



AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa



Malawi 2012

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The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on homegrown criteria derived from African Protocols and Declarations like the “Declaration of Principles on Freedom of Expression in Africa” (2002) by the “African Commission for Human and Peoples’ Rights” (ACHPR)¹. The instrument was jointly developed by *fesmedia Africa*, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the ACHPR-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organizations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every two to three years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1 1/2 days they discuss the national media environment according to 45 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

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

1	Country does not meet indicator	
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	

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

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

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

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

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and - in SADC countries the Media Institute of Southern Africa (MISA) - only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

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

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

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² Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 29 AMB Countries (2005-2012)

African Media Barometer

MALAWI 2012

Summary

Malawi can be separated into two distinct periods since the last AMB in 2010 and analysts jokingly describe this as the pre Banda era and the post Mutharika era.

The sudden death of President Banda wa Mutharika in April 2012 initially put Malawi in a tailspin as there was uncertainty about who would take over power.

According to Section 83 (4) of the Republican Constitution: Whenever there is a vacancy in the office of President, the First Vice-President shall assume that office for the remainder of the term and shall appoint another person to serve as First Vice-President for the remainder of the term.

However this was not a clear cut decision, as two years prior to his death, President Mutharika had expelled Vice President Joyce Banda from the ruling Democratic People's Party (DPP) after a row over succession. The president had chosen his brother, Foreign Affairs Minister Peter Mutharika, as DPP's presidential candidate for the 2014 elections.

The contestation for who would take over power was resolved within 48 hours as the country took up the provision in the Constitution and appointed Vice President Banda as head of state.

Almost immediately upon taking up office, President Banda instituted changes that reversed the controversial policies and actions of her predecessor, which immediately prompted donors and the international community to pledge resumption of financial aid.

Under the leadership of former President Mutharika, freedom of expression was severely restricted as he clamped down heavily on dissenting voices by way of threats, assaults and even arrests. He was particularly hard on activists, members of the opposition and the media. "There was fear and intimidation and the government tried to suppress any criticism, but a few brave people continued to speak out."

During his second term in office, Malawi's economy went into serious decline as he refused to devalue the kwacha and instead opted for a fixed exchange rate and pegged the Malawi Kwacha to the United States Dollar.

Despite his promise to fight corruption, he ignored the lack of accountability and abuse of power by officials in government. The expulsion of British High Commissioner, Fergus Cochrane Dyet in April 2011 marked the climax of the economic meltdown as the international community, starting with the United Kingdom, cut off financial support for Malawi. They all cited mismanagement of the economy and failure to uphold human rights as the reasons for their decision.

At the same time, there was a growing sense of resistance in the country which culminated in countrywide protests against the high cost of living in July 2011. At least twenty protestors were shot dead and hundreds more arrested. A commission of inquiry report has since been released and presented to President Banda.

When Vice-President Banda assumed leadership of Malawi, she made history by becoming the first woman president of Malawi and the second female head of state on the continent.

She went on to make notable changes starting with the devaluation of the Kwacha and almost overnight the long fuel queues disappeared and the shelves in stores were filled with goods once more. She fired several Mutharika cronies as well as the police chief who was blamed for the deaths of protestors during the July 2011 riots; she launched an investigation into the death of student-activist Robert Chasowa; she opened up the state media to cover some opposition figures; she spoke out strongly in support of human rights and she promised to get rid of Malawi's anti-gay laws.

President Banda repealed the repressive amendment to Section 46 of the Penal Code, which empowered the Minister of Information to ban publications deemed not in the public interest. While this strategic move was welcomed by the media fraternity, they were quick to point out that it was not done in consultation with the media or civil society, and appeared to be more of a reaction to what her predecessor had done.

"It is her way of showing that she is different; that she can reverse Bingu's decisions. We are hoping that this lack of consultation won't become the norm within the new government. Her approach so far seems politically expedient to get donors back to Malawi."

There is also deep concern that many outspoken civil society activists and prominent media practitioners are being recruited into government positions which is an effective way of silencing the voices of dissent and weakening civil society.

"Bingu was fearsome but as a result he helped to create a strong civil society leadership. For Joyce, it is the opposite, as she has co-opted strong civil society leaders into senior government positions."

While the international community has embraced President Banda with open arms there are sections of civil society and the media who are taking a more cautious approach as they are wary of her motives and the manner in which she carries out her reforms. "There is a sense of watch-and-wait. It is too early to tell."

Before Joyce Banda took over as president, broadcast licence applicants were seen as a threat to government and most licences were awarded to religious and/or community stations, which were seen as less of a threat to the state than news broadcasters. This has changed in recent months, with almost 20 new licences being awarded to private and community radio and television stations in July 2012.

Radio continues to be the most popular medium of accessing information as it has the widest reach and is available in vernacular languages. If the transmitters and related equipment are working at optimal level it is possible for 95 percent of the country to access Malawi Broadcasting Cooperation (MBC) radio and television. Unfortunately the system is fraught with technical problems and entire parts of the country often do not have access.

In terms of news and current affairs, political stories take priority on MBC TV and radio, with issues about the president and ruling party generally dominating. "The president is the news, even if it is not newsworthy. There is always a story about the president on MBC TV and radio news."

In the past, 95 percent of the content on the MBC was ruling party propaganda but in the last few months there seems to be a change in this regard. However there is a feeling that the MBC is still not accommodating opposition views equitably. Thus, the MBC tends to support and promote whichever party is in power, and deny airtime to alternative voices.

For example, the current opposition leader, Peter Mutharika, brother of the late president, has not appeared on MBC television since April 2012, when the regime changed. "I haven't yet heard radical views on MBC, which are in opposition to the current regime. Those who opposed the previous president are now seen as allies to the MBC.

Panellists felt that the MBC radio stations, in particular, were offering more local and diverse non-political content than any other radio station in the country, including programmes on agriculture, developmental issues, education, women and girls, health in general and HIV-AIDS specifically.

There has been a slight increase in print media products with the entry of a few specialist magazines but it is still a medium that remains unaffordable for at least 9.5 million Malawians who live below the poverty line and survive on less than US\$1 a day. It also remains inaccessible considering the 2008 Census

puts Malawi's literacy level in English at 1 percent and very few publications are available in Chichewa and local languages.

Ironically, although Malawi is classified internationally as a low-income country, characterised by high levels of poverty, the advertising market is considered to be large enough to support a diversity of media outlets and advertising currently sustains the media. Some panellists felt that there was even room for more media outlets.

Reporting in Malawi tends to be event driven so there is a lack of in-depth and analytical reporting. On the other hand investigative journalism is on the rise and many of the corrupt practices that have been uncovered have resulted in top officials being fired.

SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.

Freedom of expression, including freedom of the media, is effectively protected and promoted.

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

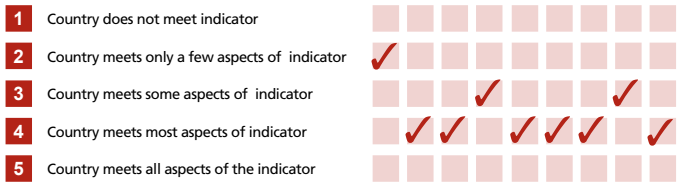
Freedom of expression is guaranteed in the constitution of the Republic of Malawi under Section 35, which states: “Every person shall have the right to freedom of expression.”

In addition, media freedom is guaranteed in the constitution under Section 36: “The press shall have the right to report and publish freely in Malawi and abroad, and to be accorded the fullest possible facilities for access to public information.” Specific access to information legislation has not yet been passed in Malawi, however.

Also, there is no other legislation in the country that supports this guarantee of freedom of expression and the media. In fact, there are numerous laws that limit these freedoms.

Scores:

Individual scores:



Average score:

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

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

Under former President Bingu wa Mutharika's rule, which ended with his sudden death in April 2012, journalists, members of civil society organisations and ordinary citizens found it exceedingly difficult to voice their concerns, even in private conversations. Freedom of expression was severely limited due to fear of repercussions, such as intimidation, assaults or arrests from the state. At the same time, there was a growing sense of resistance in the country, evident on radio phone-in shows and in some newspapers, although these commentators protected themselves by hiding behind pseudonyms.

"There was fear and intimidation and the government tried to suppress any criticism, but a few brave people continued to speak out."

It was also noted that poor people living in villages were more likely to speak out, than those living in urban areas, because "they have nothing to lose". This is a marked change compared to life under the conservative Kamuzu Banda regime between 1964 and 1994.

This public resistance came to a head with the mass anti-government demonstrations on July 20 and 21, 2011, which were seen as an attempt by concerned citizens to demand economic and political reforms in the country, and they were conducted under very strenuous conditions. A total of 20 people were killed by the police on this day; in Blantyre (2 people), Lilongwe (7), Mzuzu (10) and Karonga (1): 19 from gunshot wounds and one from teargas suffocation. Some 58 people were left injured from gunshot wounds or police beatings. Interestingly, the deaths in Blantyre took place after what appeared to have been a peaceful protest had already ended.

After these countrywide protests, civil society organisations tried to organise follow-up demonstrations, but they remained divided and their leaders felt responsible for those who lost their lives.

"These 20 deaths were definitely a deterrent to people expressing themselves freely."

The withdrawal of government advertising to the privately owned Nation newspaper, which was seen to be overly critical of the state, also instilled a sense of trepidation in the journalists working there, who avoided reporting on certain issues for fear of repercussions. Just two days before the July 20 protests, suspected supporters of the then ruling party, the Democratic Progressive Party (DPP), burnt two vehicles belonging to the private radio station, *Zodiak*.

