



AFRICAN MEDIA BAROMETER

A home-grown analysis of the
media landscape in Africa

BOTSWANA 2023



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The African Media Barometer (AMB) is a perception index. The findings, interpretations and conclusions reported are those of panelists drawn from civil society and media organisations for the purposes of conducting the AMB, and do not necessarily reflect the views and opinions of Fesmedia Africa, the Friedrich-Ebert-Stiftung or the Media Institute of Southern Africa (MISA).



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The African Media Barometer

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

The AMB is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB reports are then integrated into the work of the 20 country offices of the FES in sub-Saharan Africa and into the advocacy efforts of other local media organisations such as MISA.

Methodology and Scoring System

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

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

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

In 2009, 2013, 2019 and 2021 some indicators were replaced to align with changes in the media landscape. Consequently, in some instances, the comparison of indicators of previous reports is not applicable (n/a), as the indicator is new or has been amended considerably.

The sum of all individual indicator scores is divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores.

Outcome

The final, qualitative report summarises the general content of the discussion and provides the average score for each indicator. Panellists are not quoted by name in the report, in order to protect them from possible repercussions. The reports can be used as a tool for possible political discussion on media reform.

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

In facilitating the AMB, the FES and 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.

By the end of 2021 the AMB had been successfully completed 128 times in 32 African countries, in some of them for the sixth time already.

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See above 32 AMB Countries (2005-2022)

African Media Barometer

BOTSWANA 2023

Summary

Freedom of the media in Botswana is perceived to be limited. It is not explicitly mentioned in the constitution or legislation and is therefore “assumed” to exist.

There are areas of serious concern regarding creating an effective environment for journalists to operate, including the lack of Access to Information legislation (first tabled in 2011). Some pieces of legislation (including the National Security Act) are used to deter journalists from accessing information. National security is used as an excuse not to disclose information held by public officials. The Declaration of Assets and Liabilities Act can also force journalists to disclose their sources.

Several existing laws can be used against media practitioners. These include the Whistleblowing Act, the Criminal Procedure and Evidence (Controlled Investigations) Act, and the National Security Act. For instance, the latter allows CCTV (closed circuit television) footage of a journalist to be viewed by state security personnel, who could then be used to determine a journalist’s source for a story.

Freedom of expression is also curtailed by the increasing threat of defamation lawsuits (including criminal defamation), the widened definition of sedition, and increased calls for the protection of the president from criticism or insult. Control over the media will be increased with the proposed Media Practitioners Act of 2022, passed by parliament but not yet gazetted.

It is reassuring to see the active steps being taken to urgently revive the Press Council, fulfilling the required mandate in the proposed act for a public complaints committee and hopefully negating the need to establish a state body in this regard.

There is a thriving media sector, with both state and commercial players in print, television, and radio, and a regulatory body for broadcasting (BOCRA – the Botswana Communications Regulatory Authority). BOCRA takes firm action to ensure commercial radio stations follow guidelines on election coverage, have regular news coverage, play a high percentage of local content and cater for regional languages.

Media organisations, including MISA Botswana and the Botswana Editors Forum, promote media freedom. The latter represents and protects the rights of media workers. The public workers union, Botswana Public Employees Union is also strong and active and participated in a demonstration against the dismissal of a journalist at a commercial radio station.

The country is a global leader in terms of the internet, with the SmartBots network providing high-speed, reliable internet access points in more than 500 towns and villages throughout the country. This free internet requires no registration by users, and there are very few restrictions (pornography being one) on the content that can be accessed.

The COVID-19 pandemic brought a host of repressive legislation over the media, which curtailed freedom of information. This included emergency powers, which gave the president unilateral power in decision-making. The media, including social media, were also barred from publishing or broadcasting any statements about the pandemic or vaccinations from sources other than the Ministry of Health and the COVID Task Force. It was, however, frustrating for private media journalists to access this information outside of state broadcaster BTV. Questions from private media houses were sometimes not answered directly to the journalist/media house but on BTV or distributed through a press release.

Journalists who broke regulations were threatened with fines or prison terms. Freedom of movement was also curtailed, with permits needed from the Office of the President. The pandemic had widespread and long-lasting effects on the economic sustainability of media houses, although they did benefit from a small government grant.

Similarly, there remains a lack of public accountability and oversight regarding regulatory bodies such as BOCRA. The board is appointed directly by the minister and includes a member from the Office of the President. Even more concerning is that no new licenses have been allocated to private radio since 2007. Although BOCRA has a set of guidelines to ensure effective broadcasting (including guidelines on fair and equitable coverage during elections), the state broadcaster (both radio and television) has been specifically excluded from these regulations since 2012, and, thus, the guidelines.

There is concern about low salaries, and many journalists have moved on to other professions, resulting in newsrooms being filled with young and inexperienced journalists. There is also a “casualisation” of newsrooms – with full-time positions replaced by part-time or freelance workers. The practice of journalists receiving bribes to write (or not write) stories – known as “brown envelope” – exists in the country, and there is often commercial pressure to frame stories from a certain angle because media houses need advertising income for survival.

In terms of the future, training the judiciary, police, legislators, journalists, and civil society can help to build bridges and enhance further understanding of issues related to media freedom. Efforts to actively embrace and promote minorities in newsrooms can help with greater sensitivity and understanding of their realities in reporting.

The panel discussion took place at Manong Game Lodge, Botswana from 17-19 November 2023.



SECTOR 1:

Legal/regulatory framework for freedom of expression and access to information and actual practice of these rights

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

Section 12 of the Botswana Constitution provides freedom of expression, although no specific provisions are made regarding media freedom. Nor is it part of any act of parliament.

Section 12(1) provides that:

Except with his or her consent, no person shall be hindered in the enjoyment of his or her freedom of expression, that is to say, 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 or her correspondence.

While media freedom is not directly mentioned in the constitution, it is assumed to be embedded in the national law through the constitutional reference to freedom of expression.

‘Some of the country’s courts do appear to interpret the constitution in such a way as to extend freedom of expression to include freedom of the media. Section 12 has thus been interpreted by the courts to include freedom of the media. Case law, therefore, becomes part of the legal framework, forming the sources of law.’

Panellists felt there was no guarantee of media freedom. They also felt there were limitations to exercising freedom of the media because it was not enshrined in the constitution or legislation and was just assumed to exist.

‘As a result, when we defend ourselves against attacks on media freedom, we have nothing to stand on, because it is just assumption. If legislation spoke specifically to media freedom, then there would be a guarantee of protection of media freedom, but there is not.’

In Botswana, there is the Botswana Whistleblowing Act of 2016 and the Media Practitioners Association Act of 2022, which has been passed by parliament but has not yet been gazetted. However, panellists noted that those working in the media sector are not protected by either.

‘These acts don’t strengthen media freedom but rather take it away. And, with the Media Practitioners Act, because it has not yet been gazetted, we are still hanging.’

Questions were raised about the right to privacy. Panellists felt that the Criminal Procedure and Evidence (Controlled Investigations) Act of 2022 did not guarantee a person's privacy with regard to CCTV footage. For example, a journalist's movements could be filmed via CCTV by state security personnel, and the footage could be used to determine the journalist's sources.

'What happens to the images of me that are recorded? Who has access to this?'

The National Security Act, the Media Practitioners Act 2008, and other pieces of legislation may also be used to restrict freedom of expression and freedom of the media.

Section 12(2) of the constitution allows for limitations of freedom of expression when:

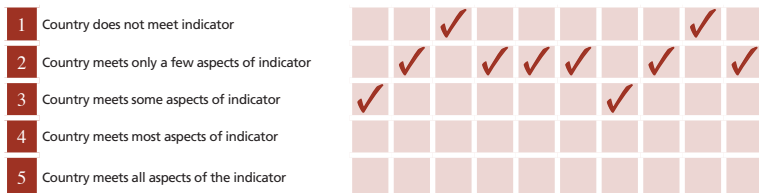
- a. reasonably required in the interests of defence, public safety, public order, public morality or public health.

Moreover, Section 12(2) provides for "reasonably justifiable" limitations:

- 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, regulating educational institutions in the interests of persons receiving instruction therein, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television; or
- c. that imposes restrictions upon public officers, employees of local government bodies, or teachers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Scores:

Individual scores:



Average score:

2.0

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

Since Mokgweetsi Masisi was sworn in as Botswana's fifth president in April 2018, there has been little improvement in the prevailing restrictive environment.

Panellists said it was difficult for citizens, including journalists, to express themselves openly and without fear.

'We might have freedom of expression, but it comes with many restrictions.'

Panellists were concerned that Masisi was clamping down on freedom of expression even more than his predecessor, Khama. In an incident, a teacher lost his job, allegedly because he asked President Masisi a direct question at a public kgotla meeting.

Comedian and rapper William Last KRC was hauled over the coals in parliament more recently for using President Mokgweetsi Masisi's name, allegedly in an insulting manner. Some members of parliament suggested that specific parameters should be in place regarding the use of the president's name.

'Instituting parameters would stifle freedom of expression in Botswana even more. With Khama, there were implied limits to which we could go with regards to freedom of expression; with Masisi, it is being taken to the next level and is even being discussed in parliament.'

Panellists noted that many implied restrictions to freedom of expression "come with the culture". Traditionally, there were specific ways to speak to elders (leaders are seen as elders), with criticism of them viewed as an insult. During parliament in 2022, Minister Kabo Morwaeng even suggested that parameters should be established around using the president's name and that he should only be spoken to in a certain way.

'I interpret this as a limitation of our freedom of expression. Even if the president says something one day and something else the next, we cannot accuse him of lying.'

Traditionally, the kgotla setting—where residents discuss issues—was a democratic space, and those who raised issues felt safe to do so. It was a way for the president to interact with the citizens of Botswana.

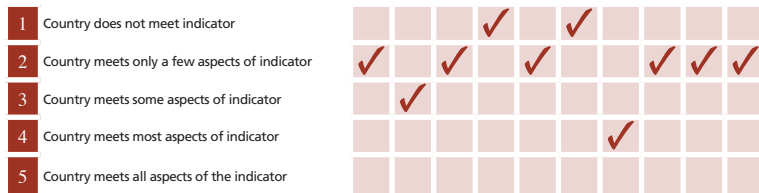
'The kgotla used to be a space in which citizens could hold their leaders accountable. It should be a place where whoever has anything to share must share it, so from the diversity of viewpoints, we can get the best thoughts or ideas. But there is a slippery side: when it suits those in power, they don't use the kgotla system as it was intended.'

It was noted that Botswana has a small population of about 2.7 million people, and the fact that “everybody knows each other” further places gags on civil society. A panellist noted that she had been threatened live on radio by another citizen after something she had said was perceived to be an insult. Another said he had been warned by the wife of a minister not to be so outspoken.

