/a)

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

In recent years the State has not tried to block internet content. In 2007, the government tried to block topix.com, a website that discussed pertinent issues relating to government but at some stage started carrying content that was vulgar. The government did not succeed in shutting down the website.

Scores:

Individual scores:



Average score:

4.8 (2010 = 3.2; 2008 = n/a; 2006 = n/a)

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

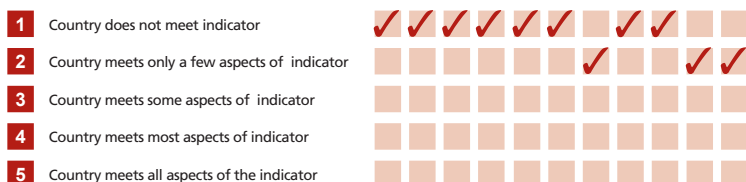
All the advocacy work around media freedom is undertaken by MISA-Lesotho as there are no other existing media lobby groups.

MISA-Lesotho is supported by societies who rely heavily on it to initiate and undertake media related campaigns. MISA holds public discussion forums and does a great deal of lobby and advocacy work around media freedom and freedom of expression issues with the general public and government and most specifically with parliament.

MISA has been at the forefront of pushing for model legislation including Access to Information initiatives.

Scores:

Individual scores:



Average score:

1.4 (2010 = 2.9; 2008 = 2.0; 2006 = 3.6)

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

There is very little discussion around media legislation and this is evident from the fact that very few people knew about the enactment of the Communications Act 2012.

"I wasn't aware of the Communications Act, until I went looking for it...and I'm a lawyer."

"I was actually shocked when I got to the government printers two months ago and I found out that there is this act – the Communications Act. I was shocked that we have such a thing, because we hadn't had consultations in the build up to this and I was really shocked. I had to go through the act to ensure that I had an understanding of it."

The media was also criticised for not playing its role in raising awareness or providing analysis of newly drafted legislation. It was alleged that the media neither carries articles nor discusses the impact of media legislation on the public.

However, it was agreed that there was robust discussion around the Land Bill of 2010 amongst stakeholders, civic societies and the general public that could be attributed to the considerable funding made available by the government for consultations. In addition to this, the portfolio committee responsible bowed to pressure from the opposition and initiated a consultative process.

Common practice in Lesotho is that responsibility for any legislation falls on the minister responsible for the sector. The bill is drafted and sent straight to cabinet, upon cabinet approval it goes straight to Parliament.

"It would be better if government gave stakeholders an opportunity to provide input prior to it [legislation] being submitted to cabinet and this will ensure that cabinet approves something which has had input. As it is, now, when stakeholders give inputs, it is like they are opposing the current government..." This tends to frustrate citizens as it deny them their rights to participate in the national agenda.

It is important to note that “the current speaker met with civil society and told them that the promise of the new government would be that every bill will be extensively consulted. So we need to see that he keeps his promise, because it’s easy to make promises.”

Scores:

Individual scores:

[illegible]

Average score: 1.4 (2010 = 1.6; 2008 = n/a; 2006 = n/a)

Average score for sector 1: 2.7 (2010 = 2.5; 2008 = 1.6; 2006 = 2.1)

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.

Print

Lesotho does not have a national daily newspaper but there are numerous weekly publications that publish on different days. Lesotho Today is a state-owned publication while Public Eye, Lesotho Times, Sunday Express, Informative, MoAfrica are privately-owned.

However, newspapers are becoming an expensive option for consumers who would rather buy bread or take a taxi home.

Radio

Radio has become one of the most popular mediums in Lesotho and the market is expanding. Over the past two years, 5 new radio stations have gone on air in addition to the 8 existing private radio stations. As private radio stations increase in popularity, state run Radio Lesotho is losing ground with audiences.

Radio is considerably cheaper to all other media products and it also has a wide reach. Those that are connected to the national grid have a wider reach, but the ordinary FM radio stations that are not connected to the national grid only reach certain parts, mostly urban centres.

Television

The penetration of Lesotho Television is free-to-air and is available almost nationwide. However, those who can afford it, have turned to pay television channels offered via DSTV by Multichoice. The maximum payment for this is about 600 Maloti (approximately US\$72) but there are other cheaper options with limited viewing channels.

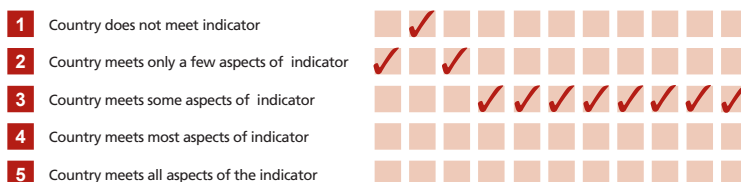
Internet

There are many internet cafes around urban centres but very few in rural communities. It is prohibitively expensive for most people who find it difficult to access internet at 5 Maloti (under US\$1) for 15 minutes. There has been an improvement in the broadband network and internet is more accessible.

Many people access internet via cellphones and so it has become very competitive as the service providers vie with each other in offering the best deal for the lowest price.

Scores:

Individual scores:



Average score:

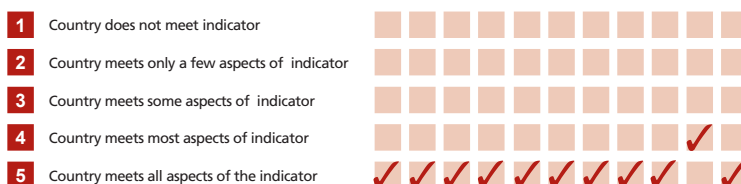
2.6 (2010 = 3.6; 2008 = 1.8; 2006 = 2.5)

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

International publications are freely available in Lesotho and citizens are free to access media products from anywhere in the world.