Since former vice-president Joyce Banda automatically assumed leadership of Malawi in April 2012, becoming the country's first woman president, there is a sense that avenues for freedom of expression could be expanding. Since she became president she has rejected some of her autocratic predecessor's policies including lifting the ban on homosexuality, stating that repressive laws must be repealed and appointing a new cabinet. As a result, foreign donors have begun to return to Malawi.

Malawians, however, are sceptical and cautious. "There is a sense of watch-and-wait. It is too early to tell."

Even women activists are reluctant to criticise the president in her new role as they risk being seen as unsupportive and negative.

There is deep concern that critical voices in society are also being suppressed by the new leadership as many formerly outspoken civil society activists and prominent media players have accepted jobs in Banda's new government.

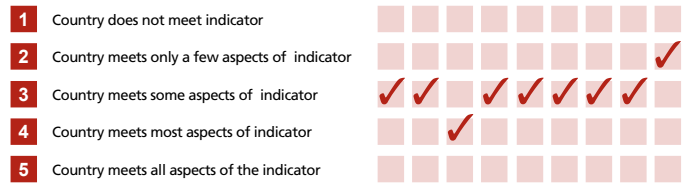
"Bingu was fearsome but as a result he helped to create a strong civil society leadership. For Joyce, it is the opposite, as she has co-opted strong civil society leaders into senior government positions."

Mention was made of government officials asking a media house to tone down reports on a recently reignited border dispute between Tanzania and Malawi in August 2012. This stirred debate amongst staffers in the newsroom around issues of national interest versus issues of public interest.

"Is this an attempt to limit freedom of expression or is it rather a request to exercise responsibility in the national interest?"

Scores:

Individual scores:



Average score:

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

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

There is a considerable amount of legislation, which can be used to restrict freedom of expression in Malawi. These include sections of:

- the Penal Code of 1930, which criminalises libel, sedition and defamation; and
- the Protected Flag, Emblems and Names Act of 1967, which prohibits the cartooning of the president;
- the Police Act of 1946;
- the Official Secrets Act of 1913 and
- the Censorship and Control of Entertainments Act of 1968

These laws, most of which date back to colonial times, have been broadly used to clamp down on freedom of expression, in the name of national security, while the Malawi Communications Regulatory Act of 1998 has been used to threaten to close down private broadcasters.

In 1998, 34 repressive laws were sent to the Law Commission by the Civil Liberties Committee (CILIC), a civil rights organisation, and Article 19, for possible review. However nothing has yet been done in this regard and since then, eight new laws have been passed which have the potential to limit freedom of expression and access to information. These include the Malawi Revenue Authority Act of 1998, which prevents journalists or ordinary members of the public from getting information on the budget.

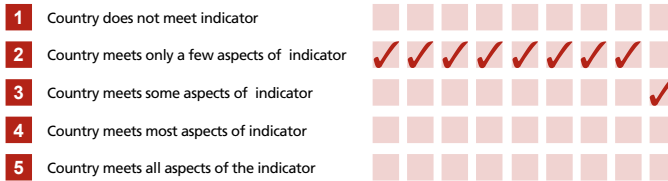
Shortly before President Bingu wa Mutharika died in April 2012, State House issued a two-page warning (“Civil society organisations and media conduct inciting anarchy in the country”) stating that anyone who demeans the president will face the wrath of the law.

Two months after Joyce Banda came in to power in June 2012, parliament repealed a repressive amendment to Section 46 of the Penal Code, which gave the Minister of Information the power to ban publications deemed to be contrary to the public interest. This follows Banda’s announcement in May that parliament should repeal laws that deny Malawians the constitutional right to freely express themselves.

“As media practitioners, this is a big load off our shoulders, but many outdated and repressive laws remain on the statute books, and we still do not have access to information legislation.”

Scores:

Individual scores:



Average score:

2.1 (2010 = 1.9; 2008 = 1.7; 2006 = 2.0)

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

Article 211 of the Constitution states that “any international agreement entered into after the commencement of this Constitution shall form part of the law of the Republic if so provided by or under an Act of Parliament”.

Thus, although the Malawian government has signed many international agreements, they are not automatically made into law.

“Nothing is being domesticated or implemented...government’s international commitments are all on paper.”

An example of this is the Malawi Broadcasting Corporation, which remains a state broadcaster, despite the government being a signatory to the 2002 Declaration of Principles on Freedom of Expression in Africa, which in Article VI states: “State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government.”

In general, Malawians are not made aware of which regional and international instruments have been signed by their government, and which of these have been domesticated in practice. “The process is neither systematic nor transparent.”

Banda’s new government is making an effort to inform the public about their commitments as she recently announced that it was working on domesticating the SADC Gender Protocol.

Scores:

Individual scores:

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

Average score:

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

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

Section 5 of the Printed Publications Act of 1947 states that anyone wishing to print or publish any newspaper must register it with the office of the Government Archivist and lodge copies of the publication with the National Archives. Print publications, as corporate enterprises, also need to register with the Registrar of Companies.

During 2010, the previous government tried to use the Printed Publications Act to close down the privately owned *Weekend Times*, ostensibly based on the fact that they had not deposited copies with the National Archives. However, the newspaper got an interdict from the High Court to stop this action and government subsequently dropped the case.

Scores:

Individual scores:

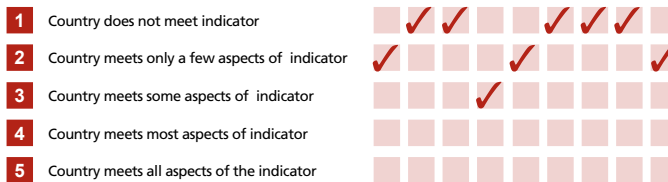
1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4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

Average score:

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

Scores:

Individual scores:



Average score:

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

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

Article 37 of the Constitution gives citizens the right to access public information:

“Subject to any act of Parliament, every person shall have the right of access to all information held by the state or any of its organs at any level of government in so far as such information is required for the exercise of his right.”

However, there is still no supporting legislation in this regard and an Access to Information Bill has been under discussion for more than a decade.

“Despite a constitutional guarantee, those who hold the information generally do not give it.”

Legislation, including the Defence Forces Act of 2004, the Banking Act (1989), the Malawi Police Act (2010), the Malawi Revenue Authority Act (1998) and the Official Secrets Act (1913), prohibits government officials from revealing information without being authorised by their superiors to do so.

There are numerous instances of the media being denied access to public information in order to inform the public. In July 2012 President Joyce Banda announced during a rally that foreign money was starting to pour back in to the country. However, it has not been possible for the media to ascertain how much money is coming in and how the government intends to spend it, as officials concerned refuse to divulge any details in this regard.

Section 88A (1) of the Malawi Republican Constitution requires the President Cabinet Ministers and Members of Parliament, to disclose all their assets, liabilities and business interests – as well as those of their spouses or any assets that are held on their behalf – upon election or appointment.

However Banda has refused to divulge her business assets, saying she did so when she was appointed Vice President and is now serving part of the same presidential term from 2009. The Attorney General, who she appointed into his position, has supported her in this regard.

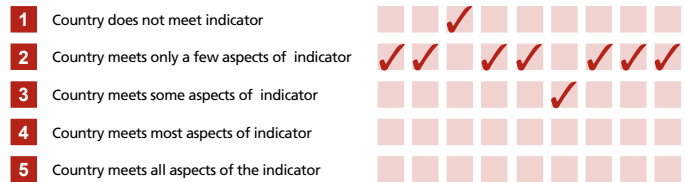
Even after a prison riot in Zomba in July 2012, the Prisons Ministry refused to reveal how many prisoners had been killed.

“If professional people, including journalists, lawyers and even members of parliament, are struggling to access state-held information, ordinary citizens have zero access, even at a District Council level... they don’t even know they have the right to ask for information about why there are no drugs in hospitals, for example.”

Another point of concern when it comes to public information being accessible, is that when official documents are available, they are published in English, the country’s official national language, although the national language, Chichewa, is spoken by almost 60 percent of the population of some 15,4 million, according to the World Bank. The last National Population and Housing Census of 2008 found that only one percent of Malawians could read and write in English.

Scores:

Individual scores:



Average score: 1.7 (2010 = 1.8; 2008 = 1.9; 2006 = 1.8)

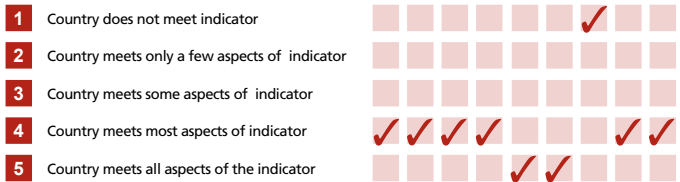
1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

Websites and blogs do not have to register with or obtain permission from state authorities. Currently, there are no laws in Malawi that govern the internet or restrict internet service providers from operating.

Mention was also made of a new K2.9 billion machine that the Malawi Communications Regulatory Authority (MACRA) is said to be considering purchasing, apparently to ensure that companies offering SMS services are operating as they should. Rumours are abounding that this machine will be able to spy on all electronic communications.¹

Scores:

Individual scores:



Average score:

3.9 (2010 = 4.4; 2008 = n/a; 2006 = n/a)

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

The Malawian chapter of the Media Institute of Southern Africa (NAMISA) is the most active media lobby group in Malawi on issues of media freedom. NAMISA is often partnered by the Human Rights Consultative Committee - a civil society organisation to lobby on media freedom issues such as the Access to Information Campaign and issuing solidarity statements when journalists are arrested.

Panellists felt, however, that these lobby groups have not done enough to involve the public in advancing the cause of media freedom.