‘It is one thing to have the right to freedom of expression, but another for that right to be protected.’

Scores:

Individual scores:



Average score: 2.1

1.3 The state honours regional and international instruments of freedom of expression and freedom of the media.

Botswana has signed and ratified various regional and international instruments guaranteeing freedom of expression and the media. These include Article 9 of the African Charter on Human and Peoples’ Rights, the Windhoek Declaration for the Development of a Free, Independent and Pluralistic Press, and Article 19 of the International Covenant on Civil and Political Rights.

However, ‘Botswana is good at ratifying and signing various international and regional agreements related to freedom of expression and the media but not implementing them. There is no visible commitment to honour these declarations in Botswana.’

Civil society, through a group of media practitioners, has been urging the government to ratify the African Charter on Democracy, Elections and Governance.

Scores:

Individual scores:

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

Average score:

2.5

1.4 The state has amended or repealed laws that criminalise sedition, insult and publication of false news.

There are various pieces of legislation which negate or limit the constitutional guarantee of freedom of expression, including the National Security Act, which strengthens the definition of sedition, Sections 50 and 51 of the Penal Code on seditious offences, Sections 90 to 92 of the Penal Code containing provisions on insult laws, and Sections 192 to 199 of the Penal Code providing for criminal defamation.

Panellists raised concern about the increase in media litigation, which hampers freedom of expression by inhibiting journalists from carrying out their tasks of, among others, informing the public about matters of public interest and holding officials accountable.

In 2014, the editor of the *Sunday Standard* newspaper, Outsa Mokone, was charged with sedition for publishing an article about former president Ian Khama, who allegedly failed to report to the police an accident in which he was reportedly involved. The journalist went into self-exile in South Africa for four years, and the case was finally dismissed in 2018.

A judgment in September 2023 resulted in two newspapers, the *Botswana Gazette* and *Mmegi*, the newspapers’ editors and journalists, being ordered to pay P1 million (about US\$73,500) for punitive damages in a defamation of character lawsuit. The eight-year-long case involved Vlatacom, a service provider to the Directorate of Intelligence and Security (DIS) and a suspected bribe, but the journalist involved lacked documentary proof. In the public interest, the newspapers took the risk and published the story.

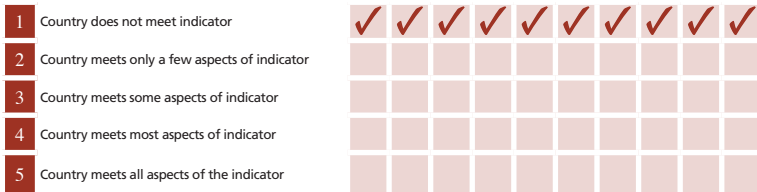
‘Within the media fraternity, there has been fear since that judgment because the damages that were awarded were so high.’

Vlatacom has since notified Mmegi’s publisher that payment of the damages is not expected, as they ‘don’t need the money and the newspapers should merely retract their statements’.

‘In most cases against the media, the complainants don’t want the money. They are just dragging you through the courts to frustrate you, milk you and run you dry. This gives you a sense of fear, so you back out.’

Scores:

Individual scores:



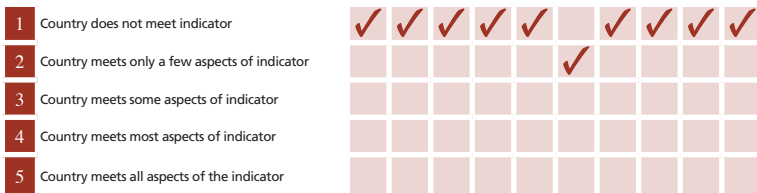
Average score: 1.0

1.5 The state has amended criminal laws on defamation and libel in favour of necessary and proportionate civil sanctions.

The state has not amended criminal laws on defamation and libel in favour of necessary and proportionate civil sanctions.

Scores:

Individual scores:



Average score: 1.1

1.6 The state prohibits discriminatory or hate speech or incitement to discrimination, hostility or violence.

Botswana has signed various legal instruments prohibiting discriminatory or hate speech, or incitement to discrimination, hostility or violence. These include the African Charter on Human and Peoples' Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR).

Botswana does, at times, act against discriminatory or hate speech and citizens are protected by section 2 of the constitution, as well as by the Penal Code and the Cyber and Related Crimes Protection Act.

In 2016, a US pastor, Steven Anderson, made inciteful, anti-gay comments during a church service in Botswana, declaring the LGBTQI community to be "bringing God's wrath upon us". The state banned and deported Anderson from Botswana because of his critical remarks about homosexuality. President Ian Khama personally ordered his arrest.

The Penal Code does, to some extent, provide protection against hate speech. But often, the guilty get off with only a small fine.

'It's a slap on the wrist, really. As much as hate and discriminatory speech is criminalised in the Penal Code, we don't see the judiciary being adamant about protecting those who are being discriminated against. There is no visible action in this regard by the courts.'

Panellists felt that the government sometimes allowed people to say inciteful things without taking action. One political party mentioned that "if the 2024 parliamentary elections are rigged, there will be spilling of blood".

Some panellists stated that while the law protects citizens against discrimination, the practice is different, especially when it comes to religion, and that this protection is even violated by the state that is meant to uphold secular rights.

'There is protection [from discrimination], and then there is violation of that protection. On several occasions, you will hear things like "we are a Christian state". At official government events, you are expected to participate in a Christian prayer beforehand. In a secular state, such as Botswana is stated to be in the constitution, that allows for freedom of association and religion, we have structures put in place by the same state that force me to participate (in Christian rituals) and thus take away my right of association.'

While the state prohibits discriminatory or hate speech, some panellists felt that the challenge was the lack of law which protects those against whom the hate is directed and the creation of safe spaces for all citizens. One media practitioner stated that in Botswana, a person guilty of hate speech will 'easily get out with a simple fine'.

Members of the LGBTQI community, for example, don't feel comfortable seeking services from state institutions like hospitals or clinics as they feel discriminated against rather than protected.

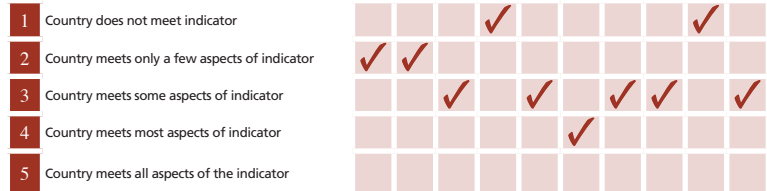
'While the state took action against Pastor Anderson, why are they not also taking action to protect the LGBTQI community from such hate speech and discrimination?'

Same-sex relationships were decriminalised in Botswana in 2019. In November 2021, the Court of Appeal of Botswana upheld the 2019 High Court judgment in the matter of Attorney General v Motshidiemang by holding that sexual orientation is innate to an individual and that the criminalisation of same-sex sexual conduct infringed the rights to liberty, dignity, and privacy, and constituted discrimination. The court, therefore, decriminalised same-sex sexual activity by unanimously declaring that Section 164 of Botswana's Penal Code was unconstitutional.

President Masisi vowed to implement the court ruling and pass relevant legislation but has failed to do so to date.

Scores:

Individual scores:



Average score: 2.5

1.7 The state refrains from using emergencies such as natural disasters, pandemics, or other kinds of national crises as an excuse to curtail freedom of information.

The state has been known to use emergencies as an excuse to curtail freedom of information, with the COVID-19 pandemic of 2020-2021 providing several examples.

In April 2020, at the request of President Masisi, the National Assembly passed a six-month state of emergency as a COVID-19 mitigation measure, which was extended until September 2021.

The government of Botswana enacted the Emergency Powers (COVID-19) Regulations 2020, which gave the president usurped powers to decide on an

appropriate response to the pandemic. The regulations barred the public (the media included) from publishing or broadcasting any statements through any medium, including social media, about the pandemic from any source other than the Ministry of Health and the COVID Task Force. This included reporting on international media input around the vaccination controversies. Doing so would make the media liable for a fine or six months in prison.

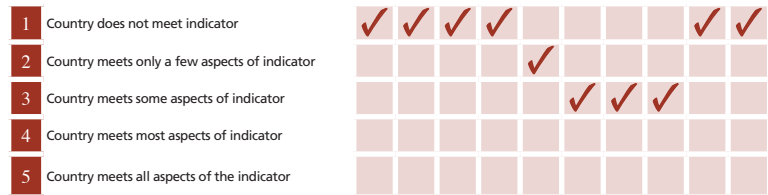
Panellists gave an example of an online-only publication charged with publishing unapproved information about COVID.

The state took measures to curtail people’s movements, and citizens could only legally move about during COVID lockdowns if they had a state permit. These permits, valid for just a few days or a week, were only obtainable from the Office of the President, ‘which had the control to delay permits for days’, deliberately preventing journalists from moving about to do their work.

‘During the pandemic, it was very tough to report and get access to relevant channels, except for the state-owned national broadcaster, BTV. This shows the lengths to which government is prepared to go in cases of natural disasters to be the only source of information.’

Scores:

Individual scores:



Average score: 1.7

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

Overall, panellists felt the courts in Botswana protect confidential sources of information, but the law does not.

There have been incidences of harassment by the state in relation to exposing confidential sources. The Declaration of Assets and Liabilities Act was noted for impeding confidential sources of information, as it includes a clause that if a journalist exposes any information relating to a minister or member of parliament’s (MP’s) assets or liabilities, they can be charged and forced to disclose their source.

The Declaration of Assets and Liabilities Act was enacted in 2019 to make provisions for the declaration of interests, income, assets and liabilities of specific categories of persons. However, Section 6 of the Act states that a declaration shall only be made—

- a. to the Minister responsible for Presidential Affairs, Governance and Public Administration; and
- b. to the Director-General.

In July 2023, the DIS raided *Mmegi* newspaper's offices to ascertain a journalist's source after the paper had published an extract from a confidential DIS document. The editor, Ryder Gabathusi, and reporter, Innocent Selathwa, were arrested without a warrant. Although they were released the next day, authorities kept custody of mobile phones, iPads, and laptop computers seized during their arrests. The DIS has since apologised and replaced the confiscated equipment following pressure from the Media Institute of Southern Africa (MISA) and the Botswana Editors Forum.

'This is something that is continually happening to us as media and political activists. They try to put some fear on you. They get your phone and don't return it sometimes for more than ten years while they "investigate".'

'It is very confusing. The Whistleblowing Act of 2016 was passed within the last two years, but the minister has still not promulgated any regulations to go with it. So, the Act is operating without the subsidiary information. I think there is no political will.'