Scores:

Individual scores:



Average score:

4.9 (2010 = 4.8; 2008 = 3.5; 2006 = 5.0)

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

There have been many attempts by media houses to increase print runs and to boost the distribution of media products to all areas including rural areas. All these efforts are hampered by lack of financial resources.

A joint initiative established by a number of media houses called Distribution Logics is working on a combined distribution project. The project would look at

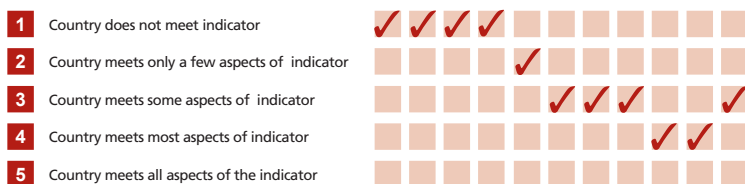
countrywide distribution of between 5 and 6 newspapers around the country on a weekly basis and the costs would be shared. This would also capture the attention of advertisers who would be interested in the readership base being increased.

There was a feeling that newspapers grouping their circulation and distribution would not work well, as the papers come out on different days of the week and also because they are competing papers, so it would be difficult to jointly market the papers. The Lesotho Times has struck a barter deal with DHL which distributes its' newspapers countrywide for free and in return receives free advertising. The problem is that it is not distributed to a specific outlet so it is up to retailers to purchase the paper and sell it to consumers. It is also difficult to keep track of sales. This distribution initiative works well in areas where the newspaper is in demand.

The church and state network have better structures for countrywide distribution but lack capacity to ensure that it is done effectively and efficiently.

Scores:

Individual scores:



Average score:

2.4 (2010 = 4.0; 2008 = 2.4; 2006 = 1.3)

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

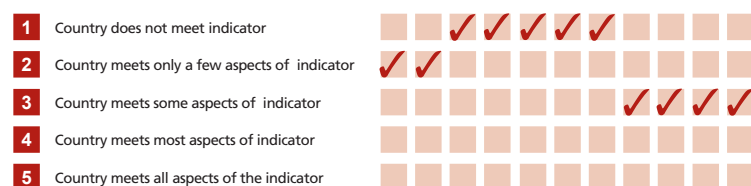
The bilingual Lesotho Today/Lentsoe la Basotho's is the only government paper in Lesotho. Staff at the publication may not receive directives or instructions from the Ministry of Communication, Science and Technology which it falls under. However, it seems likely that journalists at the organisation practice some sort of self-censorship and are aware of what it is possible to write and what will not be approved.

The current government made an announcement that the opposition party Democratic Congress (DC) public rallies would not be covered by the public media for as long as the DC kept making claims that it had won the last elections.

The irony is that the DC, which was in government before the May polls, had prevented other political parties, mainly the Lesotho Congress for Democracy (LCD), from being featured in state-run media.

Scores:

Individual scores:



Average score:

1.9 (2010 = 1.4; 2008 = 1.0; 2006 = 1.0)

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

Lesotho has no competition Act or authority/regulator, in fact it has the opposite – under the industrial and trading licences system a business can apply for protection from competition for up to 10 years.² In 2010, the country adopted a National Competition Law which has not yet been implemented. The Communications Act of 2012 addresses competition management but refers only to the broadcasting sector. This new legislation attempts to put measures to prevent monopolies in the broadcasting and electronic media but the print media is excluded.

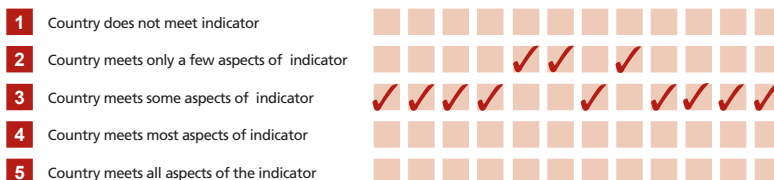
Schedule VI of the Communications Act has a section dedicated to Competition Management and one of the clauses titled Competitive Safeguard states that: “The Authority may adopt competitive safeguards designed to deter a dominant licensee from using its significant market power in one market to impede the development of competition in another market.”

An individual can own as many print media outlets as he or she wants as there are no legal restrictions.

² UNCTAD (2003) ‘Investment Policy Review: Lesotho’, United Nations Conference on Trade and Development, Geneva, available online at http://unctad.org/en/Docs/itepc20034_en.pdf

Scores:

Individual scores:



Average score:

2.7 (2010 = 1.0; 2008 = 1.5; 2006 = 1.1)

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

The government has assisted small private radio stations by hooking them on the national broadcasting grid instead of getting them to set up their own transmission infrastructure. They are required to pay 3000 Maloti (approximately US\$355) a month for this service.

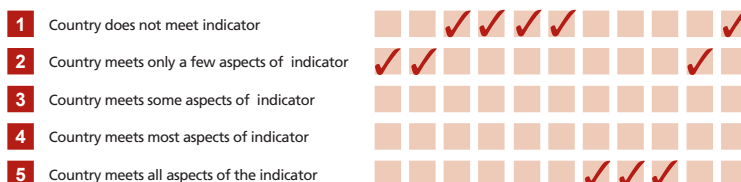
"... at the end of the day we need to look at the fact that they are reliant on government, so if somebody in government wakes up on the wrong side tomorrow they can just switch them off. And that's when self censorship comes in because you find that sometimes you avoid broadcasting certain content because government just might not like it."