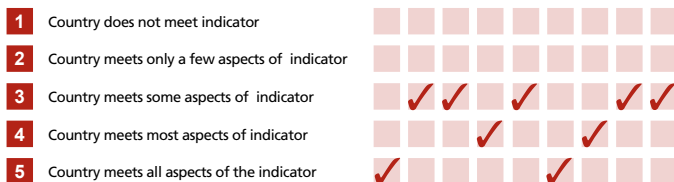
In August 2012, just two days before the Malawi AMB was held, media owners united to form a new organisation, in the form of a trust, called the Association of Media Owners (AMO). The agenda of AMO is to broadly, "act as a catalyst for change in promoting social transformation for economic growth and democracy in Malawi".

It also intends to ensure the sustainability of the country's media, and to strengthen and revive the self-regulatory Media Council of Malawi, which promotes media ethics within the industry, in order to prevent the state from setting up a similar, statutory body.

¹ At the time of going to print, the Malawi government, led by President Banda, had proposed a new electronic communications bill, dubbed the E-Bill, which could pose serious threats to freedom of Expression in cyberspace.

Scores:

Individual scores:



Average score:

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

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

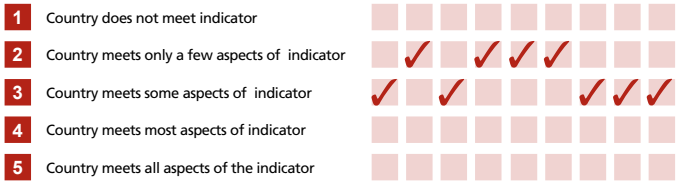
Under Bingu wa Mutharika, the government held consultations with the media and citizens on certain issues, such as the amendment to Section 46 of the Penal Code (relating to the banning of publications by the state). In retrospect there is a realisation that these discussions were meant to give the impression that the media and public were part of a consultative process but the outcomes, especially in this instance, clearly show that the results did not reflect citizens' or the media's input.

Since Joyce Banda became president, she has repealed Section 46, but this was not done in consultation with the media or civil society, and appeared to be more of a reaction to what her predecessor had done.

"It is her way of showing that she is different; that she can reverse Bingu's decisions. We are hoping that this lack of consultation won't become the norm within the new government. Her approach so far seems politically expedient to get donors back to Malawi."

Scores:

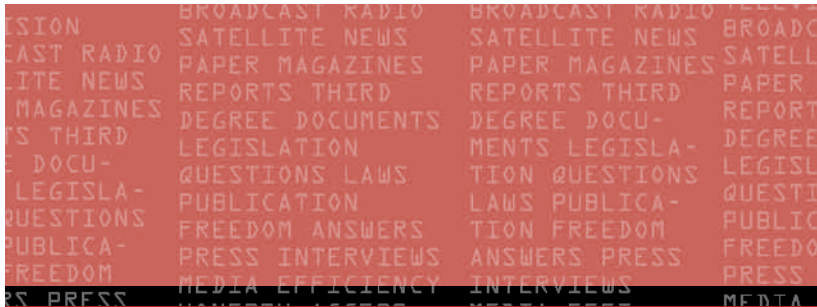
Individual scores:



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

Average score for sector 1: 3.0 (2010 = 3.2)²

² For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2006 and 2008 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.



SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.



The media landscape, including new media, is characterised by diversity, independence and sustainability.

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

There are numerous state, private and community owned broadcasters and print outlets in Malawi. The most accessible means of accessing information is through radio, as literacy in English is low - the 2008 census statistics showed it to be only one percent. The cost of daily newspapers, which are mostly published in English, is too high for the majority of the population at about K250 (US\$1) each. Newspapers used to cost K300 before the currency was devalued in May 2012, effectively halving Malawians' salaries. When the government removed VAT of 16.5 percent from newspapers in June 2012, their cover price dropped to K250. As a comparison, a loaf of brown bread costs K290. An estimated 62 percent of the 15.4 million Malawian population live below the poverty line, surviving on less than US\$1 a day. An additional 22 percent are considered "ultra poor" by the United Nations standards.

Print

There are two daily newspapers in Malawi, both privately owned and published in English: *The Daily Times* and *The Nation*. *The Nation* has a circulation of about 18,000 per day. There are six privately owned weekly newspapers, including the *Business Times*, which emerged within the last two years. Two of these weekly newspapers are published in English and Chichewa (*Malawi News* and *Weekend Nation*), while the fortnightly *Fuko Nation* is published in the indigenous languages, Chichewa and Tumbuka. *The Weekend Nation* sells about 30,000 copies every Saturday.

There are currently no daily state owned newspapers. *Boma Lathu*, which used to be a monthly publication, appears very irregularly, and the *Weekly News* stopped being published in December 2010. Another state newspaper that evolved out of the *Weekly News* was the *Malawi Mail*, but this also ceased publication, in December 2011. These were all products of the government's information department within the Ministry of Information.

There are five local magazines in Malawi: a weekly, three bi-monthlies and a quarterly. They are all published in English, except for *Nkwaso* magazine, which is published in Chichewa by the Catholic Church and emerged on the market within the last two years.

In general, newspapers arrive late on the day of publication, or the following day, in semi-urban/rural areas. In more remote rural areas, print media is not available. Nation Publications' *Fuko Nation* is aimed specifically at rural areas. Access to newspapers in Malawi is limited by the fact that most of them are published in English, a language in which a small percentage of the population are literate.

Broadcasting

There are 24 radio stations in Malawi and of these, there are two state-owned radio stations - Malawi Broadcasting Corporation (MBC) 1 and 2. More than any other broadcaster, these stations are virtually national, reaching about 95 percent of the country, "if all the transmitters and other equipment are working". Border areas in particular tend to have partial or even no local broadcast reception.

There are eight private, commercial radio stations, some like *Capital Radio*, *Zodiak* and *Joy Radio*, which cover most of the country's three regions, while others broadcast to specific areas within the country. *Galaxy FM*, owned by the daughter of the former President Bingu wa Mutharika, was launched in early 2012.

Two of these private radio stations in particular, *Zodiak* and *Capital Radio*, are "giving MBC a run for its money", as they are starting to be seen as more credible sources of news. *Zodiak* broadcasts in English and Chichewa and is usually the station to broadcast the latest news.

There are 14 community radio broadcasters in Malawi, eight of which are religious in nature. Most broadcast specifically to a small geographical community, although *Radio Islam*, *Transworld Radio* and *Radio Maria* broadcast within all the three regions. *Radio Maria* has the second biggest reach after MBC and its listenership is very wide.

BBC Radio is also relayed to all three districts.

In terms of television, the arena is dominated by the state broadcaster, *MBC Television*, which reaches most of the country. There are also three religious TV stations, with a much smaller reach, including the new broadcaster, *AFJ*. The satellite subscription service from South Africa, *DSTV*, is also available in Malawi, although most Malawians cannot afford this service.

In July 2012, the government issued nine new broadcasting licences to community/religious radio stations, and 11 licences to private and community television stations. These new players have been given 12 months to set up, and by August 2012 only *AFJ* was already operational. Some of these new stations will be national, while others will be regional or community.

Mobile phones and internet

Most Malawians use their mobile phones, rather than computers, to access the internet. The International Telecommunications Union (ITU) 2011 statistics show

that 3.9 million Malawians have mobile phones, which is about one quarter of the population.

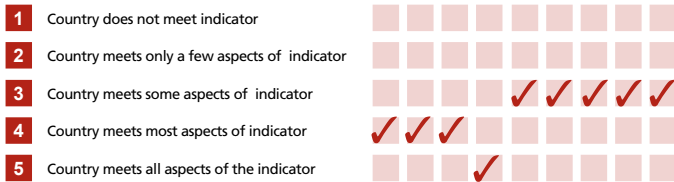
Mobile phones are relatively cheap in Malawi, around K4,000 (US\$16). There are four mobile phone companies in Malawi: Airtel, Telecom Networks Malawi (TNM), Access and MTL. The ITU 2011 statistics show that 3.33 percent of the population have access to the internet, but just 0.06 percent of the population have fixed broadband subscriptions. The ITU has described Malawian internet access as one of the most expensive in the world. As of December 2011, there were 112,100 Facebook users in Malawi, a 0.7 percent penetration rate.

Internet access is also provided through internet cafés in Malawi, and telecentres, which are operated by the state through the Ministry of Information in some selected rural areas, and elsewhere by the private sector and through mobile network providers, Airtel and TNM.

The lack of recent audience research in Malawi makes comprehensive analysis of this sector difficult, as objective and comprehensive readership and viewership statistics are unknown.

Scores:

Individual scores:



Average score:

3.6 (2010 = 2.5; 2008 = 3.0; 2006 = 2.6)

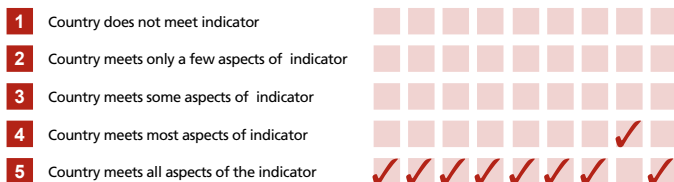
2.2 Citizens’ access to domestic and international media sources is not restricted by state authorities.

Generally, there are no state restrictions to domestic and international media sources.

“In this technologically advanced era, with access to the internet, the authority of the Censorship and Classification Board is being diminished and the board is becoming irrelevant.”