The Act was put to the test in a case involving the Botswana International University of Science and Technology (BIUST). The university had sought to interdict its employees from publishing, or causing to be published, certain material information concerning alleged corruption and malpractice within the university. The application was refused because the Whistleblowing Act protected the employee. The university has since instituted an internal investigation against the whistleblower, which resulted in the employee's dismissal.

'The Whistleblowing Act will have a chilling effect on potential whistleblowers, whether within the university or elsewhere.'

Workers' federations say that whistleblowers are not protected by the country's laws and are threatened and intimidated.

When the "phone tapping law", officially the Criminal Procedure and Evidence (Controlled Investigations) Act of 2022, was being amended, MISA Botswana and the Botswana Editors Forum were asked to provide input. Following media intervention, one of the amendments to this law was that state security officials are only legally allowed to tap into citizens' phones and electronic communications if a court order has been obtained.

The government removed controversial clauses in the Criminal Procedure and Evidence Act, including one that would have allowed investigators to intercept private communications without a court order. Initially, the act permitted investigators to bug communication devices and gave state agents immunity from prosecution. There was no overseeing body, and investigating officers were allowed to assume fake identities.

However, following public outrage and media intervention, the government introduced a revised bill to parliament that will make it an offence to tap conversations. An oversight body will be established under the minister's control.

However, the legislation regarding surveillance cameras is lacking, as no provision has been made for storing information about an individual's movements. As such, media activists and journalists feel threatened that this information might be watched on CCTVs in Gaborone, which security personnel could use to ascertain their confidential sources.

'There are no parameters on when and how police and security forces can use that footage. What stops security forces using the CCTV cameras to follow my car, registered in my name, to determine who my sources are on a particular story?'

In other countries, surveillance laws prohibit collecting data outside the pursuit of a particular crime.

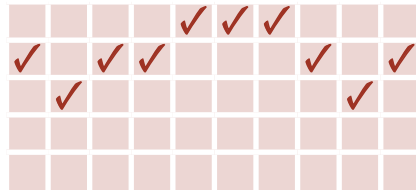
Panelists felt that, in general, when stakeholders (civil society, media, etc.) are called on to provide input on legislation as required by law, it is usually just lip service or done at the very last minute with virtually no warning.

'In practice, security agents do intimidate us, as journalists, without a court order. They can just walk into our offices and demand journalists' gadgets. We are not safe at all. Next year [2024], with the general elections, we are in trouble.'

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

1.9 Every person has the right, guaranteed by law, to access information held by public bodies and relevant private bodies expeditiously and inexpensively.

Botswana is a party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, both of which guarantee citizens the right of access to information. These international provisions automatically form part of Botswana's legal instruments.

However, there was consensus among panellists that the citizens of Botswana do not have the right, guaranteed by law, to access information held by public bodies and relevant private bodies expeditiously and inexpensively.

The Freedom of Information Bill was first tabled in parliament in 2011 as a private member's bill by opposition MP Dumelang Saleshando. More than a decade later, it has still not been enacted, meaning citizens in Botswana have no legal recourse for accessing publicly held information.

'Without this act, there is no free flow of information, and public officials can just refuse to divulge publicly held information. Unless you have a contact [within the state] or a close personal friend involved, you will be sent from pillar to post trying to get the information you need.'

When journalists ask for specific information, especially involving high-profile people, they are often informed that it is a national security issue, and the National Security Act is used to protect the information.

'We need to access information related to ministers and members of parliament to hold them to account on actions and bills in parliament, and on policy and procurement matters. There are huge issues related to government's investment of public monies and we don't have a statute to strengthen our right to access information.'

It is relevant to note that the Department of Broadcasting Services and the Department of Information Services are housed under the Office of the President.

In 2017, the *Botswana Gazette* newspaper took the Water Utilities Corporation (WUC) to court for concealing a report which showed that water flowing into Gaborone Dam had been intercepted by politically connected, wealthy farmers who had built some 200 dams along the Notwane River and other tributaries. This had resulted in unprecedented low levels in the dam, forcing the WUC to ration water to the public. In 2023, the Gaborone High Court ruled against the *Botswana Gazette* and confirmed they were not entitled to access the report.

Among the Universal Periodic Review (UPR) recommendations made in 2023 was the importance of passing access to information legislation. The UPR is a

mechanism of the United Nations Human Rights Council that calls on each UN member state to undergo a peer review of its human rights records every four and a half years. There is hope that this process will prioritise formulating and passing a similar law in Botswana.

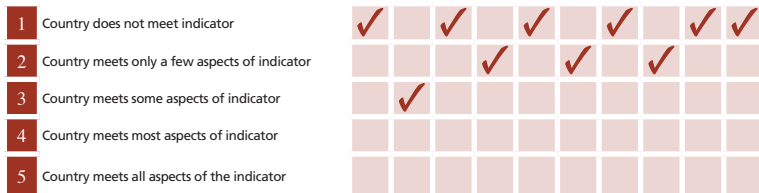
There is a discrepancy in the treatment offered to state and private journalists, with state media being given preferential treatment by the state.

Sometimes, journalists working for private media share information by working closely with their colleagues in government media because state journalists are more likely to be given information by government officials. In contrast, private media requests for the same information are rejected.

‘When looking at the issue of access to information, it is questionable if Botswana is actually a democracy. In many ways, Botswana seems to function more as a patronage system, not a democracy. More than 80% of the time, whistleblowers alert us to corruption and usually what is at stake is not just the protection of information, but the protection of the kingpins of the patronage system.’

Scores:

Individual scores:



Average score: 1.5

1.10 Public and relevant private bodies are required by law to proactively publicise information of public interest about their functions, activities, officials, powers, budgets, etc.

No law requires public and relevant private bodies to proactively publicise information of public interest about their functions, activities, officials, powers and budgets.

Panellists felt that government departments and relevant private bodies tend to keep information of public interest about their functions confidential and do not disclose this voluntarily.

Specific institutions, such as the Public Accounts Committee, are responsible for holding public officials accountable for their actions while performing public duties. Under the Criminal Procedure and Evidence Act 1939, a court may require a witness to produce relevant documents. While institutions like the Public Accounts Committee are tasked with holding public officials accountable for their actions and exist for oversight, they often lack the power to compel proactive disclosure.

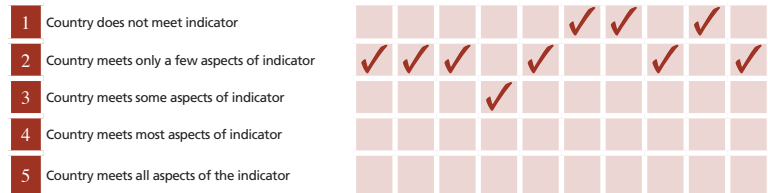
Accessing information about tenders that have been awarded using public monies is incredibly difficult, as those involved do not proactively disclose this. A case in point was a tender for post-office deliveries, which was floated before any of the necessary protocols and preparatory work had been done. Public funds paid for the post boxes, which were never used and are now a “white elephant”.

‘We should have access to these documents. The lack of access to information legislation means it is very hard for us to work as investigative journalists.’

Mention was also made of government tender processes being flouted during COVID, with companies being awarded tenders without any information proactively being made public by either the state department or the companies involved.

Scores:

Individual scores:



Average score: 1.8

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

Civil society organisations generally do not actively advance the cause of media freedom.

‘We are there, but we are not active. Even the media are saying that civil society in Botswana is sleeping. The truth is, we are only pushing our own mandates.’

The umbrella group for civil society organisations is the Botswana Council of Non-Governmental Organisations (BOCONGO), funded by donors and a subvention from the state.

Because it is not financially independent from the state, there are limitations to the body's freedom of expression. Labour and home affairs officials warned BOCONGO that some state funding would be cut following their lobbying on media freedom issues. However, the government never substantiated the reasons for the subsidy cut.

It was also noted that the government often gives last-minute notification to stakeholders, such as BOCONGO, about roundtable input regarding legislative changes. Very few ministries engage CSOs in good time to invite consultations on legal or policy framework formulation.

'Government "ticks boxes" that they have engaged CSOs, but in many cases fail to recognise the last-minute nature of their invitations to consult.'

Government media is also prioritised when it comes to issues of national concern. The recent Constitutional Review process is a case in point, where the state only released information to state media and not private media.

BOCONGO, the newly resurrected Botswana Editors Forum, and the Law Society of Botswana have appealed to the media to conduct post-legislative scrutiny on any new or amended laws.

The Law Society of Botswana has an active chairman who supports journalists who are subjected to intimidation and harassment, especially by the DIS and the police. However, regarding media organisations specifically, it is MISA Botswana that actively advances the cause of media freedom.

When the Media Practitioners' Association Bill of 2022 was being developed, MISA Botswana was deeply involved in providing input. The bill was passed in July 2023.

In 2022, MISA Botswana was also very active in challenging the "surveillance law" when the Botswana Minister of Defence sought to push through the Criminal Procedures and Evidence (Controlled Investigations) Bill that threatened to undermine online freedom of expression and privacy.

The bill gave law enforcement agencies the power to spy on citizens' communications without a warrant. This was particularly concerning regarding journalists and human rights defenders.

MISA Botswana also spoke up when journalists were arrested by DIS, condemning the heavy-handed action of the state. They conduct workshops to educate the public and journalists about their rights, among other media-related issues.

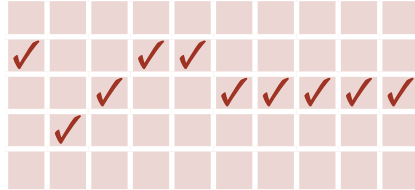
MISA Botswana issues alerts relating to local media issues and organises an annual Press Freedom Day event. The NGO also regularly participates in television and radio interviews and panel discussions. MISA Botswana is currently organising a Media Freedom of Expression Summit.

MISA Botswana and the Botswana Editors Forum are the only active media organisations in the country, as the others have become defunct in recent years.

Scores:

Individual scores:

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



Average score: 2.8

Overall Score for Sector1: 1.8



SECTOR 2:

Diversity, independence and sustainability
of the media landscape

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

Print

Botswana has a relatively wide range of print publications with varying geographical footprints, including a daily state newspaper, *Kutlwano Magazine*, and seven commercial daily or weekly newspapers.

State print media

State media reaches more people as it has a broader reach through its budget and logistical networks. Government-owned media are described as having “100% accessibility” across the country, compared to private media, which faces challenges of cost and distance.

The state-owned *Daily News*, a free bilingual newspaper, is distributed nationwide, including in remote areas. However, newspapers arrive a day late in very remote areas such as the north-western town of Shakawe.