There are no other initiatives to support media in Lesotho.

"...we know that government has the resourcesso why not use the very same resources to ensure that the private media is distributed to all corners of Lesotho."

Scores:

Individual scores:



Average score:

2.4 (2010 = 1.4; 2008 = n/a; 2006 = n/a)

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

There are no editorial policies in newsrooms to ensure that the voices of men and women are reflected fairly.

A quick survey of sources quoted in newspapers or even radio and television shows that preference is given to men as they seem to be regarded as the voices of authority.

Media outlets are dominated by male editors and so journalists write in a way that they think will please their (male) editors. Even women journalists prefer using male sources in their stories. The underlying aspect of this “is that we are not yet conversant with gender sensitive issues and how to report on gender or ensure gender balance in stories. We don’t have skills in those aspects.”

Attempts by reporters to introduce gender balance in media content, is often thwarted by editors themselves. A journalist, who wanted to report on an event held by the Lesotho Congress for Democracy (LCD) Womens’ League during Women’s Month, was forced by her editors to get a comment from the leader of the party – the current Prime Minister.

“It happens subconsciously, it’s the way we have been brought up. But they also feel that to get credible information, they go to the men, so most of the stories are told in the voices of men. Last week, women marched to protest child molestation, violence, rape and abuse and the story on television showed the Prime Minister being interviewed.”

“At the opening of the elective conference the focus is always on what the men say and the more prominent the man the better the story.”

To redress the balance and ensure that women's voices do not continue to be marginalised, The Mountain Star has introduced Speak Out, a column that focuses on pertinent issues for 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:

1.5 (2010 = 2.8; 2008 = n/a; 2006 = n/a)

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

A number of radio stations are faith-based so the focus is on religious news and issues. With the exception of the Bahai Faith, no minority religions are given space. There are five languages that are recognised in Lesotho, sign language, Siphuti, IsiXhosa, SeSotho and English. MoAfrika encourages broadcasts in IsiXhosa and Chinese.

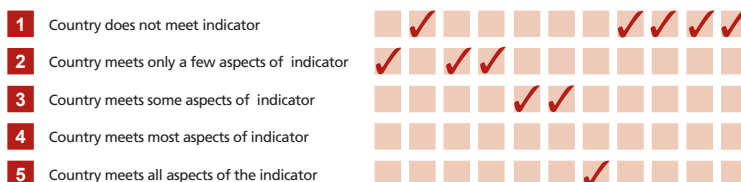
Basotho are seen as a homogenous society so there are no preferences given, but generally the media tends to reflect on the issues and the lives of urban communities. There is very little focus on rural areas and issues that impact on them.

This is based on the premise that issues of poverty and development do not sell papers. Newspaper content is based on what is perceived to influence the bottom line. There is no doubt that commercial interest drives content.

People are featured based on the principle: "what is their claim to fame."

Scores:

Individual scores:



Average score:

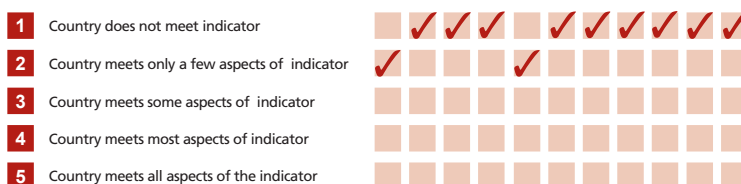
2.0 (2010 = 2.2; 2008 = n/a; 2006 = n/a)

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

Lesotho has an ICT policy adopted in 2005 that does not conform to the current situation or current trends and it is not being implemented. A panel of experts that did not undertake any consultation process developed the ICT policy. The policy has not been widely distributed.

Scores:

Individual scores:



Average score:

1.2 (2010 = 1.2; 2008 = n/a; 2006 = n/a)

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

It is very rare to see a publication without government advertising as it is the biggest advertiser in Lesotho. All media outlets rely heavily on Government advertising. Since they are aware of the influence of how and where their money is spent, government is able to put pressure on media houses.

The withdrawal of advertising often takes place during elections over the years several media houses have been affected with the most severe impact being on Public Eye. In 2007, when government overtly stopped advertising in Public Eye, it had to retrench staff and almost went under. Recently, however, after discussions were held between the media managers of Public Eye and certain ministers, a deal was struck that has improved the situation.

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:

1.7 (2010 = 1.1; 2008 = 1.9; 2006 = 1.1)

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

It is difficult to determine what ad-spend figures in Lesotho are, as there are several issues at play.

There are traditional advertisers such as banks, mobile phone companies and of course the government, so the advertiser base is rather small.

The culture of marketing is fairly new and so companies do not set aside budgets for advertising. "Even when you convince someone to advertise, they will agree but will insist on paying less."

A number of corporate organisations who have the means to advertise, have offices in South Africa and decisions about advertising are made by agents. The

agents have their preferred outlets and they will decide which outlet gets the advertising and how much.

Government has its own budget cycle with the most productive months being April to July or August and of course this impacts negatively on media houses. As a result, media houses are unable to plan long term projects and go through extremely lean months with limited advertising.