Scores:

Individual scores:



Average score:

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

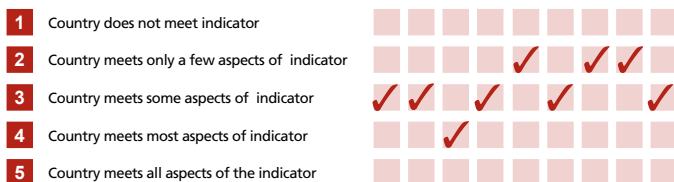
2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

In general, there is not a large amount of effort being made by the state or private media to increase the scope of circulation of the print media to rural communities. The 16.5 percent reduction by government of the VAT on newspapers has made them slightly more affordable, however, so this could be seen as a positive step to support the media.

In addition, two private publications are making some inroads in this regard. *Fuko Nation*, a fortnightly local-language newspaper within The Nation stable, was launched in 2010 with the aim of targeting rural readers. *Nkwaso*, a Chichewa Catholic Church publication, also attempts to reach out to outlying areas using the church as its distribution network.

Scores:

Individual scores:



Average score:

2.8 (2010 = 2.5; 2008 = 2.3; 2006 = 1.5)

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

Currently, there are no state print publications, except for the government mouthpiece *Boma Lathu*, which used to be a monthly publication, but now appears very irregularly. Some panellists felt that it is not a propaganda tool, as it does provide some useful information about government projects.

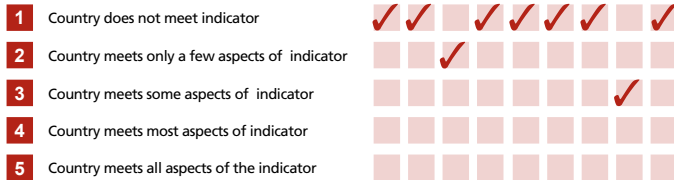
There is no protection of *Boma Lathu's* editorial independence from political interference, and the Editor in Chief is the Minister of Information.

The content of the now non-existent state publication, *Weekly News*, was all in favour of the government and included very few alternative voices, except when used negatively.

"*The Weekly News* was totally in support of the state machinery."

Scores:

Individual scores:



Average score:

1.3 (2010 = 1.4; 2008 = 1.4; 2006 = 1.6)

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

There is no legislation preventing one company or individual from owning many different media outlets, and this does occur, even across media platforms. Blantyre Newspapers, for example, owns five newspapers (*The Daily Times*, and the weeklies: *Sunday Times*, *Weekend Times*, *Malawi News* and *Business Times*). In July 2012, the company was awarded a commercial television licence for *BNL Television*. Nation Publications owns three newspapers (the weeklies, *Nation on Sunday* and *Weekend Nation*, and the fortnightly *Fuko Nation*). Montfort Fathers

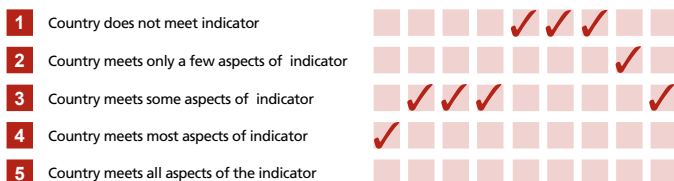
owns three magazines (*Nkwaso*, *The Lamp* and *Together*), while the state has one television station (MBC Television) and two radio stations (MBC 1 and 2).

There is a Competition and Fair Trading Act (1998) but there have been no known cases of this legislation being used to limit cross or multi-ownership within the media sphere.

The Malawi Communications Regulatory Authority (MACRA), the regulatory body governed by the Communications Act of 1998, does limit private broadcasters to some degree – i.e. a private broadcaster is not allowed to have both a national radio and a national TV licence, although the state is exempt from such a restriction. This appears to be more about reach and access, and is not related to issues of competition.

Scores:

Individual scores:



Average score:

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

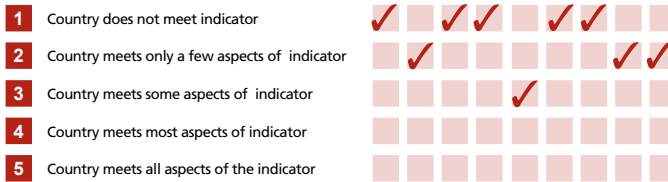
2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

The government does not support a diverse and economically sustainable media landscape. Generally, there are no tax exemptions on the media sector, except for the 16.5 percent VAT on newspapers, which has been removed by the state. Appeals have been made to the past and present government by media owners and managers to have duties lifted on transmitters, printing presses, ink, paper, and so on, but nothing has come of these.

As a result of escalating costs and the devaluation of the kwacha, newspapers have had to scale down their operations in various ways, with some tabloids reducing their page size even further.

Scores:

Individual scores:



Average score:

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

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

When it comes to sources, male input tends to dominate the media in Malawi. Panellists felt that the media makes a concerted effort to include women's voices but women remain reluctant to speak.

"Women are the biggest culprits: they don't want to talk, whether they are in positions of power or villagers."

The lack of women's participation in this regard appears to be a cultural issue: in the structure of Malawian society, men traditionally make the decisions, and this extends to professional issues as well. Panellists noted that this issue is gradually improving, however.

"Until Joyce (Banda) came to power, Malawi has been a man's world. It remains to be seen if she will make a difference, culturally."

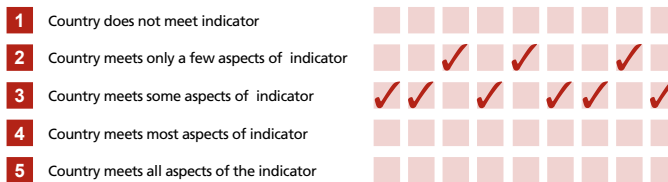
A Gender Links Gender and Media Progress Study conducted in 2010 found that women as news sources in Malawi had increased to 20 percent from the 11 percent recorded in the 2003 Gender and Media Baseline Study.

Most of the news stories in Malawi are not human-interest issues, but seek professional opinions on topical and national issues. However, there are still very few women in decision-making positions in Malawi, and even those few who are decision makers, are not willing to speak publicly.

Largely, women appear to be represented in the media in vulnerable (victims of rape, domestic violence etc) or titillating positions.

Scores:

Individual scores:



Average score:

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

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

The print media are represented by a very small set of languages: mostly English with a few publications in Chichewa. *Malawi News* and *Weekend Nation* are published in English and Chichewa, while *Fuko Nation* is published in Chichewa and Tumbuka.

The state radio stations broadcast news and programming in eight different languages, including English, during the day while state television news is broadcast in English and Chichewa.

Private radio stations lack the resources to broadcast in multiple languages, and news and programming is mostly conducted in English. Community radio stations fare better in this regard and individual stations broadcast in Chichewa, Yao or Tumbuka, depending on the audience they are catering to.

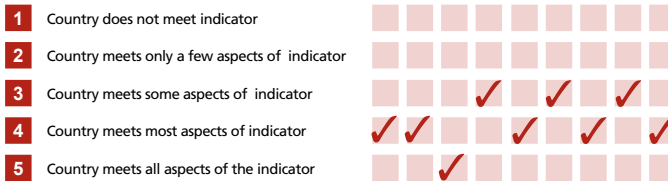
In the mainstream media, religious content tends to be dominated by the Christian and Islamic faiths. Panellists felt that various religions were fairly well represented, however, through the large number of religious community radio stations.

Minorities, such as gays and lesbians, generally get no coverage in the mainstream media. However, since President Joyce Banda announced lifting the ban on homosexuality, there has been some positive coverage in this regard.

Political views are fairly represented across the board, but not within each media house which tends to reflect the owner's leaning.

Scores:

Individual scores:



Average score:

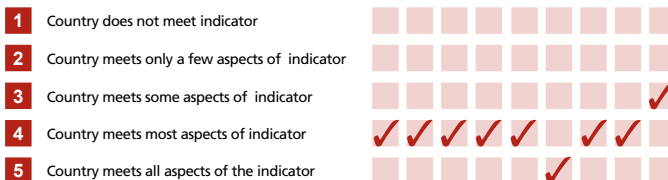
3.8 (2010 = 3.2; 2008 = n/a; 2006 = n/a)

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

A draft ICT for Development Policy exists and government seems to be making some effort to make such technologies accessible to marginalised communities. The policy was drafted and circulated in 2003, and attempts were made in 2010 by the Office of the President and Cabinet, the private sector and civil society to revise this draft. Panellists were unclear what has happened since in this regard and this policy remains at draft level. However, the government appears to be implementing elements of this draft by establishing telecentres in rural areas, for example, where community members can access the internet.

Scores:

Individual scores:



Average score:

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

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

Government has in the past used the placement of its advertising to support or deny support to the private media, depending on whether or not the editorial content is in agreement with government.

In August 2009, government pulled the majority of its advertising from the private newspaper, *The Nation*, as it was seen to be too critical of the state. Only tenders were still published in *The Nation*, as tender regulations stipulate that government must advertise in two national dailies. The newspaper also lost out on private sector advertising as a result, because some corporate organisations did not want to be seen antagonising the government and thus shunned *The Nation*.

When Joyce Banda came to power in April 2012, this unofficial ban was rescinded. During Banda's '100 Days' celebration, the Office of the President ensured that all the mainstream newspapers had an equal amount of government advertising.

Scores:

Individual scores:

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

Average score:

2.0 (2010 = 1.3; 2008 = 4.1; 2006 = 3.2)

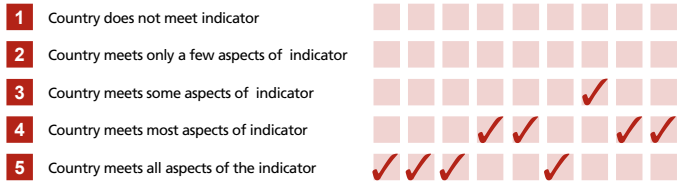
2.11 The advertising market is large enough to support a diversity of media outlets.