While the state media benefit from sharing government logistic networks to aid distribution, they are still experiencing sustainability challenges. Post-COVID, distribution of the *Daily News* has plummeted in recent years, with the newspaper's print run dropping from 80,000 to 40,000. It was noted that this drop in runs coincided with the newspaper sharing a PDF version of the newspaper online.

Private print media

Privately owned, commercial weekly newspapers are published in English and include the *Botswana Guardian*, *Botswana Gazette*, *Weekend Post*, *Mmegi*, *The Monitor*, *The Voice*, *The Patriot on Sunday*, *The Business Weekly*, *Echo*, *Midweek Sun*, *The Weekly Review*, *The Telegraph* and *The Sunday Standard*. These all have online versions.

Private print media face challenges, especially with distribution costs in a vast but sparsely populated country, so private newspapers are generally only found in the main towns and villages along the north-south A1 route. This road runs from the Zimbabwe border in the north and the South African border in the south.

‘Many people can’t afford commercial newspapers and prioritise eating over buying newspapers.’

There are 31 languages in Botswana, including Setswana, so the language barrier certainly impacts citizens’ accessibility to the media. Most newspapers are published in English, with only a few partly publishing in Setswana. *The Daily News*, for example, has three Setswana pages per issue, all of which have unique articles and not merely translations of a story in another language.

‘If you don’t speak Setswana or English, you will battle to understand what is happening in the media. Many Batswana are not proficient in Setswana.’

Regarding privately owned publications, Mmegi Investment Holdings (MIH) owns four newspapers: *Mmegi*, *The Monitor*, *Botswana Guardian* and *The Midweek Sun*. *The Voice*, a tabloid, is both a print and an online publication, printing 18,000 copies per week, with more than one million followers online. The newspaper has adopted an effective paywall approach to funding. *The Botswana Gazette* newspaper has since moved from print to 100% digital, available as a PDF and online through their (website).

In terms of content, however, there is a big difference between state and private media.

‘Government media operate more as “state information disseminators” or public relations departments. Their writers are designated “media officers”, not journalists, so it is not really news like in the private media. Half the time, the content in state media is about the president.’

Online/Digital

Accessibility to online media is hampered by the high cost of data in Botswana. It is one of Africa’s most expensive data countries, with 18GB costing P399 (about US\$30) per month.

‘Only people with money can afford these costs.’

The digital divide is vast as few people have computers in Botswana, so most access the internet through their phones. Lack of Wi-Fi access and the price of data also limit the amount of people able to view online publications.

The government was commended for initiating the SmartBots Village Connectivity Project. This set up digital innovation hubs offering free Wi-Fi in central areas or at kgotlas in more than 500 villages and towns, where community members regularly gather.

The speed of the SmartBots internet connection was described as relatively quick – fast enough to stream videos.

‘SmartBots hubs are an attempt to bring digital accessibility to villages.’

In 2023, 73.5% of the population used the internet, and 41.3% were social media users. There were reported to be 4.28 million active cellular mobile connections.

Botswana has three mobile operators – BTC Mobile, Mascom Mobile and Orange Mobile – although they are not all available everywhere. Cellular reception can be poor in some villages and outlying areas.

To register and use a SIM card, one must provide a name, identity or passport number, residential address, and postal address. Without this, the SIM card will not be activated. This is a requirement of the Botswana Communications Regulatory Authority (BOCRA).

'We are told that the SIM card registration process is necessary so that the network providers can deal with issues of fraud and theft, but it could also be seen as an invasion of our privacy.'

Television

In terms of broadcasting, BTV has a majority coverage, estimated to be about 90% countrywide and is generally considered a state broadcaster and not a true public broadcaster. It is also available via the DSTV satellite bouquet and is privately owned by YTV. Broadcast television in Botswana was deregulated in 2008 when licences for commercial services were issued. Unfortunately, the commercial licence holders are not fully established, leaving BTV the only notable broadcaster.

Since 2022, BTV has three television channels: BTV 1 (entertainment), BTV2 (information and education) and BTV News.

'A lot of people don't watch BTV as there is a perception it is just government propaganda. The viewership has gone down over the years because of the need for a decoder, so I think some people are missing out now. People do watch BTV for the parliamentary broadcasts and other special programmes. Government also makes special announcements now via social media, like Facebook, for free.'

Botswana completed the migration process from analogue to digital terrestrial broadcasting in 2022. BTV and YTV (formerly eBotswana until it was rebranded YTV in 2021) are therefore available only digitally through a set-top box.

A set-top box for free-to-air BTV and YTV costs about P330 (US\$25), making it financially prohibitive for some citizens, although the government gave away some decoders to help with the changeover.

A DSTV satellite decoder costs about P500 (US\$36), and monthly subscription fees, ranging from P79 to P825 (US\$6 to US\$60) a month for various bouquets, are also charged.

Radio

Radio has the highest reach and is the most accessible media for most citizens in Botswana. Although state media currently has more coverage, private radio coverage has grown in recent years. There are two government radio stations: Radio Botswana 1 (information-based) and Radio Botswana 2 (commercial). These state radio stations have the largest coverage in the country.

Commercial radio stations include Yarona FM, Duma FM and Gabz FM. Since 2007, private broadcasters have been permitted by BOCRA to operate nationwide

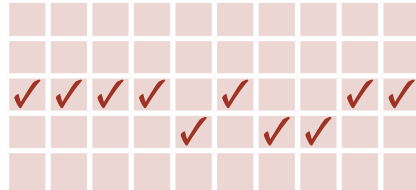
and are generally available in most major towns and villages. Through online broadcasting transmission, commercial radio stations are now also accessible worldwide via internet streaming.

A special BOCRA fund allows commercial stations to use government infrastructure to expand their signal distribution. Gabz FM's coverage, for example, has been expanded to additional areas in the country.

Scores:

Individual scores:

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



Average score: 3.3

2.2 There is unrestricted public access to domestic and international media sources.

Panellists agreed that citizens have unrestricted access to domestic and international media sources, and that the government does not suppress this access.

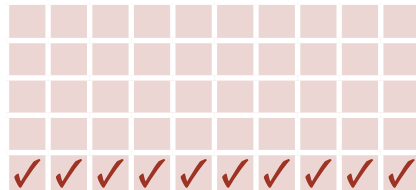
The state does not block internet sites, including those of media outlets, and citizens can receive broadcasts from global news outlets. Publications and books are not banned either.

Reasonable restrictions exist, however, in relation to issues such as pornography. Many employers and institutions, including the government, block the viewing of pornography on their networks.

Scores:

Individual scores:

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



Average score: 5.0

2.3 The state guarantees the right to establish various forms of independent media, and any registration of media is for administrative purposes only.

The state generally guarantees the right to establish various forms of independent media, but there are some legal requirements for private broadcasters, who must be licenced and regulated by BOCRA. State media is not regulated in the same way but operates as a government department.

Private print media are not regulated in Botswana. To operate a newspaper business, it must be registered with the Companies and Intellectual Property Authority (CIPA), just like any other business. The online media sector is currently unregulated and a veritable “free-for-all”. Currently, owners of online media publications do not have to register with a state body, although this could soon change.

For example, the Botswana Editors Forum has been advised to establish an association of online media to formalise this burgeoning media sub-sector. Currently, most online publications are not legal entities. There are no community radio licences available in Botswana, and no regulations exist regarding community radio. BOCRA has confirmed receiving applications for community radio stations, but no licenses have been awarded yet.

In 2022, during World Radio Day commemorations, BOCRA CEO Martin Mokgware announced that community radio stations would be introduced during that financial year. At the same event, Mokgware announced that the number of private radio stations would increase. However, neither of these has yet materialised.

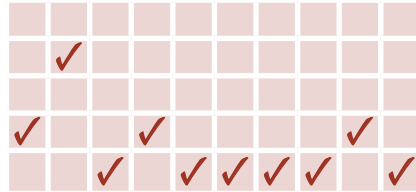
‘There has been an ongoing conversation in parliament about opening up broadcasting to community radio stations. But the government gives flimsy excuses [for not doing this]. The historical example of Rwanda and the danger that community radio stations could be used to broadcast incitement to commit genocide is used as an excuse by officials as reasons for not licencing community broadcasters.’

There are strict conditions linked to having a radio licence, which includes broadcasting at least 60% local content, having a news broadcast every hour during a working day, and partial broadcasting in a local language each day.

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

2.4 The state promotes a diverse media landscape and takes effective measures to avoid concentration of ownership and monopolies.

The Botswana Competition Act of 2018 and BOCRA prohibit the simultaneous ownership of a radio station and a newspaper or a TV station and a newspaper, but one company is allowed to own multiple publications or more than one radio or TV station. Some see this as hampering media diversity.

A media monopolisation case in point is that of Sayed Jamali, who in 2017 was ordered by the Competition Authority to divest a 28.73% shareholding from Mmegi Investment Holdings (MIH), which owns four newspapers. Jamali bought the shares through his company, Universal Holdings, in a deal not approved by the Competition Authority and which violated the Competition Act. Jamali already owned a controlling stake in Duma FM, while Mmegi, through one of its subsidiaries, owned an 18% shareholding in another private radio station, Gabz FM. More than six years after the decision, Jamali has still not divested his 28.73% shareholding.

Other panellists felt that the state was also guilty of media monopolisation by having a monopoly over the broadcasting sector and owning a daily newspaper.

‘Government is being hypocritical. It is happy to control private broadcast media and limit multi-platform ownership, but state broadcasting is unregulated.’

Scores:

Individual scores:

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



Average score: 3.0

2.5 Transparency of media ownership is guaranteed by law and enforced.

Any commercial company operating in Botswana must be registered with CIPA. This information is publicly available online and is generally known. In the country, there is mostly transparency about ownership, including that of media companies.

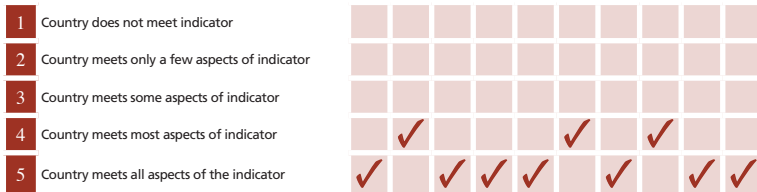
Section 4 of the Printed Publications Act 1968 requires the Registrar of Newspapers to maintain a register for the registration of newspapers in Botswana. Section 5(5) of the Act makes it an offence to print or publish a newspaper without registering it before printing and publication. If found guilty, the perpetrator will be liable to a fine, a period of imprisonment or both, in terms of Section 13 of the Act.

However, there are sometimes concerns about “apparent” owners who front a media outlet on behalf of someone else. Again, online publications are currently outside these regulations, with most online media publications not registered with CIPA.

Foreigners can own media companies if the media house is a legal entity incorporated in Botswana.