The advertising market has been shrinking in the last few months and the media is corresponding accordingly.

"We don't have an advertising department, we just have somebody who waits to collect the adverts because they come on their own. There is no need to go out there. We have tried to go out to districts and we end up using 500 Maloti on fuel just to get two 5x2 sized adverts which are 80 Maloti and small businesses don't pay so you have to insist on cash up front. They don't understand the need to advertise."

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:

1.8 (2010 = 1.8; 2008 = 1.1; 2006 = 1.5)

Average score for sector 2:

2.3 (2010 = 2.4; 2008 = 1.9; 2006 = 1.6)

SECTOR 3:

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

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

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

The new Communications Act adopted in April 2012, allows for a 4 tier broadcasting system.

Section 38 Clause says: “In granting licences for the provision of broadcasting services, the Authority shall seek to ensure that the public has access to:

- a) a diverse range of broadcasting services, including –
 - i. public broadcasting services;
 - ii. private broadcasting services;
 - iii. commercial broadcasting services and
 - iv. community broadcasting services”.

These four classes of broadcasting are listed without much explanation. Prior to the Communications Act, the broadcasting sector was governed by the Broadcasting Classification Regulations of 2007.

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:

4.4 (2010 = 1.1; 2008 = 2.0; 2006 = 2.1)

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

The Lesotho Communications Act of 2000, which comprises of a Board of Directors made up of a chairman and five other members. The appointments are made by the Minister who can “appoint persons who represent a diverse range of professional skills and experience and views relevant to the communication sector.”

When appointed the current board, the Minister did not consult civil societies or stakeholders nor was the public aware of the process.

The lack of consultation is possible as the only legal requirement within the Act is “prior to making an appointment, the Minister shall cause to be published, in a manner calculated to be readily accessible to potential candidates”, an invitation to submit recommendations or expressions of interest for appointment and the Minister may specify the supporting information that shall be provided.

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:

1.5 (2010 = 1.4; 2008 = n/a; 2006 = n/a)

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

The Lesotho Communications Authority (LCA) regulates broadcasting licences and there is limited knowledge on how the process works.

The LCA will post nationwide announcements calling for applications. Applicants are expected to apply in writing and if shortlisted they are called for interviews. The process is not open to the public or the media.

Radio Mofokeng went through a cumbersome process and it was a year before their licence was issued.

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:

1.7 (2010 = 2.0; 2008 = 1.1; 2006 = 1.0)

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

Lesotho Television (LTV) does not have a board.

There are two departments within the Ministry of Communications, Science and Technology, with one responsible for television and the other for radio.

The departments which are completely separate report to the Minister.

Scores:

Individual scores:

[illegible]

Average score:

1.0 (2010 = 1.0; 2008 = 1.0; 2006 = 1.0)

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

Since there is no board, this indicator was not applicable.

Scores:

Individual scores:

[illegible]

Average score:

1.0 (2010 = 1.4; 2008 = 1.0; 2006 = 1.0)

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

The Communications Act of 2012 is silent on the editorial independence of the state broadcaster. Nor does the broadcaster have a charter or editorial policy that addresses editorial independence.

Soon after coming into power in May 2012, the newly appointed government openly told the Democratic Congress (DC) that their rallies would not be covered and the state broadcaster complied with this pronouncement. This was followed by an outcry from civil societies who did not want the DC shut out, alleging that the government did not have the right to take such a step. The government did not back down.

But since then there has been a change of heart and the state media is once again covering the DC.

What is clear is that the state media takes positions according to who is in power, because the sitting government uses the state media to advance their own agenda.

Scores:

Individual scores:

[illegible]

Average score: 1.0 (2010 = 1.0; 2008 = n/a; 2006 = n/a)

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

The state broadcaster draws up its own budget which is discussed at ministerial level, then at national level and the money is allocated through parliament. The allocation that parliament approves is based upon the decision made by the budget comptroller who will determine what amount is feasible.

In many instances, the state broadcaster will put in a supplementary budget for costs which could not or were not anticipated. When these requests are denied, it makes it difficult for the state broadcaster to extend adequate coverage.

Pressure is often put on the state broadcaster but may not always be direct. Two weeks prior to the Parliamentary elections in 2012, the director of LTV announced that state media would no longer be covering any political parties during the campaign until the elections. When asked why, he explained that LTV was

struggling with financial resources. During this period they continued covering the DC, the party that was in power at the time.

As mentioned in the previous indicator, whatever government comes into power tends to exert a great deal of influence and pressure on the state 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:

1.5 (2010 = 1.8; 2008 = n/a; 2006 = n/a)

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

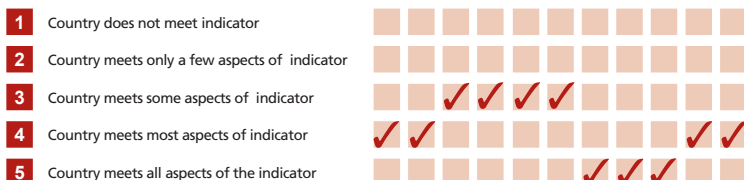
Lesotho does not have a signal distribution company so it relies on a South African company called Sentech, to provide technical expertise on signal coverage.

Sentech provides technical information on signal coverage and the Lesotho government maps out the extent of coverage and carries out improvements when necessary. During winter, when parts of the Lesotho highlands are covered with snow, the signal is poor, so the government has planted a transmitter in Mokhotlong for wider reach.