Ironically, although Malawi is classified internationally as a low-income country, characterised by high levels of poverty, the advertising market is considered to be large enough to support a diversity of media outlets and advertising currently sustains the media. Some panellists felt that there was even room for more media outlets.

As no recent market research has been conducted in Malawi, it is difficult for media outlets to determine their audience, and advertising in the print media tends to be mixed, with higher and lower market adverts alongside one another.

Scores:

Individual scores:



Average score: 4.3 (2010 = 2.8; 2008 = 2.3; 2006 = 2.2)

Average score for sector 2: 3.0 (2010 = 2.7)

SECTOR 3:

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

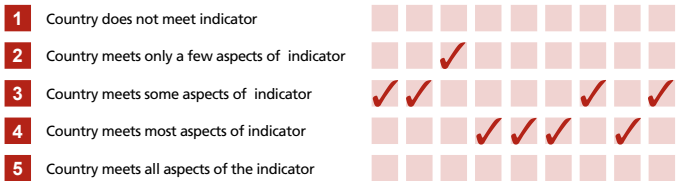
Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

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

Broadcasting in Malawi is regulated by the Communications Act of 1998, which provides for a three-tier system of public, commercial and community broadcasting. This legislation sets the framework for the MBC to become a truly public broadcaster, although the practical application of this is problematic and it remains a state broadcaster.

Scores:

Individual scores:



Average score:

3.3 (2010 = 4.8; 2008 = 3.9; 2006 = 3.3)

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

The Malawi Communications Regulatory Authority (MACRA) is supposed to be independent in the performance of its functions, according to Section 5 of the Communications Act of 1998, which governs the broadcasting regulatory body. However, the seven members of the MACRA board and its chairperson are appointed by the president, following nominations supplied by the Ministry

of Information, with no protection from state interference. This process is not transparent and does not involve civil society, although, legally, there is meant to be public consultation and interest groups are expected to submit nominations.

Section 6 of the Act states: “that the Secretary to the President and Cabinet, and the Secretary for Information, must be represented on the board as two of the ex-officio members.”

Section 9 of the Act states: “that the Minister of Information, on the recommendation of MACRA, shall appoint the Director-General, thus making the DG directly responsible to the minister and not the board.”

“The current MACRA board was appointed just a few days ago (in August 2012) and it came like a bolt out of the blue, through press announcements.”

Panellists said that as a result, there was a lack of political integrity on the board, while the professionalism of the board members was highly questionable. Chairperson Martha Kwaitane’s background is in health rights activism.

“The new board members are unknowns in the broadcasting sector. We doubt whether they have any broadcasting experience at all. All we suspect is that they are all presidential sympathisers.”

“MACRA is the cash-cow of the government. It charges exorbitant rates to telecommunications companies and broadcasters to use their transmitter towers and for licences.”

Scores:

Individual scores:

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

Average score:

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

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

“The policies look good on paper, but in practice MACRA has always favoured the ruling party.”

During the past regime, the content on the MBC was 95 percent ruling party propaganda. Any other broadcaster, which deviated in any way from the state viewpoint was threatened by the state with losing its licence. During January 2011, the MACRA director-general warned *Capital Radio* of this, after it aired a story saying that the then president was surrounded by “hand clappers”. The DG said this was tantamount to stirring up public discord, hatred and ridicule.

Before Joyce Banda took over as president, broadcast licence applicants were seen as a threat to government and most licences were given to religious and/or community stations, which were seen as less of a threat to the state than news broadcasters. This has changed in recent months, with almost 20 new licences being awarded to private and community radio and television stations in July 2012.

However, members of the public and the media, specifically, are still in the dark as to the criteria for the issuance of a broadcasting licence.

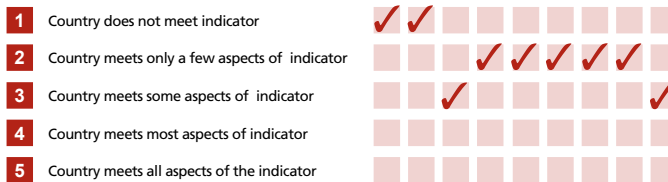
“All the private broadcasters are doing the same thing – entertainment and news. There is no diversity.”

The current concern is that many of the outspoken civil society and media activists have been incorporated into Banda’s new government, resulting in a vacuum of NGO criticism. For example, Brian Banda, an outspoken and highly experienced media practitioner who was previously a presenter on *Capital Radio’s* weekly Straight Talk programme, is now the State House press officer, while former editor of *Malawi News*, Steven Nhlane, is now the presidential press secretary.

“Opposition voices have been subdued and recruited into the establishment. The voices of dissent have been silenced with monetary rewards.”

Scores:

Individual scores:



Average score:

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

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

Section 89 of the Communications Act stipulates that the MBC must be headed by a six-member board, on which the Secretary of Information serves as an ex-officio member. The President appoints the chairperson of the board, while the Public Appointments Commission, is said to assist with the selection of the other board members. There is no public consultation or nominations in this regard and the process is not transparent.

“This process is very vulnerable to political manipulation, and the board in the past tended to be skewed in favour of the ruling party.”

The director-general of the MBC is supposed to be appointed by the board, although the two most recent DGs were appointed by the president. It is unclear which president appointed the current DG as the appointment was made shortly after wa Mutharika’s death in April 2012. The board in place by August 2012 had been appointed two years previously.

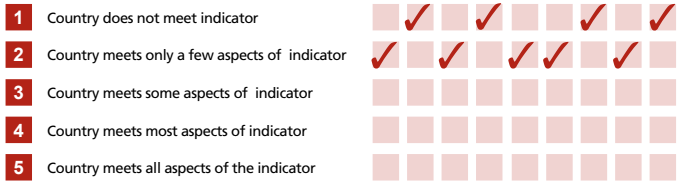
There are no members of civil society on the current board, apart from a clergyman. A traditional chief and a businesswoman also sit on this board, but the panellists felt that it was not broadly representative of society.

There is no legal provision for the independence from the State of the board.

“In terms of issues of finances and programming, the board appears independent in the boardroom but beyond this, outside, their powers are limited. The board does not have the teeth to guide the MBC ship as the DG answers to the president and not the board, and therefore won’t necessarily take up the board’s decisions.”

Scores:

Individual scores:



Average score: 1.6 (2010 = 2.0; 2008 = 1.2; 2006 = 1.3)

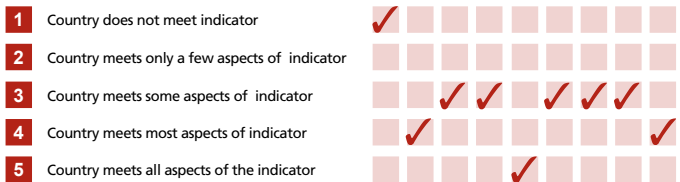
3.5 Office bearers with the State and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

Section 90 of the Communications Act stipulates which people will be excluded from MBC board membership, including members of parliament, ministers or deputy ministers, as well as members of political party committees, at a district, regional or national level.

Mention was made, however, of MBC board member Tony Kandiero’s recent appointment as spokesperson of the Malawi Congress Party in June 2012. Regardless of his new office bearer status, he remains on the MBC board.

Scores:

Individual scores:



Average score: 3.2 (2010 = 3.1; 2008 = 2.7; 2006 = 2.1)

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

The Communications Act of 1998, which establishes the Malawi Broadcasting Corporation, states that the broadcaster is required to offer diverse programming, encourage a diversity of opinions on matters of public interest, reflect the diversity of Malawian culture and, in so doing, ensure respect for human rights, the rule of law and the constitution.

Section 2 of 87 guarantees the independence of the MBC, stating that it should:

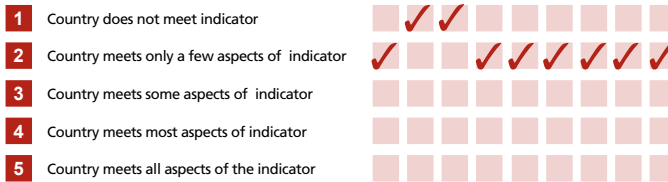
- (a) function without any political bias and independently of any person or body of persons;
- (b) support the democratic process;
- (c) refrain from broadcasting any matter expressing its opinion or the opinion of its board or management on current affairs or on matters of public policy, other than broadcasting matters;
- (d) provide balanced coverage of any election; and
- (e) have regard to the public interest.

This legally enshrined independence is generally not practised, however. While under Mutharika, his opponents were not given a voice on MBC, since Banda assumed power a similar approach is being taken, but now in reverse. Thus, the MBC tends to support and promote whichever party is in power, and deny airtime to alternative voices. For example, the current opposition leader, Peter Mutharika, brother of the late president, has not appeared on MBC television since April 2012, when the regime changed.

“There is an assumption that this has always been an unwritten presidential directive. It is an unofficial government policy, not to present opponents’ views on the MBC. When government tells MBC staff that the airwaves will be opened up, it doesn’t really mean it. MBC staff are adept at censoring themselves in favour of the ‘powers that be’.”

Scores:

Individual scores:



Average score:

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

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

60 to 70 percent of MBC funding comes from the government, with the remainder being supplemented by advertising. Viewers do not have to pay licence fees currently, although the Communications Act stipulates that this should be done. Panelists agreed that the amount of money given to the broadcaster by the state is insufficient. As a result of this inadequate funding, it faces pressure from both the state and the commercial sector, in terms of its editorial content. It is an unwritten rule at the MBC that critical reporting on the state or ruling party is not done, while dominant advertisers, such as mobile phone service providers, are also 'hands-off' in terms of negative reporting.