Scores:

Individual scores:



Average score:

4.7

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

The state does not seem to promote media diversity directly and, in some ways, hinders private media sustainability by undercutting private media advertising costs.

Commercial radio stations could previously receive funding from international donors to ensure broad and comprehensive coverage during elections. However,

following the 2014 elections, the state passed the BOCRA Amendment Act, which restricted foreign government investment in media companies.

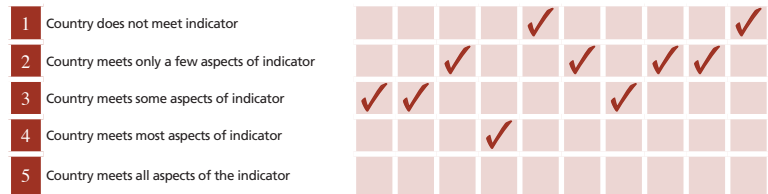
‘Since this amendment, private media have had to self-fund their coverage of elections, and thus have not been able to do the same work as before for the benefit of democracy.’

Political parties can financially support media companies, but they must declare this, and it is only allowed when foreign interests are not funding those same parties.

Botswana media is not granted any special tax reductions by the government. However, during COVID, local companies could apply for money from the COVID Fund to sustain their operations during those difficult times. Any company could apply for such funding, and media companies also benefitted from these funds.

Scores:

Individual scores:



Average score: 2.3

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

State media in Botswana is not protected adequately from undue political interference, making it a mouthpiece for the government and vulnerable to political interference. *Daily News* is a state newspaper produced by the government communications department, which resides within the Office of the President and receives funding from the national budget. Thus, state media is seen to be controlled by the president through the director and the minister of communications.

‘There is no board and no editorial independence. *Daily News* editors toe the line and are even sometimes instructed directly by officials what to do or not do.’

Note was made of a *Daily News* editor being told by state officials not to publish an article about an opposition party’s political rally in the run-up to the 2014 elections.

‘He went ahead and published the article and had to face the consequences.’ He was reportedly then transferred to the Botswana National Sports Council.

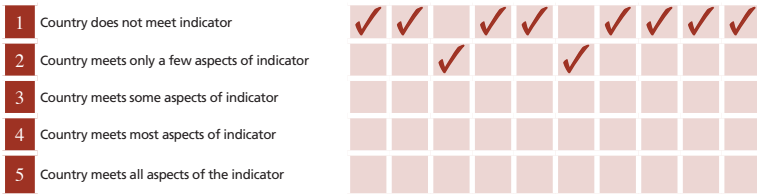
State media is mandated to cover anything attended by the president or a minister, regardless of the event. State media has also been known to cover only the speech given by a minister and nothing else from the event.

State media coverage is seen as very selective and does not allow critical viewpoints to be published. While rallies of the ruling Botswana Democratic Party (BDP) are extensively covered, coverage of opposition party rallies is more muted.

‘Government won’t give voice to anyone or any organisation that attacks or criticises them. This interference means the state won’t allow any dissenting or critical views on state media.’

Scores:

Individual scores:



Average score: 1.2

2.8 The state allocates funds for public advertising in a transparent manner and refrains from using its power over the placement of such advertising as a means to interfere with editorial content.

The state does not allocate funds for public advertising transparently.

‘Government sometimes uses the allocation and withdrawal of advertising funds as a weapon to punish the private media.’

Concern was raised that, in the last four years, a significant number of journalists from Duma FM had been absorbed into the Office of the President. Duma FM had long been seen as a BDP supporter, countering the pro-opposition viewpoint of Gabz FM.

Under the presidency of Festus Mogae, the government announced its withdrawal of advertising from the independently owned *Guardian* newspaper in retaliation for a story critical of the government. Although the paper took

the state to court and won, government advertising for private media has been virtually non-existent since then.

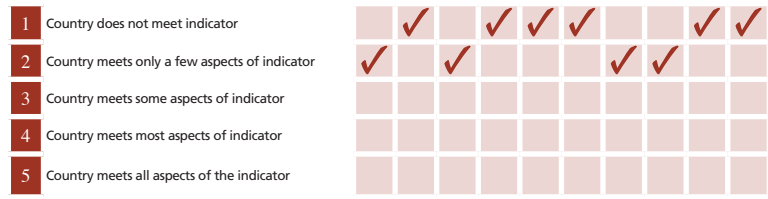
‘While, under Mogae, it was a ban, now the excuse [for government not to advertise in the private media] is that the state is “cost-cutting”.’

It was also noted that the government monopolised the advertising market by charging advertising clients only about one-tenth of what other media houses charge for advertising space/airtime and then not following up on the collecting, essentially making advertising in state media free.

Also of concern was that any money the government collects goes to a central repository. Media advertising income is not directly redirected back into the state media.’

Scores:

Individual scores:



Average score: 1.4

2.9 The size of the advertising market can support a diversity of media outlets.

Panellists felt that Botswana’s economy could support a diversity of media outlets if the funds were equitably distributed, but state advertising budgets are often directed towards those who favour the government.

Mention was made of an incident in which the First Lady Neo Jane Masisi was made a diamond ambassador for De Beers. During the press conference, a journalist from Gabz FM asked “difficult” questions, and DBS withdrew advertising from the station.

Advertising also suffered a severe reduction due to the impact of the COVID-19 global pandemic and the cost-of-living crisis.

‘There is an element of self-censorship in Botswana because of the shrinking revenue. You become over-sensitive as an editor or journalist and think you will probably lose advertising if you write anything negative [about the state or powers-that-be] or to try to expose things like corruption.’

In another incident, Choppies Supermarkets withdrew all advertising from *Mmegi* after the newspaper published an article about expired food at the supermarket chain.

Concern was also voiced about the impact of multi-national companies not supporting the media industry in Botswana.

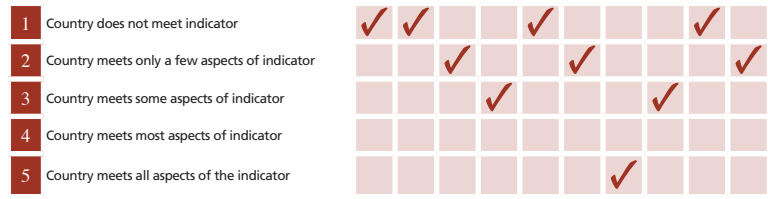
‘So much of the advertising revenue in Botswana goes out of the country to South African creatives: the design of the advert and the copywriting. If you collated all that revenue, it could support media in Botswana.’

Botswana’s small population comprises a few middle-class citizens who can afford newspapers or pay for online media, especially with the cost-of-living crisis eroding household income.

‘Most media businesses can barely survive. Print media has been adversely affected by online, both in terms of circulation and also advertising. Now we are not only competing with local media houses, but also big tech companies like Facebook and Google.’

Scores:

Individual scores:



Average score: 2.1

2.10 Media fairly represent the voices of society as a whole, including those of all genders, minorities and marginalised groups.

Panellists considered the media’s representation of voices in Botswana to be fairly balanced. State media was noted for not shying away from issues relating to gender, minorities, and marginalised people.

However, civil society organisations (CSOs) sometimes experience a disconnect between the media and the very communities whose voices they should be representing.

While panellists noted that although there is representation of the LGBTQI community, sexual minorities, women, victims of gender-based violence, and

people with disabilities, there may be misrepresentation and harmful stereotypes perpetuated in the reporting. This sometimes endorses violence or hate speech.

‘The media is a representation of a microcosm of society, and although we call ourselves a peaceful, loving nation, Botswana is not very friendly to minorities.’

To improve the situation, CSOs are educating journalists on how to report more sensitively about minorities. A media toolkit on reporting on LGBTQI people has been produced.

The media in Botswana sometimes provide a positive representation of minorities, giving voices to the voiceless. A story in the media about a beheaded woman revealed that she had been a sex worker.

‘The CSOs and the media should be congratulated for focussing on the gender-based violence aspect and the fact that this was a woman who was murdered, rather than that she had been a sex worker.’

Panellists noted that sometimes, the negative representation of people in the media is inadvertent. The willingness to report fairly appears to be there, but sometimes, due to lack of training, it is not done fairly.

Concern was raised that, while there is representation for people with disabilities, this is often done in an event-driven way rather than issue-driven, for example, during November, which is Disability Month.

‘What about the other months? What kind of stories are we writing about people with disabilities? Do they have access to the media? Do we represent people with disabilities as people, as we do able-bodied people? A lot needs to be done because our national consciousness is not fully accepting of the rights of minorities.’

In terms of languages used on commercial radio stations, Gabz FM uses an 80:20 ratio of English to Setswana and is aimed at a middle-class market. Yarona FM is a very hip, youthful station broadcasting predominantly in English, while Duma FM is mostly Setswana. The government broadcast media use a mixture of English and Setswana.

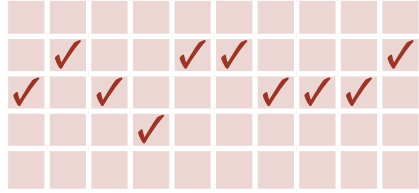
Regarding news sources, the state media tend to segment marginalised groups. Thus, it is unlikely that a person with a disability would be interviewed about a non-disability issue.

It was noted that those who are hard of hearing are not provided sufficient access, as there are no regular subtitles on BTV. However, they have a sign language interpreter for news and special programming.

Scores:

Individual scores:

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



Average score: 2.7

Overall Score for Sector 2: 2.3



SECTOR 3:

Legislation and regulation of broadcasting and internet

3.1 The body that regulates broadcasting, telecommunications and internet infrastructure is independent, appointed transparently, and protected by law against political or commercial interference.

Commercial broadcasting in Botswana is regulated by the Botswana Communications Regulatory Authority (BOCRA), which also regulates telecommunications, the internet, information communication technologies (ICTs) and the postal sector. BOCRA was established as an ‘independent regulatory authority’ through the Communications Regulatory Authority Act of 2012.

However, there is neither independence nor transparency in the process of appointing the BOCRA board, as there is no public involvement. Board nominees are selected by a nominating committee and chaired by a nominee of the Law Council of Botswana. The committee includes the Vice Chancellor of the University of Botswana.

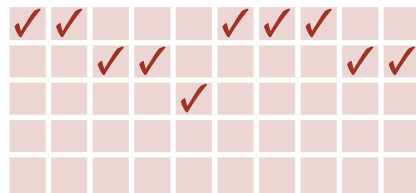
The Minister of Transport and Communications appoints the seven-member BOCRA board following recommendations from the committee. Board members must include an officer from the Office of the President, the Ministry of Trade and Industry, and the Department of Culture and Social Welfare.