Depending on the topography, radio and television coverage is approximately 80%.

Scores:

Individual scores:



Average score:

3.9 (2010 = 4.0; 2008 = 1.4; 2006 = 1.0)

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

There are variety of television programmes available for audiences ranging from soap operas – mostly from Brazil and Mexico – documentaries, dramas, phone-in programmes, talk shows and religious programmes.

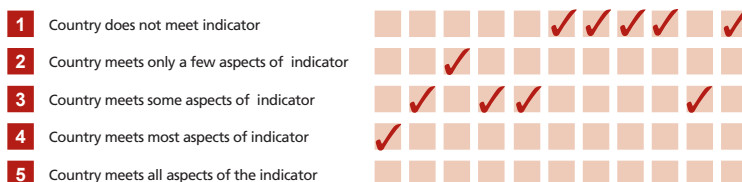
The lack of diverse programming is caused by lack of capacity. Every year, Radio Lesotho invites government ministries to submit programmes which is possible, because almost every government department has an information section and some of them have recording studios where they can record programmes.

Radio Lesotho requests a minimum of 26 to a maximum of 52 segments but many of the ministries are unable to provide these programmes, therefore Radio Lesotho ends up either repeating programmes or cancelling programmes. “So the impression is that there is no diverse programming, but it is also because they are not receiving enough content.”

Radio and television are now linked so you can access television through radio and vice versa, but this service is only available from a certain time in the evening.

Scores:

Individual scores:



Average score:

2.1 (2010 = 3.3; 2008 = 1.1; 2006 = 1.0)

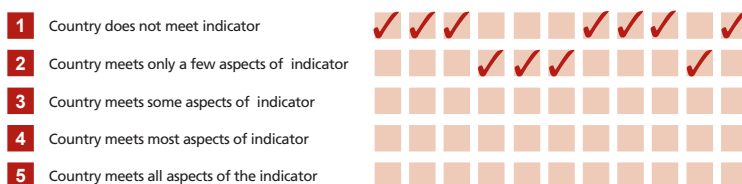
3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

Radio news do not extend beyond two minutes so there is not much diversity or depth to the news. While television news is on for thirty minutes every day, it often confines itself to two or three issues. One news item could run for 12 minutes or more.

The state broadcaster does not have producers and so newsreaders gather their own information and compile the news.

Scores:

Individual scores:



Average score:

1.4 (2010 = 2.7; 2008 = 1.1; 2006 = 1.0)

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

When a programme is aired at the beginning of the week, it is then aired repeatedly throughout the week.

There are numerous initiatives where local artistes pair up with producers from South Africa on programmes like Urban Grooves. This is being well received because the state-run media are showing and playing more locally produced music than they did before.

In recent months local production companies have taken the initiative to produce their own material, but the State is not interested in using the content and has not even attempted to purchase local productions. These producers are generating music videos, drama, plays, documentaries and poetry readings. The state media is showing budget constraints for their lack of interest.

“Technically the state broadcaster does not have the serious budget constraints they claim because they can go to government and claim money. So if they wanted to go and create content in whatever district, they can go but they don’t.”

For Lesotho television, it may be cost effective to buy international programmes because it costs less at 425 Maloti (approximately US\$50) an episode, whereas local productions are more expensive and often the quality of the production is poor.

The State has agreed to support local talent and the new government intends to set up a fund to support local production initiatives.

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 (2010 = 2.4; 2008 = 1.0; 2006 = 1.0)

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

The Communications Act of 2012 provides for community broadcasting and is defined as broadcasting that:

- a) is provided by specific communities;
- b) transmits programmes that are submitted by and realises aspirations of the community that owns such broadcasters;
- c) operates on a non-profit making basis and;
- d) provides coverage that will enable transmission access to members of the community;

Going by these definitions there are no community radio stations in Lesotho.

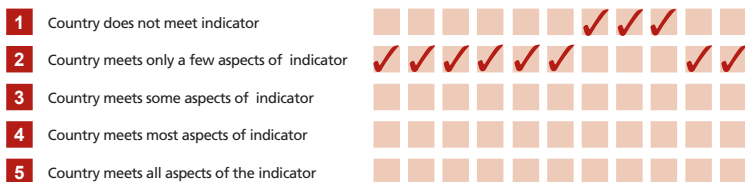
“Community radio is when you broadcast to a defined community - it could be a village, it could be something else ...but when you have that radio station, piggy backing on the state and then broadcasting as far as Johannesburg, for instance, because some of these radios you can actually pick their frequency as far as Zimbabwe, then the technical term for community becomes passive.”

What could be defined as a community broadcasting programme is the initiative by a young boy who discovered how to broadcast. At first the State shut him down, but after the Minister visited him and applauded his creative effort, the head of the LCA backtracked on this decision and allowed him to continue broadcasting.

His initiative is still up and running and since he comes from a very poor family, the boy charges sightseers to his initiative, a nominal fee of 5 Maloti (under US\$1).

Scores:

Individual scores:



Average score:

1.7 (2010 = 1.4; 2008 = 1.3; 2006 = 1.1)

Average score for sector 3:

1.9 (2010 = 2.0; 2008 = 1.1; 2006 = 1.0)

SECTOR 4:

The media practise high levels of professional standards.

The media practise high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

The Communications Act, provides for the establishment of a Broadcast Disputes Resolution Panel whose mandate is to develop a broadcast code of content and to deal with all disputes regarding broadcast content.