"Perhaps it is time to restructure the MBC. It is such a large organisation and there are so many staff members, but the programming is poor, compared to that offered even by the small private radio station, *Zodiak*."






The amount of money government provides to the MBC is public information.

"On paper, this amount is just enough to pay for staff salaries for one year, but does not cover operational costs, which must be funded by advertising. In practice, however, the MBC usually receives less than promised by the state. For example, in June 2012, it received K17 million out of K47million promised. The following month, this state subsidy was also too little and delayed."

"The money the MBC gets is not adequate but it does the best that it can with what it has."

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

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

MBC radio and TV is technically accessible throughout about 95 percent of the country, when all the transmitters and related equipment are working optimally. The five percent where the MBC radio or TV signal does not reach tends to be in mountainous or border areas, especially along the border with Mozambique to the south.

In reality, however, there are regular technical problems. If the power utility, Eskom, has a problem with a specific transponder, for example, it can take up to three weeks to repair, leaving sections of the country without access to the state broadcaster. Technical problems on an MBC transmitter can take “days or weeks” to rectify.

In addition, about 80 percent of Malawians live with limited services and only a very small proportion of the population (seven percent according to the World Bank 2012 statistics) have access to electricity, meaning that most citizens cannot access MBC television, even if they live within the signal reach. Solar power is also prohibitively expensive for most Malawians.

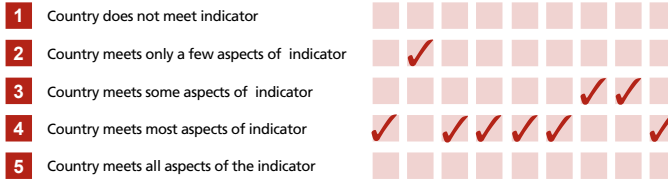
“The areas where the government is not popular are considered politically sensitive areas, so they ensure that they have a signal there.”

The MBC is considering putting its content online. The state broadcaster, which does not even have a website, has been talking about this for three years.

For those who can afford the additional equipment, MBC signals are also available through a free-to-air satellite decoder and viewers as far flung as China and Ethiopia have been watching and listening to the state broadcasters’ services. This has been supported by the UN and is paid for by Treasury, at a monthly hosting fee of US\$1,000.

Scores:

Individual scores:



Average score:

3.6 (2010 = 3.8; 2008 = 4.1; 2006 = 3.8)

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

In the past, during the previous regimes, there was no diversity of views on the MBC. Since Joyce Banda came into power, however, in April 2012, there seems to be a change in this regard as the state broadcaster is not being used in the same way to spread ruling party propaganda. However, panellists agreed that the MBC is still not accommodating opposition views.

“I haven’t yet heard radical views on MBC, which are in opposition to the current regime. Those who opposed the previous president are now seen as allies to the MBC. There is no civil society criticism of the Joyce Banda on the MBC.”

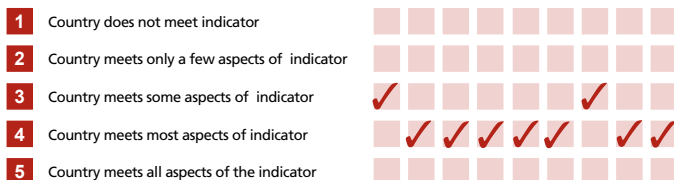
Linguistically, the MBC offers considerable diversity, with news broadcast in eight languages. The non-political content is considerably diverse as well and both the state’s radio and television services offer programming on education, economics, women’s issues and sport.

“The MBC has an institutionalised gender policy and its programming tends to reflect this.”

Members of non-governmental organisations (NGOs) said that even if they have paid for an advertorial/special feature to be broadcast on MBC TV, “if what the president has done is seen to be more important, our show will be sidelined”.

Scores:

Individual scores:



Average score:

3.8 (2010 = 3.2; 2008 = 3.4; 2006 = 3.6)

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

In terms of news and current affairs, political stories take priority on MBC TV and radio, with issues about the president and ruling party generally dominating.

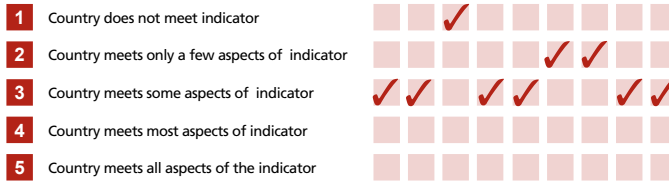
“The president is the news, even if it is not newsworthy. There is always a story about the president on MBC TV and radio news.”

Since Joyce Banda came into power, some positive changes have been noticed, with a story about the president sometimes taking second or third place in a TV or radio news bulletin. Political news coverage is starting to become slightly more diverse, but is still not regarded as balanced or fair, with too few opposition voices being heard on the national broadcaster.

In terms of other news issues, panellists noted that MBC was definitely far more fair and balanced, representing more than one side of each story. The two MBC radio stations offer a much wider variety of programmes, than the state TV station.

Scores:

Individual scores:



Average score:

2.6 (2010 = 3.1; 2008 = 1.3; 2006 = 2.1)

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

Panellists felt that the MBC radio stations, in particular, were offering more local and diverse non-political content than any other radio station in the country, including programmes on agriculture, developmental issues, education, women and girls, health in general and HIV-AIDS specifically.

MBC Radio One and Two offer about 95 percent local programming, which exceeds the content stipulation of the Communications Act, which demands that MBC offer 60 percent local content and 40 percent international programming. "Only news and politics disturbs the balance."

Three years ago, MBC TV had about 15 percent local content. This percentage has now swelled to over 90 percent.

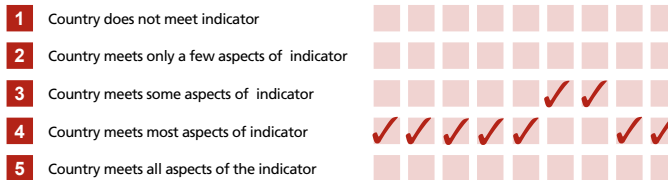
"Even though the resources are limited and the technological equipment is inadequate, the quality of MBC programmes, especially on radio, is very good." Panellists felt that MBC's local programmes could be more creative, however. Television shows, especially, comprise many talk shows.

MBC also has radio listeners' clubs around the country, where MBC provides recorders to the club members, who identify topical issues that they feel are important. The ensuing discussions are recorded and sent to the MBC to be broadcast.

"MBC radio works more with the grassroots level than any other Malawian radio station. Through the radio listening clubs, questions are raised by the communities and possible solutions are offered. Mostly, politicians or district officials respond to these programmes in a very positive way."

Scores:

Individual scores:



Average score:

3.8 (2010 = 2.9; 2008 = 4.3; 2006 = 3.2)

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

Most community radio stations in Malawi are in a dire state, financially and technically, and the state does not support them directly, apart from making community broadcasting licences available and scrapping duties on broadcasting equipment.

There are some supportive partnerships between commercial and community radio stations, with commercial stations providing content, such as news, for free to community stations, as in the case of *Zodiak* and *Mudziwathu*.

The broadcasting regulatory body, MACRA, does provide training to commercial and community radio presenters and producers, but as most of the community stations are run by volunteers, with a high staff turn-over, continuity is a problem and newly learnt skills are not entrenched within the community radio stations. There is generally a dearth of management skills within community radio stations, an issue which is currently not being addressed.

A few private radio stations have taken the initiative to partner with community radio stations and are training staff in all aspects of broadcasting including management, at no cost to the beneficiaries.

A community radio licence costs K20,000 (US\$80) per year and, as most community radio stations have very limited funding and are run by volunteers, this amount can be difficult to raise.

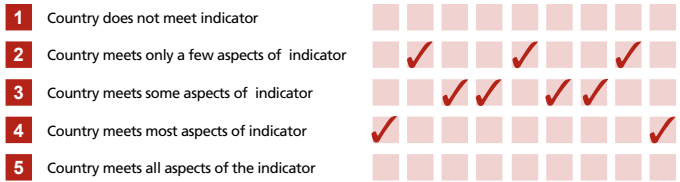
Community radio stations in Malawi are allowed commercial sponsorship through advertising and many have support from donors, such as UNICEF. However, donors

have withdrawn their support from such projects when there is a contestation of ownership.

Of the 14 active community radio stations in the country (including the religious stations), only *Mudzivathu Radio* in Mchinji, started by the NGO Creative Centre for Community Mobilisation (CRECCOM) is the exception, as it is doing very well.

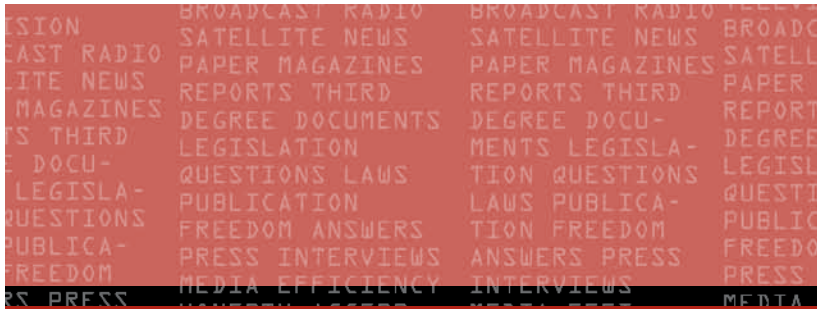
Scores:

Individual scores:



Average score: 2.9 (2010 = 2.5; 2008 = 1.3; 2006 = 1.9)

Average score for sector 3: 2.7 (2010 = 2.9)



SECTOR 4:

The media practice high levels of professional standards.