The function of the BOCRA board is, among others, to issue licences and establish different kinds of licences. Licences should be issued at least every ten years.

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:

1.6

3.2 The state/public broadcaster is accountable to the public and protected against political or commercial interference, governed by a board representative of society at large and selected in an independent, open and transparent manner.

The state broadcaster (BTV and Radio Botswana) is not governed by a board but by the government communications department and falls directly under the Office of the President. Senior staff are all government officials who ultimately report to the president.

‘The state broadcaster is not a true public broadcaster. There can be no protection against political interference if a body is run by government officials.’

As an example of political interference in the state broadcaster, in 2008, one of the ruling party’s funders conflicted with the police regarding cattle theft. BTV was due to cover the story, but when the Minister of Communications heard it was to air at 9 p.m., she rushed to the studio in her nightgown to prevent it from being broadcast.

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: 1.0

3.3 Public service media are adequately funded in a manner that protects them from political interference through allocation of budgets and from commercial pressure.

Like all government departments, BTV and Radio Botswana, as well as the government print publication *Daily News*, are funded by taxpayers’ contributions through a government subsidy.

‘The state broadcaster is adequately funded from government coffers for its mandate of pushing the ruling party’s political agenda.’

And although there is potential income to be raised from advertising in the government media, it seems the state often does not collect this. There are no TV licence fees in Botswana.

The state broadcasting sector makes money by hiring out studios. However, ‘they will ask you to bring your storyboards before you can use the studios, and if they don’t like your content, they won’t allow you to use them.’

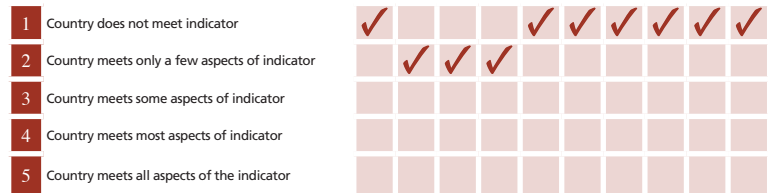
Many government ministries, including the Ministry of Health and the Ministry of Agriculture, have their own time slots on the state broadcaster. BTV’s content model is to have available slots (airtime) filled with content by studios and production houses commissioned by BTV.

‘However, the state broadcaster does not commission programming in the sense that money is paid to production houses for these programmes. They don’t buy content ever. They say you can bring your own programmes to broadcast, made at your own expense and that you, as the producer, have to find your own advertising for that slot. That is the only way we can make money for the programming – through the advertising that we sell.’

While some feel the state broadcaster is adequately funded for its pro-government, political purposes, there is the perception that the funds are insufficient to create quality programming.

Scores:

Individual scores:



Average score:

1.3

3.4 The editorial independence of public service media from political influence is guaranteed by law and practised to ensure balanced and fair coverage of news and current affairs.

No law in Botswana guarantees the editorial independence of state media. The Communications Regulatory Authority Act of 2012 removed state broadcasters from BOCRA licensing regulations.

Panellists noted that even though there is an editorial policy at the state broadcaster, ‘in the end, there is always someone who will make the decision of what you can or cannot broadcast. They control what goes on air.’

State media employees are also known to self-censor as they push the government’s mandate.

In 2017, Ombudsman Augustine Makgonatsotlhe called out BTV for “unfair editorial practice” in which the ruling party, BDP, was given 82% coverage against 18% for all opposition parties combined.

The Ombudsman’s report followed up on complaints made in 2016 by Reverend Prince Dibeela about the national broadcaster’s unfair editorial practice, who implied that although taxpayers’ contributions fund BTV, it is intended to serve the interests of all citizens of Botswana and not just those of the ruling party.

The Botswana Gazette noted that:

BTV has not lived up to its mandate but has unduly favoured the ruling party in their coverage of political events, resulting in injustice to other political parties and those with an interest in Botswana’s political sphere. BTV’s coverage of political party activities does not meet the requirements of balance, equity and inclusiveness as set out under their mandate and guidelines.

In terms of election coverage, panellists felt BTV’s coverage of the results on the day of the actual elections was fair. However, panellists criticised BTV for regularly attending opposition-party events to which they were invited, openly filming the event and all the participants, but not broadcasting any of that footage.

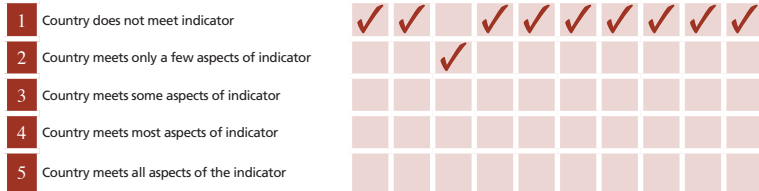
BOCRA has a Code of Conduct for broadcasting service licensees during elections. ‘The main objective of this code of conduct is to ensure that full, fair and balanced political coverage is given at all times by the licensed broadcasting stations.’

However, this applies only to commercial radio and television stations licensed by BOCRA and not to the state broadcaster.

‘We wait for the private media to give us an alternative voice to what we hear on the state broadcaster. In effect, private media is seen as the opposition because state media is failing us, but private media is trying to strike a balance.’

Scores:

Individual scores:



Average score: 1.1

3.5 Private broadcasters make an effort to offer a minimum of quality public interest programming.

It was felt that private broadcasters strive to broadcast a minimum of quality public interest programming. Commercial radio stations Gabz FM and Duma FM were seen to be the most balanced and informative of the private broadcasters.

The morning talk shows on commercial radio stations focus on politics, current affairs, and trending topics.

‘They do try by all means to broadcast balanced content and cover a wide range of topics from health and politics to education, with a diversity of voices. It is not always easy but they try to bring in different viewpoints to the same discussion.’

BOCRA regulations also stipulate quotas for commercial radio, including broadcasting regular news, local content, and languages. On Gabz FM, for instance, the language quota is that 80% of the broadcast must be in English, with the remaining 20% in Setswana.

Some panellists noted that the problem with public interest programming, however, is that it is not necessarily commercially viable to the broadcaster, and this is why private broadcasters tend to broadcast a minimum of public interest programming.

Others felt that commercial radio stations focussed too much on overworn discussions, such as the Khama-Masisi issue.

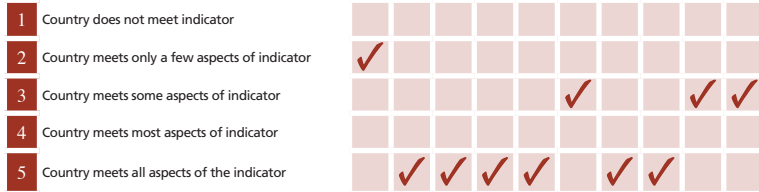
‘It is time we saw a shift where commercial radio stations start shaping a new public discourse.’

Yarona FM and Gabz FM especially tended to be more talk-radio-based in the morning, with late nights devoted to music. Commercial stations broadcast more music on weekends, including the Top 40 charts.

‘Private radio stations tend to go deeper into their fourth-estate responsibilities and do more investigative journalism.’

Scores:

Individual scores:



Average score: 4.1

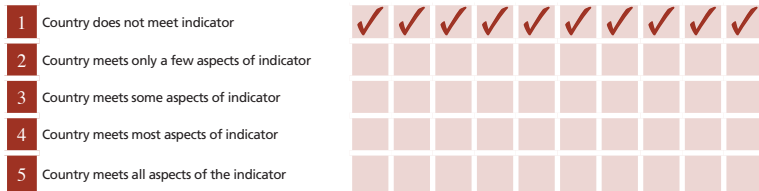
3.6 The state promotes the establishment of independent community broadcasters who deliver content relevant to the interests of their communities.

Botswana still has no community radio stations as BOCRA has not made licences available for this sector. There are no existing regulations for community broadcasting.

The university radio station, UB Radio, is the closest Botswana has to a community radio station, but it is licensed like other commercial stations and has been given a vast territory within which to broadcast, including Francistown and Maun – far beyond the confines of the campus in Gaborone.

Scores:

Individual scores:



Average score: 1.0

3.7 The state has promulgated laws and policies that ensure universal, equitable, affordable and meaningful access to the internet.

Through the SmartBots initiative, the Botswana government is making efforts to broaden citizens’ access to the internet. SmartBots provides Wi-Fi hotspots in malls, government facilities, schools, clinics, and kgotlas.

There are no restrictions to what citizens can access via SmartBots, apart from known pornography sites, which are blocked. Citizens are not required to register on SmartBots with their name, email, postal address, phone number, or identity number. Users are only requested to provide their age and gender.

BOCONGO has provided NGOs with training sessions on how to conduct remote meetings using community laptops housed at the kgotlas.

In terms of speed and access, panellists noted that while the underlying internet infrastructure from the state is good, the internet service providers (ISPs) provide customers with a poorer quality of connection, and there are many dropped connections.

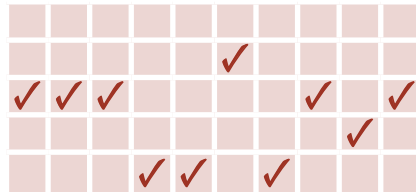
Internet connections from mobile phone providers are not always good quality, although the speed and quality of the internet connection are much improved if one uses an ISP dedicated to fixed internet service provision, such as fibre.

The National Broadband Strategy aims to provide an equitable and universal service which is affordable and accessible.

Scores:

Individual scores:

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



Average score:

3.8

3.8 The state protects everyone’s right to privacy and the confidentiality of their communications, and refrains from indiscriminate and untargeted collecting, storing, analysing or sharing of such communications.

The Criminal Procedure and Evidence (Controlled Investigations) Act of 2022, allows state security officials to spy on citizens’ phones/electronic communications, but only if a court order is first obtained. However, there is uncertainty, especially in the NGO sector.

‘There is a feeling of fear that the DIS are listening to our phone conversations.’

People have heard conversations on the other end of the line when they pick up their office landline phones, even before they dial a number. The suspicion is that these are state security officials tapping into their calls.

This fear has led people to use WhatsApp and Telegram, which are deemed safer. While the state enforces the Data Protection Act and the Cyber Security Act (both from 2018) in an apparent effort to protect citizens, there are also gaps in the legislation.

The CCTV data collected by the state and the lack of a clause stipulating what happens to this information were mentioned.

‘If I haven’t committed a crime, why should footage of me be stored by the government? This infringes on my right to privacy.’

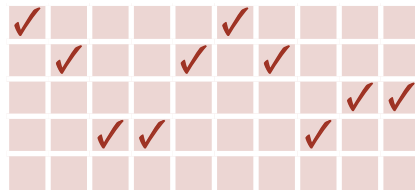
Despite years of effort to develop access to information legislation in Botswana and promises for more than five years from the state, it still does not exist.