The Minister will appoint the panel of four members from a list of nominations and recommendations provided by members of the public. The nominees have to be well qualified and independent to serve as members of the Panel.

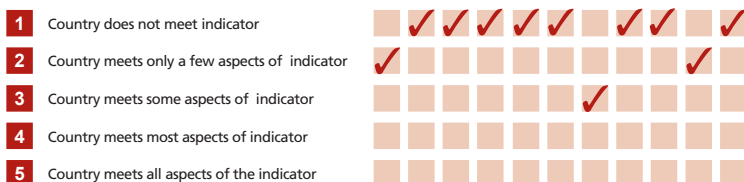
For over a decade, MISA has initiated attempts to set up a self regulating body for the media that is based on the Tanzanian model. However, this has failed because of differences between media practitioners on how regulatory body should be set up, how it should operate, and who should be involved in running it.

Very few media houses in Lesotho have their own editorial policies and codes of conduct and there is no regulatory body for the print media. The lack of in-house policies means journalists operate in a professional and ethical vacuum.

Editors use their authority and discretion to deal with different situations. They all handle situations differently. Many of them are not concerned with ethical abuses unless there is a risk of the story attracting a lawsuit. If a complaint is received by a media house, they tend to ignore it unless the person involved is prominent. One radio station owner is well known for calling presenters while they are on air and reprimanding them for misdemeanours.

Scores:

Individual scores:



Average score:

1.4 (2010 = 1.6; 2008 = 1.1; 2006 = 1.0)

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

“There are a few outstanding journalists in Lesotho, but the rest are not. They are unable to write fairly or accurately.”

The majority of journalists do not investigate a story and they rarely bother to get both sides of the story. They do not care about mistakes and will write stories without checking the facts. As a result the mistakes made in stories range from getting names and positions wrong to producing stories that are totally incorrect.

There are many cases where stories have been published and it is revealed that the subject of the article was never even interviewed.

It is easy to see how mistakes are made just by looking at the apologies that are carried in publications on a daily basis. “Some of the mistakes are so stupid, you don’t even know how it happened.”

Journalists are looking for something that will sell the paper. “We are under pressure to ensure scoops and in the midst of that, there are so many mistakes.”

Most of the reporting in the country is event driven and articles are based on the attendance of launches and cocktail parties. There are journalists who will not attend press conferences or ministerial briefings because there are no freebies on offer.

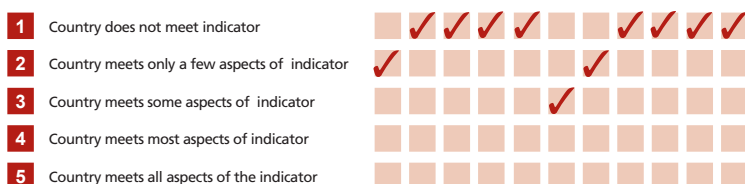
Panellists highlighted many of the challenges faced by newsrooms:

- There is a serious lack of resources – human, technical and financial;
- Most newsrooms are understaffed and yet the pressure is intense;
- There is very little training being offered to journalists especially on the job and on specialised topics;
- For over a decade most media houses do not have proper newsroom structures – the editor has to stand in as sub-editor and even news editor;
- There is a lack of communication between editors and journalists which impacts on skills transfer;
- Owners of media houses prefer to hire people who have not been trained because it will cost them less;
- Sub-editors are graduates fresh out of University with little or no experience and have never been in the field. Their lack of exposure and experience shows in the stories that are passed and published.

“We are operating in a crippled way.”

Scores:

Individual scores:



Average score:

1.4 (2010 = 3.2; 2008 = 2.1; 2006 = 1.2)

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

Journalists may get a good story but will pass it on if it requires work. They prefer a story that is ready and there are many information officers who are prepared to write an article and hand it over to a journalist who will pass it on as his or her own story. Journalists rely heavily on press releases so that they can cut and paste. Then there are journalists who prefer to go to places where it is easy to get a story because they want to meet their deadline. So stories tend to be urban based and there are very few stories about events in rural areas or issues that impact on rural communities.

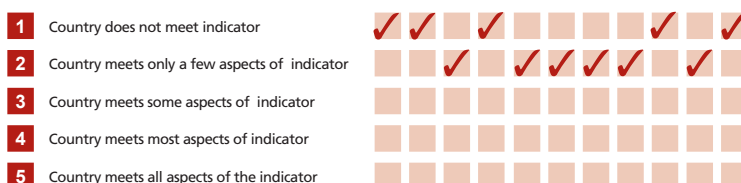
"The only one time you see a story coming up is because ...everybody is talking about it and there is a scandal attached to it... I think we really have a problem with investigative journalism. And from what I have noticed, most papers don't have business pages." Stories may focus on the opening of a new bank but there is nothing on financial indicators or markets trends. Public Eye is the exception as it carries an extensive amount of business news.

There is very little analysis undertaken on issues and this can be attributed to lack of knowledge. The Bank of Lesotho tried to assist by tackling the subject of economics reporting but their mistake was in using MISA as the entry point into media houses. This move was resisted by the newsrooms.

Initiatives have been offered to newsrooms by professionals who have agreed to come into newsrooms and offer their knowledge on specialised topics but these have never been taken up. All these initiatives seem to be fraught with politics and editors are not keen on taking them up.