The media practice high levels of professional standards.

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

The Media Council of Malawi (MCM), a self-regulatory body, has drawn up a code of conduct, to which most media in the country subscribe: radio, television and print, as well as state, commercial and community. Most media houses also have their own codes of conduct and in-house complaints procedures, overseen by the managing editor.

As of August 2012, the MCM had been dormant for two years following financial difficulties. As a result, the MCM's complaints and disciplinary procedures have been suspended, temporarily. Efforts are apparently underway to revive the media council once more.

The MCM's Ethics, Complaints and Disciplinary Committee, which is normally chaired by a retired judge, has in the past monitored media behaviour and dealt with complaints in this regard from members of the public, resulting in a published apology or retraction.

In the past, only MBC radio has boycotted the complaints procedure, when it failed to attend an arbitration hearing. The MCM has dealt with only three complaints since it was reconstituted in 2008, all of which found in favour of the complainant.

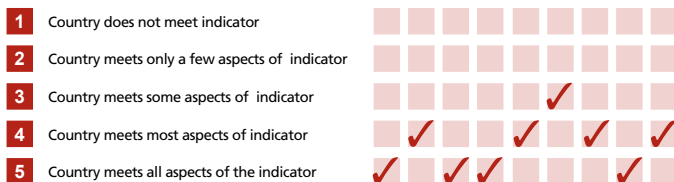
"This has been the cheapest and easiest form of settling disputes rather than going to the courts."

The biggest problem faced by the MCM is funding. While all members are meant to pay an annual membership fee, this is not sufficient to keep the council's operations going.

"The media council needs to cover the entire country, educating members of the public about our rules and responsibilities, as well as the public's right to complain if they feel offended by what has been written or broadcast."

Scores:

Individual scores:



Average score:

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

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

Most media in Malawi try to offer balanced and accurate reports, and the standard of reporting is generally considered to be high. The MBC, however, was highlighted for biased political coverage (skewed towards the ruling party at the time) and for reporting out of context.

“The MBC is 90 percent accurate, save for the 10 percent of political coverage.”

Since Joyce Banda became president in April 2012, panellists noted that they are starting to see a small improvement in this regard at the state broadcaster.

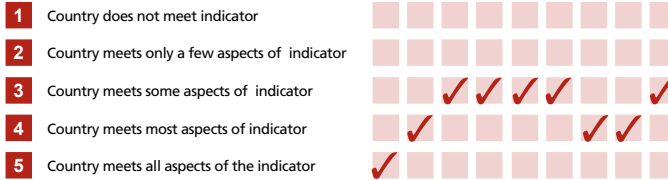
There are some exceptions, however, such as a newspaper, that was established in mid-2011 by the chairperson of the parliamentary committee on media and communications, and which a panellist described as a “weapon of mass deception, publishing pure lies about the opposition”. This newspaper ceased being published around the time when the former president died in April 2012.

Some newspapers, such as the sensational tabloid *Weekend Times*, have a special fund to pay for potential lawsuits, which they clearly anticipate.

“*The Weekend Times* is not necessarily inaccurate. It serves as a moral compass for Malawi.”

Scores:

Individual scores:



Average score:

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

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

Urban-based political, economics and sports stories are generally well covered in the mainstream media on a daily basis, while cultural stories appear more often in the weekend newspapers than in the dailies, and on the state radio and television channels.

Stories on rural issues are rarely covered by the mainstream, daily newspapers as media houses often lack the resources or funds to send journalists to outlying areas. Only a few media houses have correspondents in outlying areas. MBC TV and radio tend to cover rural areas better than the print or commercial broadcast media, as there are MBC journalists dotted around the country who work closely with the Ministry of Information and district information officers.

“If NGOs want a rural issue covered, they have to push journalists to be interested as they are not taking up these kinds of stories on their own initiative.”

Investigative journalism is starting to have a powerful effect on Malawian society, with ministers being fired after stories on corruption were published in the print media. In addition, an investigative story on riverside latrines, which was broadcast on MBC radio, resulted in the government removing these health-hazards.

“The level of investigative journalism is quite high. In the past two years, it has really come back to life.”

Some newspapers are even providing special resources for this purpose: *The Nation*, for example, has a dedicated investigative desk, with three reporters and an editor. Their articles are published as features on Fridays and on the weekend.

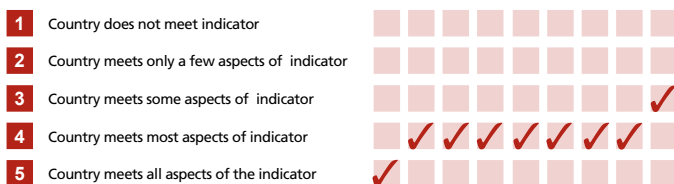
However, in-depth and analytical reporting is generally lacking in Malawi, and most reporting is event-driven.

“Journalists are being churned out with basic skills in Malawi, but they lack the burning desire to really find out about issues. There is no in-born curiosity and Malawians generally don’t want to make a nuisance of themselves. We need more capacity building to get journalists to probe.”

“Media houses need to provide room for investigative stories. There is too much pressure on journalists to produce a few stories every day and quality is being compromised for quantity.”

Scores:

Individual scores:



Average score:

4.0 (2010 = 3.9; 2008 = 3.9; 2006 = 3.3)

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

There is very little evidence of the country’s range of race/ethnicity represented in newsrooms. For example, white or Asian people are not evident in newsrooms. The content published or broadcast by media houses reflect this dearth. Although there is a very large Asian community in Malawi, which contributes significantly to the country, they are rarely mentioned in the media.

“It’s not just the media sector, which is affected. It is throughout society, except in the business sphere. For example, there are no Indians in the police or the army.” In terms of gender, men tend to dominate the country’s newsrooms. At *Zodiak* private radio station, for example, there are fewer women than men, and only one woman – the head of news – is in a decision-making position. At *The Nation* newspaper, there is a 1 to 3 ratio of women to men in the newsroom.

At media training institutions, most of the lecturers are male, although in terms of the journalism student body, changes are evident in this regard.

“There are now more female journalism students than males. This is the result of a deliberate policy aimed at creating more of a 50-50 balance.”

There is not much religious diversity evident in the composition of newsroom staff in general, with only a few Islamic journalists employed at *Capital Radio*, for example. In addition, not many people with disabilities are employed by media houses in Malawi.

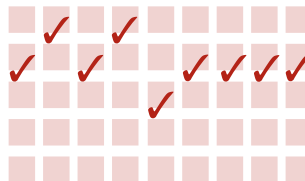
“Training institutions do not accommodate people with disabilities: they do not have the infrastructure for wheelchairs, for example.”

As the Equilisation Bill is currently being legislated, panellists noted that media houses will have to start accommodating various groups to a greater degree.

Scores:

Individual scores:

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



Average score:

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

4.5 Journalists and editors do not practice self-censorship.

There was unanimous agreement that there is a considerable amount of self-censorship in Malawi, within the state and the private media. Before Section 46 was repealed by Joyce Banda in May 2012, journalists and editors censored themselves to a greater degree based on the threats inherent in this legislation, as the Minister of Information was empowered to ban publications deemed to be contrary to the public interest.

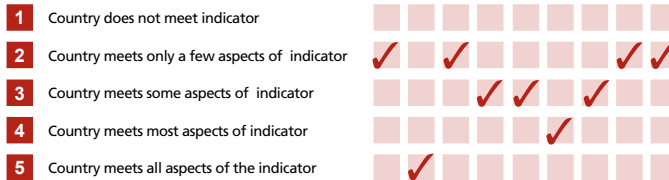
The laws on defamation and libel also encourage self-censorship, while editors choose not to publish a certain story just to retain an advertiser or ask journalists to tone down articles so as not to offend public figures.

“Some people in society – politicians, businessmen – are untouchable as they have the financial muscle to take you to court.”

“Economic patronage drives self-censorship. If an NGO provides me with news, it is unlikely that I will write negatively about them. For the MBC, self-censorship is driven more by political patronage and loyalty to the ruling party.”

Scores:

Individual scores:



Average score:

2.9 (2010 = 2.0; 2008 = 1.9; 2006 = 2.3)

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

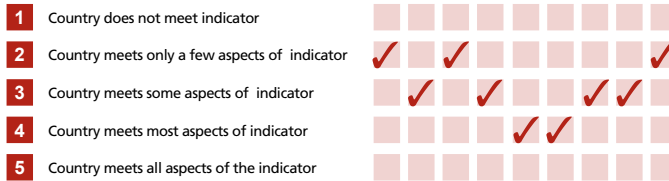
When a media house has a clear editorial policy, it helps prevent owners from interfering in the editorial independence of established mainstream media. Owners and management claim to be there to provide “guidance” to editors and journalists, and they encourage reporters to get both sides of the story.

Clearly it is a sensitive issue and in practice such interference exists, positively (through the provision of news tips) and negatively (by instructing editors to drop controversial stories, which may result in the loss of a big advertiser, for example). “Owners interfere to make or break people too, depending on their political and social allegiances.”

The state broadcaster MBC broadcasts mostly positive government-related stories, and it is unheard of for news that is critical of the ruling party to be broadcast on these services.

Scores:

Individual scores:



Average score:

2.9 (2010 = 3.2; 2008 = 2.3; 2006 = 1.7)

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

It is common practice in Malawi for sources to offer journalists “lunch money” of around K3,000 (US\$12) to cover a particular story. Non-governmental organisations, for example, know that they will receive coverage which is most likely positive, if they offer such incentives, and this makes it harder for journalists to resist such offers. Mention was made that providing such allowances is even made official in some NGOs’ policies. A mobile phone service provider is said to offer journalists money for transport and food, as well as free airtime.