‘As CSOs and media organisations, we need to build long-term collaboration with the Southern African Litigation Centre that may result in legislative and policy changes.’

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:

2.6

3.9 The state upholds the right of individuals to seek, receive and impart information through digital technologies and does not remove, block or filter any content, unless such interference is compatible with international human rights laws and standards.

In Botswana, there is no legal restriction from seeking, receiving, or imparting information unless it is related to pornography or criminal activity. The state generally does not block or filter internet content, except in extreme situations.

CCTV cameras were installed in recent years in Gaborone and Francistown through the government’s Safer Cities initiative.

Citizens can access this CCTV footage through the Data Protection Act. This act provides for a commission, which citizens can approach for copies of digital CCTV footage if a crime was committed against them within a 100m radius of one of the hundreds of city CCTV cameras.

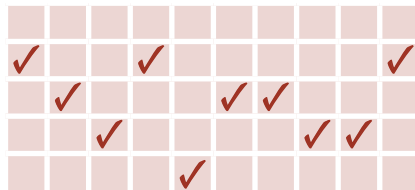
However, this footage is not always released when requested. In one case, the offices of a human rights lawyer were broken into within range of a CCTV camera. But, when the lawyer asked for copies of the footage, he was told this wasn’t possible due to “technical problems”.

And while the state doesn’t block or filter information on the internet, the ability to do so remains. In one instance, a man was murdered in what was believed to be a political assassination. After a few days, the state allegedly erased all information about this man from the internet.

Scores:

Individual scores:

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



Average score: 3.2

Overall Score for Sector 3: 2.2



SECTOR 4:

Quality of media, working conditions and
safety of journalists

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

The commercial broadcasting environment in Botswana operates within a stringent regulatory environment through BOCRA. The print media environment, however, is described as more of a “free-for-all”.

Panellists felt reporting standards were generally high, and journalists and editors working for commercial media houses followed basic principles of accuracy and fairness.

However, in terms of reporting on marginalised communities, the reporting is questionable as there is often misrepresentation of the people interviewed. In one case, a transgender man shared his life story in an interview with a publication, but what was published was sensational and derogatory.

‘It’s more than fairness and accuracy. We need to be aware of what is harmful to people.’

In another instance, on the issue of LGBTQI rights and social justice, the media coverage was seen to be inciting hate towards this marginalised community.

‘There is no protection for members of the LGBTQI community.’

Panellists were concerned about increased lawsuits against the media, especially defamation cases. Many of these judgments have gone against the media, leading to huge awards for damages.

‘This speaks to the need for publishers, reporters and broadcasters to ensure accuracy. We are compromising accuracy at the expediency of meeting deadlines. Media need to learn not to publish stories if there is any sense of falsehoods.’

Print media also feel the pressure from social media and are tempted to cut corners in order to beat deadlines.

The *Mmegi* newspaper group has a verification system to which its newsrooms can subject stories, especially corruption-related stories, although the editors do not always do this.

However, some journalists felt they were victimised in these lawsuits.

‘The media are being targeted by certain interests through a concerted effort to break us, to suppress the media through lawsuits.’

‘Some people sue the media, not because the story is wrong, but because they don’t want journalists to probe any further into their affairs. The judiciary doesn’t help either because they have made this into an industry where people gain financially.’

‘Everyone just wants to sue. It’s like gambling – they want to see if they are lucky.’

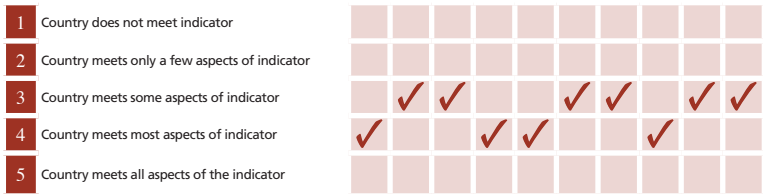
It was pointed out that the country’s poor quality of journalism is partly due to many seasoned print journalists moving to better-paying fields, such as television. As such, a higher proportion of graduates are entering the print media sector and lack experience.

Efforts are being made to improve fairness in the media through training and capacity building by the Botswana Editors Forum and MISA Botswana with refresher courses for journalists.

Moreover, panellists felt that the media needs to make concerted efforts to capacitate judges, as they need relevant training to handle media-related lawsuits.

Scores:

Individual scores:



Average score: 3.4

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

Media practitioners said many of their problems with the state stemmed from the Media Practitioners Act. The first version was never implemented after the media community rejected it because it was perceived to facilitate government interference in the media sector.

A second version, the Media Practitioners Association Bill, drafted in consultation with media community members, was passed by Parliament in 2022. However, the president has not yet signed it into law.

Before this, the media was self-regulated through the Press Council and its appeals and complaints board. There are moves to resuscitate the Press Council so the media can self-regulate again and negate the need for a statutory Public Complaints Committee.

In the meantime, the Botswana Editors Forum receives complaints and tries to assist where possible. Complaints about commercial broadcasting can also be submitted to BOCRA. Radio stations broadcast regular announcements to inform listeners about the complaints procedure at BOCRA.

‘Most complaints are solved through the editor sitting down with the journalist and discussing the matter. If needs be, a retraction will be published.’

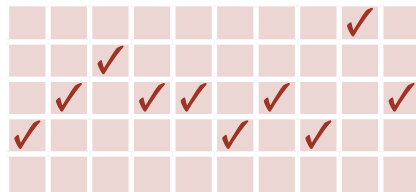
MISA Botswana has published a Code of Conduct for journalists, which the media generally adheres to. Other media houses have in-house editorial guidelines. The guidelines for the Mmegi group have been domesticated from similar guidelines of professional bodies, such as MISA and international media organisations.

Although the accuracy and fairness of internet-based publications were of particular concern to panellists, most felt that the public ‘knew where to get credible news if they want it.’

Scores:

Individual scores:

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



Average score: 3.0

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

Panellists agreed that journalists’ salaries and working conditions are inadequate in Botswana. Salaries have not kept up with inflation, and working conditions are poor.

There is a trend to “casualise” newsrooms from media houses, reducing their wage bills by retrenching full-time reporters and engaging the part-time services of freelancers. This has resulted in the draining of valuable skills and expertise and, thus, reduced quality.

Many full-time commercial media journalists don’t get benefits such as medical aid or a pension.

It is a different story for full-time state media journalists, who benefit from salary adjustments for government employees. Nevertheless, the casualisation trend is impacting the government media sector, as BTV and Radio Botswana increasingly use more freelancers who do not get benefits to fill vacant positions at the state broadcaster.

‘Some of the Radio Botswana newsreaders have been freelancing for 12 years.’

In terms of legal assistance, when a private media journalist is sued for defamation, the media house will often cover the legal costs. However, it is not easy to get professional indemnity policies.

‘Our insurance companies feel that media is a high risk, so they don’t want to be responsible for insuring journalists.’

Safety for journalists at radio stations is partial. Some 24-hour radio stations have cut costs by reducing their security staff from three to one per shift, often with no security during the day.

Some established media houses have sexual harassment policies for staff, but not all are implemented and enforced.

There are no policies in place to protect journalists from online harassment, although some, like *The Voice*, do offer their staff counselling services.

‘Women who do court or political reporting have developed thick skins.’

Neither is protection provided for journalists from physical attacks. Generally, no vests or protective gear are provided for journalists by their media houses.

‘Sometimes, as a journalist, you just have to be responsible for yourself.’

An ex-convict threatened a journalist and her family after she wrote about him, but when she approached her supervisor, he simply said, ‘What can we do?’

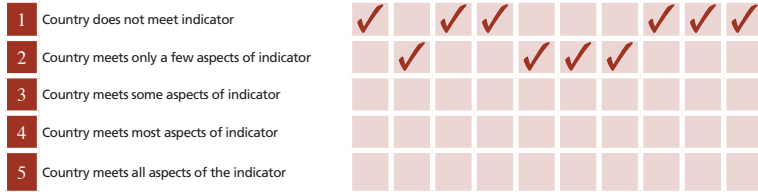
Another was nearly hit by a brick thrown by an ex-convict while she was on the court reporting beat. When she told her editor later, he only said, ‘I’m sorry.’

‘Sometimes I feel our employers don’t care about our welfare as journalists. I have asked my work for water when we go out on a story, and hats and umbrellas which we can use to protect ourselves from sun and rain. After I asked for those things, my salary was delayed for two weeks, while everyone else got paid.’

Journalists in Botswana also have to face harassment from the police. ‘We show them our press cards, but they say they don’t care.’

Scores:

Individual scores:



Average score: 1.4

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

While panellists noted the press in Botswana is certainly “vibrant”, one sector found to be lacking is quality environmental reporting, including about the environmental degradation in and around the country’s mining towns.

Private media houses used to provide funds for investigative journalists to conduct investigations into issues over extended periods, but this is no longer the case, and investigative journalists are now “thin on the ground”.

The state broadcaster tends not to broadcast or produce investigative journalism pieces.

Besides a lack of funding, journalists are also deterred from producing more in-depth articles because of the lack of access to information legislation and the way the government currently collects and collates its data.

‘Investigative journalism is being impeded by bureaucracy. To do an investigative piece on climate change, we would need to get access to agricultural data from the state, for example, and this can take two years or more.’

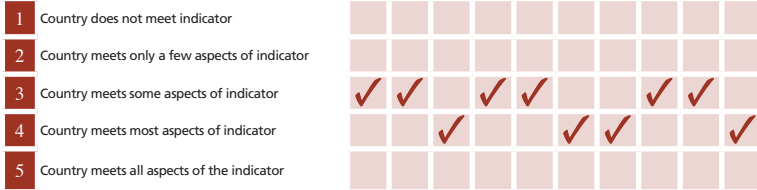
News in Botswana is also generally dominated by stories from urban centres, and editors’ budgets often don’t stretch to include the costs of covering rural stories. Panellists felt that journalists should also do more follow-ups on stories.

While the media reported on the closure of the state-owned Bamangwato Concessions Limited Mine, there were only a few stories about the thousands of mine workers who lost their jobs and the impact this had on their families.

‘What we also miss a lot is the human-interest angle...the stories of the real people affected by the national issues we cover.’

Scores:

Individual scores:



Average score: 3.4

4.5 The state guarantees the safety of journalists and other media practitioners and does not arrest and detain them arbitrarily, or engage in attacks, threats or unlawful surveillance.

The state does not guarantee the safety of journalists and, in some instances, makes it less safe for them to operate. Panellists noted that the number of journalists arbitrarily arrested and detained by the state has increased in recent years. The reasons for these arrests are unknown.