Scores:

Individual scores:



Average score:

1.5 (2010 = 3.7; 2008 = 2.0; 2006 = 4.0)

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

Gender Links has worked with newsrooms in Lesotho to develop gender policies but judging by stories that are published. However, there does not seem to be any evidence of that. It would seem that the policies are not being implemented.

Most newsrooms do not have employment policies and do not address issues of race, gender, ethnicity, age, religion or disability.

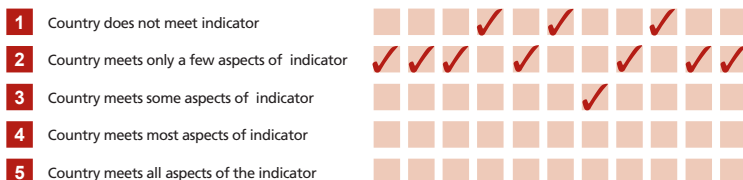
Africa FM has a radio programme with disabled presenters who discuss issues of disabilities.

Public Eye is in the process of developing a policy and Mountain Star is planning to implement an HIV and AIDs workplace policy and a Gender Policy. "We are trying to provide equal opportunities for men and women because in most media houses, men hold the decision making posts."

There is a clash of culture when it comes to issues of homosexuality and people find it difficult to deal with gay and lesbian colleagues. Some of the media houses are attempting to deal with it in innovative ways, either by introducing the subject during training or discussing it openly.

Scores:

Individual scores:



Average score:

1.8 (2010 = 4.2; 2008 = n/a; 2006 = n/a)

4.5 Journalists and editors do not practise self-censorship.

Journalists practise self-censorship based on the experiences they have.

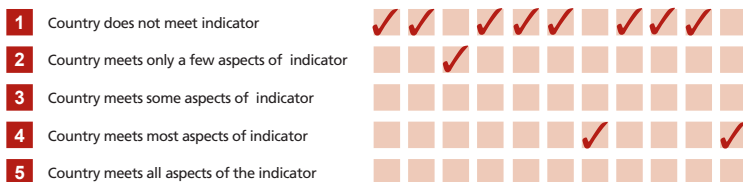
Political stories are tricky because editors may decide not to use them, or if they agree, the owners will not want them published because they have a relationship with the politician. Sometimes journalists write about the smaller parties but these stories keep being spiked, most of the time without reason.

All these issues push journalists into taking decisions about what story they are going to write and how they are going to write it. "It starts off as self-censorship and then becomes editorial censorship."

There are journalists who openly align themselves to a political party, which means they are going to be selective about what they will write and what they will overlook.

Scores:

Individual scores:



Average score:

1.6 (2010 = 2.8; 2008 = 1.3; 2006 = 1.2)

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

In many cases in Lesotho, the owners of media houses are also the editors of the media product so the lines are crossed very often, because the two roles are difficult to separate.

"We do interfere. We rely on advertisers, so when a journalist writes a scandalous story about one of my biggest advertisers, I will have to take out that story."

Owners interfere because they need to be careful about what is written or published. These owners also have other business interests such as providing supplies for government tenders, so they are very careful about what they write about and what they will not write.

"For instance, if a government minister has been corrupt in his or her ministry, misusing funds or fraudulently getting government money and you have proof, but that minister could have an influence in your acquiring that particular tender, then you shelve the story."

There are issues with Vodacom service, but there will not be any reports about the issue, because the company takes out full page ads on a regular basis. It's the same with Econet, who recently retrenched a large number of staff.

When transport in a media house has to be shared, the marketing people get preference to visit their clients "because it's about your salaries."

Scores:

Individual scores:

[illegible]

Average score:

1.0 (2010 = 2.1; 2008 = 1.1; 2006 = 1.0)

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

“Poverty is the driving force behind corruption.”

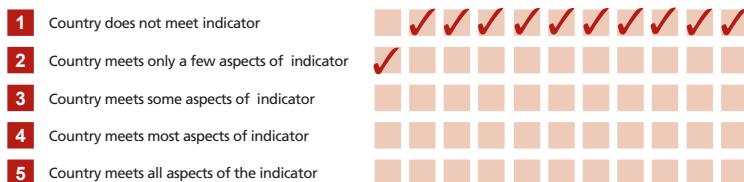
Journalists are divided into two camps – there are those who are not paid well but choose not to succumb to bribes and those who have no integrity and are corrupt.

“I have never had to compromise. I have never had to pay for anything. Luckily the company that I work for if we need to go out...almost everything is provided for.”

There are numerous instances of scandalous stories being written about top officials, who then find out and offer the journalist money to stop the story from being written. In these cases the journalists take the money and drop the story.

Scores:

Individual scores:



Average score:

1.1 (2010 = 2.6; 2008 = n/a; 2006 = n/a)

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

Most media houses are running their organisations with limited resources. Salaries are poor and people are forced to take what they are offered because of the high rate of unemployment. Most media houses do not offer medical or any other benefits and in general there is no overtime paid out.

“Even if you get to work at seven in the morning and leave at ten, you are told that journalism is not an eight to five job.”

Journalists who are injured on the job are not compensated and have to pay their own medical expenses.

“One time I was stoned at a rally and had to pay for my own treatment.”

“I had a laptop snatched while working and I had to pay for a replacement.”

Salaries differ in range and journalists working in the broadcast sector are paid poorly.

Salaries in print media start at 2,500 Maloti (approximately US\$300) to 10,000 Maloti (approximately US\$1,190) a month. Journalists have to negotiate their own worth.