“When a source offers ‘lunch money’, it can mean the difference between an earpiece (short story) and a feature.”

There have been reports of MBC journalists refusing to cover some events if no ‘lunch allowance’ is included. It is also common practice that when an actual lunch is served at a press function, ‘lunch allowances’ will still be handed out to the journalists.

For some panellists, the fact that journalists may be compromised by taking ‘lunch money’ is not seen as corruption, as this practice is so common, and the money is expected and is used to cover transport and food costs involved.

The Nation, however, has an editorial policy stipulating that it is wrong to get allowances from sources, and that the newspaper will cover any necessary expenses. At *Capital Radio*, they do not take these kinds of ‘freebies’ away from their journalists and instead ask staff to report such incidences to management so they can speak to the source involved to say that it is not necessary in future. Corruption within the media sector extends even further, however.

During 2011, two journalists from the *Weekend Times* were dismissed for having asked sources for money in order not to publish a controversial story (relating to

the sale of body parts) and for requesting payment of K50,000 (US\$200) in order to guarantee the publication of a particular story.

The Media Council of Malawi has tried to discourage the “brown envelope” syndrome and in the past appealed to institutions not to encourage it.

“It also comes down to an issue of inadequate resources. MBC’s television station will say we can’t send a journalist to your function as we don’t have transport.”

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 (2010 = 2.3; 2008 = n/a; 2006 = n/a)

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

The state broadcaster, MBC, is considered the best-paying employer in the media sector. Entry level journalists can earn K119,000 (US\$476) a month, while a line editor, chief editor or the manager of a newsroom may earn about K320,000 (US\$1,280) a month.

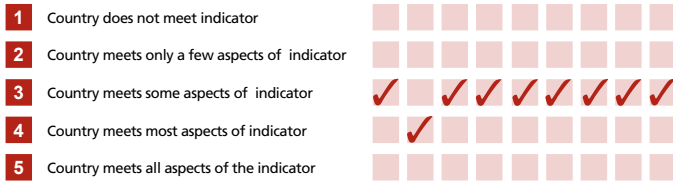
Employees of most private media houses complain that they are underpaid. A starting salary at a private radio station, for example, is between K50,000 (US\$200) and K60,000 (US\$240), going up to K75,000 (US\$300) for a senior reporter, while managers can earn between K200,000 (US\$800) and K300,000 (US\$1,200). Some newsrooms pay rookie journalists as little as K30,000 (US\$120). These salaries represent a slight increase on what journalists earned two years ago. However, following the devaluation of the Kwacha in May 2012, “nothing is adequate now”.

The minimum wage in Malawi is K317 (US\$1.30) per day.

Working conditions for journalists depend on the particular media house. Most employees at private radio stations and newspapers are employed full-time. Some broadcast journalists work 7.5 hours per day, on rotating shifts. At other private media houses they work “from morning until very late” and there is no overtime compensation.

Scores:

Individual scores:



Average score:

3.1 (2010 = 1.9; 2008 = n/a; 2006 = n/a)

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

There are many institutions in Malawi which offer training in journalism and media studies, to the point that the market is “flooded with qualified journalists, with degrees or diplomas, even in the districts”.

Despite the improved access to media training in the past few years, there are still working journalists at the state broadcaster who do not even have O levels/matric. MBC offers fully-paid study leave to staff and in recent years journalists have been taking up this offer. In previous years, journalists on the whole were lax, but as the landscape is changing so is their outlook and there are journalists from across the media sector who are starting to take an interest in upgrading their skills.

Media training is offered by:

- The University of Malawi (Bachelor of Arts in Journalism)
- Malawi Polytechnic (diploma and certificate in Journalism, Bachelor of Business in Communication: the latter degree was launched in 2011)
- Malawi Institute of Journalism (diploma and degree courses)
- Chancellor College (Bachelor of Arts Degree in Communications and Culture, Bachelor of Arts in Media Studies, and post-graduate masters and doctorate programmes in Development Communication)
- Blantyre International University (Bachelor of Journalism)
- Shareworld (Bachelor of Arts in Mass Communication)
- African Bible College (Bachelor of Arts in Biblical Studies and Communication).

“The standards of these training institutions are generally sufficient to meet the needs of the industry, but there is very poor training in terms of the management of a media business.”

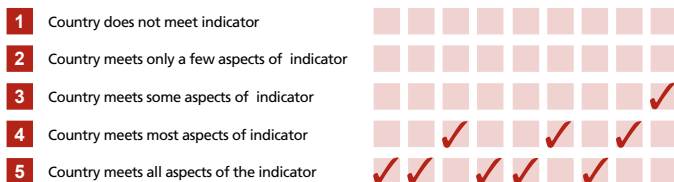
Most media houses encourage their staff to upgrade their skills. Some, including the *MBC*, also offer on-the-job training, with assistance also offered by trainers from the *BBC* and *Deutsche Welle*. For the last one-and-a-half years, *The Nation* has had a Knight Fellow from the US working on its investigative desk.

At *Zodiak* radio, veteran broadcast journalists have been providing in-house training, while assistance has also been received from Journalists for Human Rights.

Blantyre Newspapers provides university training to employees destined for management positions.

Scores:

Individual scores:



Average score:

4.4 (2010 = 3.6; 2008 = 3.9; 2006 = 4.3)

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

Trade unionism is a fairly new feature for Malawian society.

There are two important media-related unions in Malawi, which are affiliated to the Malawi Congress of Trade Unions. These are the Communication Workers' Union, which encompasses all communication organisations, and the Electronic Media Workers Union, which represents workers from the state broadcaster, the MBC.

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

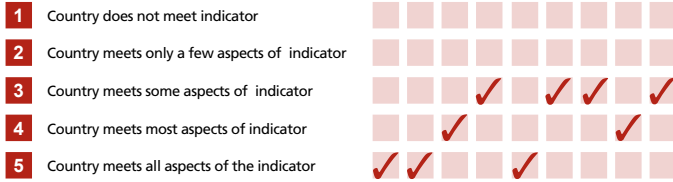
"There is a serious need for JUMA to look at entrants' salary levels and qualifications."

There are a few professional media organisations in Malawi, including the Malawian chapter of the Media Institute of Southern Africa (NAMISA), which is considered the only really strong professional media organisation at the moment, which advocates on issues affecting the media environment, and the Media Council of Malawi, which is being resuscitated.

There are also professional associations, including the Association of Business Journalists, Gender and Media in Malawi (GEMMA) and Journ-AIDS. The Media Women's Association of Malawi is currently inactive due to the lack of donor funding.

Scores:

Individual scores:



Average score:

3.9 (2010 = 3.8; 2008 = 4.2; 2006 = 3.7)

Average score for sector 4:

3.4 (2010 = 3.1)

Overall Country Score:

3.0 (2010 = 3.0)

The way forward

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

Positive developments

- Granting of new television and radio licences
- Repeal of Section 46 of the Penal Code
- Reduction of threats to the media under the new regime
- Appointment of press officers in each ministry, which should make government more available to the media
- Repeal of 16,5 percent VAT on newspapers
- Declaration by President Banda that MBC will be opened up to opposition/ alternative viewpoints
- The successful lobby by the media for the amendment of the Civil Procedure Act, which required government to be given three days' notice for getting an interdict against the state
- The introduction of two new media products: *The Business Times* and *Nkwaso*.
- Revival of the investigative desk at *The Nation*
- General improvement of salaries and working conditions
- Supportive content-sharing initiative between private and community radio stations

Negative developments

- Devaluation of the Kwacha
- Harassment of journalists during the past regime, including:
 - the withdrawal of government advertising from *The Nation*;
 - attacks on civil society organisations shortly before the collapse of Mutharika's government
 - *Capital Radio* shut down
 - Intimidation of journalists during press conferences.
- Integrating vocal and strong civil society activists and key media personnel into the government
- Journalists expecting payment to cover stories and events; compromising their ethical standards
- Dormancy of the Media Council of Malawi due to financial reasons
- The denial of information to the press with regard to the death of the former president
- MACRA's lack of transparency

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

1. Continue with the Access to Information campaign. ATI policy to be taken to Parliament in November 2012. Lobbying government to put in place a framework for ATI legislation. – **NAMISA and CSOs**
2. Urgent revival of the Media Council of Malawi. – **MCM leadership and stakeholders**
3. Strategic partnership and campaign needed between the media and CSOs to ensure tripartite elections are held in 2014 – **MCM and HRCC**
4. Establishment of a research collaboration unit to look into issues affecting the media, such as audience market research, and the informal operations of power which affect the media (issues of patronage etc) – **NAMISA and University of Malawi**
5. Campaign to be launched aimed at turning the state broadcaster into a true public broadcaster. – **HRCC, with support from MCM and NAMISA**

The meeting took place at Zomba, Malawi, 10-12 August 2012.

Panellists:

Media:

1. Edyth Kambalame – Journalist and editor
2. Penelope Kamanga – Journalist, media and gender activist
3. Francis Chikunkhuzeni - Media researcher and lecturer
4. Al Osman –Radio owner and editor
5. Teresa Ndanga - Editor at radio station
6. Mzati Nkolokosa - Blogger, writer, radio and television talk show host

Civil Society:

7. Margaret Ali - Civil society activist
8. Mandala Mambulasa - Human rights lawyer, activist and lecturer
9. Marcel Chisi - Youth, human rights and governance activist

Rapporteur:

Sarah Taylor

Moderator:

Reyhana Masters

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