‘We have a new class of legislators who don’t have thick skins and who seem to misunderstand the role of the media to keep the government accountable. It is so brazen, and you can get threatened live on air on radio. People imply that I am out to get the president, that I am targeting Masisi, but I am just doing my job.’

The government also recently published a communication that said any civil servant found having leaked or published state-held information that was not released via the proper government channels would face legal repercussions.

‘There is no access to information in Botswana, so our sources should be able to give us some information, but both journalists and their sources are being threatened.’

Media cards are issued not by the government but by the individual media houses.

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: 1.3

4.6 The state takes effective legal and other measures to investigate, prosecute and punish perpetrators of attacks against media practitioners, and ensures that victims have access to effective remedies.

Panelists agreed that the state fails to take effective measures to investigate, prosecute, and punish perpetrators of attacks against media practitioners. Victims of such attacks do not have access to effective remedies.

Most of the attacks on members of the media were said to come from the government and, specifically, the police.

‘If the state is the one targeting you, how can they [the state] protect you?’

Panelists were unaware of any action taken against members of the police force for unjustifiably obstructing an investigation by a journalist. There generally were no follow-ups to cases involving the harassment of journalists by the state.

Panelists felt that training for law enforcement agents and the judiciary would help the state and the media understand one another.

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: 1.1

4.7 Equal opportunities regardless of race or ethnicity, social group, gender, sexual orientation, religion, disabilities and age are promoted in media houses.

Generally, inclusivity is not on the agenda of media houses. They tend to hire staff based on their professional abilities and not because they need to hire people of different genders or sexual orientations.

In practice, most media houses were described as having tendencies to be homophobic, even though there are policies to address this.

Female journalists felt that their male counterparts were given preferential treatment by management.

‘Sometimes, as a lady, I am overlooked over my male counterpart, even though I am more than capable and do the work when that man is not available.’

While there are journalists with disabilities in Botswana, there are no special provisions for them, such as braille equipment for print journalists. Some training institutions, like Limkokwing University, do not provide wheelchair-friendly access.

There is generally an under-representation of female journalists and people living with disabilities in Botswana. Research showed that only 4% of those working in media management are female, compared to 96% male.

While there are now a few journalists from sexual minorities working in the media, it was noted, ‘As you go higher in the hierarchy, they are not represented.’

BTV has not employed people with disabilities as journalists, although they have a sign language interpreter for deaf people on each television news bulletin.

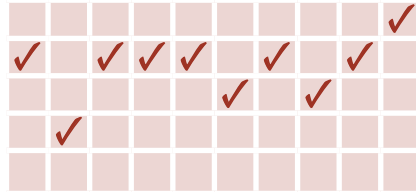
In terms of gender, the state has not yet signed the 2005 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, also known as the Maputo Protocol.

‘We don’t have inclusion laws in Botswana. We don’t even have inclusion of participation at parliamentary level, so there is a huge problem of participation and inclusion in Botswana.’

Scores:

Individual scores:

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



Average score:

2.3

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

Commercial media workers do not currently have union representation as the once-active Botswana Media and Allied Workers Union (BOMAWU) is virtually dormant. There are reportedly plans to revive this union, but these have been coming for a long time.

Union membership is encouraged in Botswana, and in general, people are not victimised by their union affiliations.

As with all civil servants, state media employees can join the Botswana Public Employees Union (BOPEU), which is active and affiliated with an international federation of trade unions, Public Services International, representing a reported 20 million workers across 163 countries. BOPEU members even participated in a demonstration against the firing of a Gabz FM journalist.

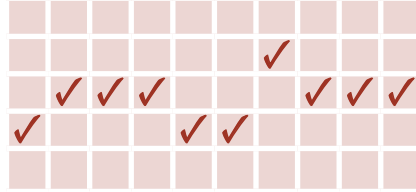
The Botswana Editors Forum is active and represents the management of newsrooms within commercial media houses. If necessary, the Botswana Editors Forum will step in and represent a staff member in the case of an employment dispute. Both BOPEU and the Botswana Editors Forum are generally effective in representing and protecting the rights of media workers.

MISA Botswana is very active in lobbying and advocating for the rights of journalists to perform their duties without hindrance. However, MISA Botswana does not generally get involved in litigation issues unless they relate to press freedom and freedom of expression.

Scores:

Individual scores:

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



Average score:

3.2

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

Panelists agreed that there is some level of corruption within the Botswana media sector, and many journalists are known to receive “brown envelopes” from their sources.

Panelists said it is common for a journalist to be paid with a brown envelope to write a particular story. Payment may even come from the DIS to insiders placed in the private media by state security officials.

‘Sometimes the DIS will know what the newspaper is going to look like even before it is published.’

It is also not uncommon for management to interfere with newsroom editorial decisions based on commercial interests, and brown envelope bribes can also emanate from commercial companies.

Generally, media houses do not have internal policies to uphold integrity or combat corruption and reprimand journalists who are guilty.

‘It is difficult, as you need firm proof. Often, there is no paper trail.’

On the other hand, media houses accept or even promote the “quid pro quo” receipt of gifts by journalists from sources such as watches, beer, and laptops.

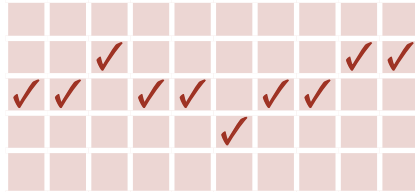
Panelists said it was quite normal for journalists to be given a lift to an event by their sources as they are often not given money for transport by their employers.

However, panelists felt that there are still journalists who refuse to be enticed with bribes and who uphold journalistic ethics. Notably, after Gabz FM management realised that one of their presenters was doing “product placement” without authorisation, staff were reminded that they were not allowed to mention brand names on air.

Scores:

Individual scores:

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



Average score: 2.8

4.10 Journalists and editors publish freely and do not practise self-censorship.

Self-censorship is common in Botswana – across both the state and the private media. Journalists are also sometimes ordered to frame stories in a certain way to benefit commercial or political interests. Some media houses reportedly won't publish stories about specific people or companies because these will put their advertisers in a bad light.

It was also noted that there is an absence of mental health support mechanisms for journalists and editors. A debriefing mechanism after traumatic events and counselling should be considered.

Botswana is a sparsely populated country with a small community.

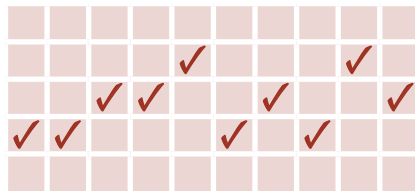
'Almost everyone is related to everyone else.'

The effect is that self-censorship of stories about these relations or friends (social censorship) is common.

Scores:

Individual scores:

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



Average score: 3.2

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

In terms of formal journalism qualifications, the University of Botswana (UB) and Limkokwing University both offer a Bachelor of Media Studies degree, while UB also offers a Masters course. Botho University offers a Bachelor in Communication Media degree, and AWIL College offers journalism qualifications.

UB is known to produce good scriptwriters and PR consultants. Limkokwing focuses more on multimedia studies, including photography and advertising production. Their courses are more practical.

The qualifications from these institutions are generally respected in the media sector. The Human Resource Development Council (HRDC) is responsible for planning and funding education and training in Botswana, while courses are accredited by the Botswana Qualifications Authority (BQA).

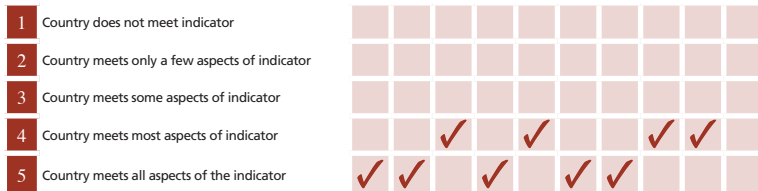
A glaring problem is that too many media students graduate each year, and there are not enough jobs for them all.

Panelists also noted that there are more women studying journalism than men. Most of those studying received government grants, but these are generally not paid back as the state does not follow up on this.

MISA Botswana and the Botswana Editors Forum also offer periodic training and workshops to journalists. Other CSOs provide training and capacity building on covering certain issues, such as reporting on children. BOCONGO has conducted training sessions for media practitioners on the United Nations Sustainable Development Goals (SDGs) in partnership with MISA and the United Nations Development Programme (UNDP).

Scores:

Individual scores:



Average score: 4.6

Overall Score for Sector 4: 2.7



THE WAY FORWARD

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

Positive Developments:

- New legislation was promulgated, including the amended Cybercrime and Computer Related Crimes Act 2018 and the Criminal Procedure and Evidence (Controlled Investigations) Act 2022.
- BEF, MISA, and civil society organisations are organising training sessions and capacity-building workshops to upscale and upgrade journalists’ skills.
- Media houses are developing internal editorial policies and in-house guidelines to revive journalistic professionalism.
- Decriminalisation of same-sex sexual activity by the Court of Appeal in Attorney General v Motshidiemang.

Negative Developments

- The use of the COVID-19 pandemic by the state to curtail freedom of expression.
- The increase in online attacks and harassment of journalists and civil society by the state.
- State surveillance of journalists and civil society.
- Corruption and political influence are present in media houses.
- An underlying atmosphere of fear, mistrust, and self-censorship among journalists.

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

Recommendations from the panellists:

Drivers	Tasks
Parliament MISA NGOs Development agencies (AU and UN)	Develop legislation to protect the media, encourage press freedom, and promote safety.

Media houses Botswana Editor's Forum MISA	Strengthen media unions and resuscitate self-regulation of the press to address inadequacies and complaints from the public.
Friedrich-Ebert-Stiftung (Fesmedia Africa) Botswana Editor's Forum MISA	Organise training on media laws and capacity building of stakeholders, including judges and the police.
Friedrich-Ebert-Stiftung (Fesmedia Africa) Civil society MISA	Lobby MPs on access to information legislation and invite public officials to take FES training so that they understand how to develop these laws.

Panellists:

Media:

1. Titus Mbuya, Managing Director (Dikgang Publishing Company)
2. Setho Poloko Mongatane, broadcast journalist, Gabz FM
3. Portia Olopeng Mlilo, journalist
4. Keneilwe Seitheko, TV reporter
5. Keikantse Shumba, media owner and secretary general of Botswana Editors Forum

Civil Society:

6. Letsweletse Martin Dingake, private attorney/legal practitioner
7. Angelinah Montshiwa, activist
8. Reverend Dumu Mmualefe, pastor
9. Thomas T. Nkhoma, MISA Botswana
10. Lovey Ramothlala, communications and public relations, BOCONGO

Rapporteurs:

Sarah Taylor, Chelvin Ramsamy

Moderator:

Robin Tyson

The panel discussion took place at Manong Game Lodge, Botswana from 17-19 November 2023.

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