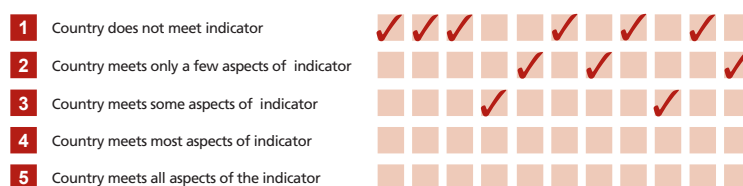
At Radio TKFM there are no salaries, instead staff get commission from the advertising they source.

The only places where there are perks are at media organisations run or owned by the state.

Working conditions are tough and people are expected to work long hours with minimal support from the media house with communication costs, or transport or accommodation for stories out of Maseru.

Scores:

Individual scores:



Average score:

1.6 (2010 = 2.4; 2008 = n/a; 2006 = n/a)

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

The Institute of Extra Mural Studies (IEMS) of the National University of Lesotho gives special consideration to people who are working in the media even if they do not meet the entry requirements. The IEMS offers a Diploma in Mass Communication and a Degree in Journalism in Media.

Limkokwing University of Creative Technology – the local campus of an international university founded in Malaysia – offers Advertising, Journalism and Media Studies but there was consensus that this institution leaves a lot to be desired:

- The University offers courses which are not offered by the National University of Lesotho but then there are no external examiners.
- Lecturers have no qualifications or experience in the field they are teaching.
- Some lecturers are just first degree holders.
- Some lecturers cannot even construct sentences.

There are no other centres where journalists can get formal training unless an editor connects a journalist to a regional or international programme.

“Even when these training initiatives are sent to journalists they never show any interest. ...they never apply for any, not even scholarships and in a case where you manage to qualify for all those opportunities, you see that the editor is the one who is not willing to release you.”

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 (2010 = 2.8; 2008 = 1.8; 2006 = 3.4)

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

MISA is the only fully functioning media organisation in Lesotho. There are no other media organisations or professional associations that are up and running. An initiative was introduced by the Southern African Journalists Association to start up a local branch which would focus on the welfare of journalists.

An organisation of journalists was registered as the Lesotho Association of Journalists in 2008, but at a trade union conference in Rwanda attended by

one of the Association of Journalists founder members, it was decided that branches registered as associations were to be converted and registered as unions and this process is still being undertaken.

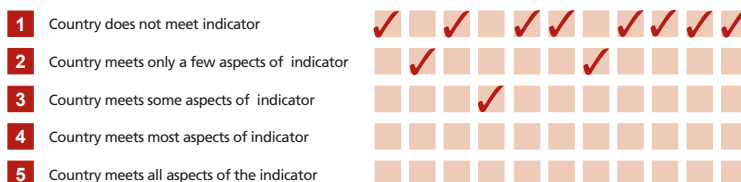
Media houses in Lesotho are unwilling to join media organisations like MISA because they feel that there is no benefit for them. Media owners also tend to be suspicious because they are unaware of who is involved and what their agendas are.

Employees from these media houses can join MISA as individuals but they tend not to, because it is awkward when an employer regards the media organisation with suspicion. "You can never feel free to participate in that organisation."

Editors by nature are suspicious and they are reluctant to get together and find common ground on which they can develop something such as an Editors Forum or a Publishers Association.

Scores:

Individual scores:



Average score: 1.4 (2010 = 2.0; 2008 = 1.5; 2006 = 1.9)

Average score for sector 4: 1.5 (2010 = 2.7; 2008 = 1.6; 2006 = 2.0)

Overall Country Score: 2.1 (2010 = 2.4; 2008 = 1.6; 2006 = 1.6)

The way forward

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

Positive developments

1. There is more usage of media space by the general public.
2. Private radio stations have become a popular medium but public radio stations have dropped in popularity.
3. There is a considerable increase in the number of people using new and social media such as Twitter, Facebook and blogs.
4. The enactment of the Communications Act of 2012 which introduces four tier broadcasting system.
5. The emergence of new radio stations.

Negative developments

1. The Minister of Communications is responsible for appointments on boards regulating the media
2. There is a lack of respect and integrity in the media profession

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

1. *Self regulation*: To set up a committee made up of media stakeholders on how to institute media self-regulation - **Violet Maraisane, Crosby Mwanza**
2. *Media Policy and analysis of the Media Policy to be developed and shared widely*: Develop civic society position on the Media Policy based on contents and analysis of policy - **MISA**
3. *Work around the 2012 Communications Act*: Raise information awareness about the Act - **MISA to decide**
4. *Training - Consolidation of Training*: - **South African Media**
5. *Business Reporting, Investigative Journalism, Community Issues* - **Alliance (SAMA)**

The meeting took place at Mohale Lodge, Mohale, Lesotho, on 1-2 September 2012.

Panellists:

Media

1. Tapera Chikuvira - Journalist
2. Violet Maraisane - Media Trainer
3. Marafaele Mohloboli - Media Journalist/Owner
4. Crosbey Mwanza - Media Trainer
5. Khutliso Sekoati - Journalist
6. Rethabile Sello - Media Owner
7. Bongiwe Zihlangu - Journalist

Civil Society:

8. Lehlohnolo Chefa - Human rights activist
9. Daniel Maraisane - Trade Union activist
10. Mantsalla Ramakhula - Actor
11. Lindiwe Sephomolo - Lawyer Owner

Rapporteur:

Reyhana Masters

Moderator:

Sarah Chiumbu

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