

“THINGS WILL NEVER BE THE SAME AGAIN”

COVID-19 EFFECTS ON FREEDOM OF EXPRESSION IN SOUTHERN AFRICA, 2020 RESEARCH
REPORT

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1. EXECUTIVE SUMMARY

Will things be the same again for freedom of expression in Southern Africa Development Community (SADC) after COVID-19? Findings of a 2020 research by Advancing Rights in Southern Africa (ARISA) and Internews on the state of freedom of expression in 8 Southern African Development Community (SADC) states under COVID-19 lockdown laws and regulations are troubling in areas of media sustainability and freedom of expression restrictions but the development of new media innovations gives a ray of hope. More encouraging results also show that news consumption patterns are shifting and there is more interest by media to use social media as a channel for sharing news. Overall, the pandemic was an opportunity to improve journalism.

Sadly the research reveal that COVID-19 temporary measures and laws on lockdowns dented freedom of expression gains that had been made over the years with concerns that if there is no financial intervention or adoption of sustainable revenue solutions in SADC, print media that were already in financial dire straits before the pandemic, will close their doors permanently. The pandemic saw countries invoking shutdowns that restricted movement and, in some cases, resulted in companies closing causing loss of jobs and income and impacting on media revenues from newspapers sales and advertising.

Findings also show that the pandemic had various effects on journalism quality, mental integrity of journalists and operational problems that rendered the work of journalists difficult

Freedom of expression does not only relate to receiving information but also to seeking it and imparting it freely. The notions of a democratic society, especially the right to express oneself was shifted by the pandemic. There is worry that violations against press freedom among media institutions and journalists during COVID-19 pandemic lockdowns will be the new norm for SADC countries. The findings reveal that the COVID-19 restrictions denied journalists and citizens the rights to express themselves freely, thereby interfering with the rights of citizens to access critical information that could have helped them to make informed decisions as well as fight stigma and discrimination during the lockdowns. For example, evidence show increases in attempts by SADC states to curtail freedom of speech and adoption of gag laws to control fake news and misinformation during the pandemic. Draconian measures such as a 20-year jail term for sharing fake news is what some participants see as gross abuse by power hungry politicians.

Other key findings of note include:

Criminalization of journalism that quote non-state sources for COVID-19 information or criticize government such as in Botswana where the punishment could be up to P100 000 (Usd 10 000) or five years imprisonment or both. Criminalization of reporting on COVID-19 also applied in Eswatini, South Africa, Zimbabwe and Zambia.

Use of the COVID-19 regulations to harass media houses and individual journalists or close media that is deemed problematic. In Zambia independent Prime TV was closed down for refusing to air government's health messages on COVID-19 for free. In Eswatini a journalist

was arrested for allegedly criticizing the King. In Zimbabwe, a journalist was arrested for posting COVID-19 corruption by government on social media. In Malawi broadcasters were banned to air a COVID-19 message by an opposition politicians.

Delay in approving pending media laws such as the Access to Information Bill in Zambia.

Movement restrictions of journalists such as in Zambia where journalists needed approval to travel to certain areas and in Zimbabwe where journalists were deemed non-essential workers and were also arrested for not in possession of press cards.

1 INTRODUCTION CONTEXT AND METHODOLOGY

On 11 March 2020 the World Health Organization identified (SARS-CoV-2), the disease named (COVID-19) which it [declared](#) a global pandemic¹. Effects had already been felt in China and subsequently in Europe and the United States of America. In the SADC region, South Africa registered its [first](#) case² on 5 March 2020 with various other SADC countries following suit. SADC as in many countries around the world, imposed national lockdowns to help control and manage the virus to save lives.

The COVID-19 virus set the news cycle globally into overdrive. Media turned all focus to reporting on the virus with various angles being pursued including government responses, number of infections and deaths, preparedness of health sector, scientific knowledge of the virus, effects of virus among other news angles.

Freedom of expression and access to information is an essential right for everyone and most importantly to media which has a societal responsibility to help contain the virus and to save lives by reporting accurate, fair and balanced information. This right is supported by regional instruments such as the [Declaration](#)³ of Principles on Freedom of Expression and Access to Information in Africa initially adopted in 2002 and upgraded in 2019, which states that “Freedom of expression and access to information are fundamental rights”. It recognizes the receiving and accessing of information as well as the dissemination of information as a core right for media and citizens. Freedom of Expression and Access to Information laws in African countries now must be reviewed to align with the updated Declaration adopted in Banjul, Gambia in November 2019. Another important instrument is The [Windhoek Declaration](#)⁴ of 1991 which promotes media independence, freedom and plurality.

The International instruments supporting freedom of expression are Article 19 of the International Covenant on Civil and Political Rights⁵ to which most SADC countries are state parties to. Article 19 (3) provides narrow grounds under which governments may restrict the freedom of expression, requiring that any limitation be provided by law and be

¹ World Health Organization, <https://www.nicd.ac.za/first-case-of-covid-19-coronavirus-reported-in-sa/>, Accessed 27 April 2020

² National Institute for Communicable Diseases, <https://www.nicd.ac.za/first-case-of-covid-19-coronavirus-reported-in-sa/> Accessed 27 April 2020

³ Declaration of Principle on Freedom of Expression and Access to Information in Africa 2019, <https://www.achpr.org/legalinstruments/detail?id=69>. Accessed 24 September 2020

⁴ The 1991 Windhoek Declaration. <https://misa.org/issues-we-address/the-1991-windhoek-declaration/>. Accessed 24 September 2020

⁵ UN Office of the High Commission on Human Rights, The International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, Accessed 12 May 2020

necessary for respect of the rights or reputations of others, or the protection of national security or public order, or of public health or morals. The United Nations Special Report Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression noted in a recent report Disease Pandemics and the Freedom of Expression and Opinion⁶ that: “access to information, independent media and other free expression rights are critical to meeting the challenges of a pandemic.” Essentially Freedom of Expression and Access to information is a fundamental human right (⁷Green and Mabotho 2019).

COVID-19 was more than just a health science story because of its effects on all sectors and the nature of the spread of the virus which was pervasive, it was vitally important for journalists to provide evidenced based information from trusted sources to enable citizens to make fully informed decisions. A free flow of information was especially important to counter the misinformation and fake news which was spreading on online platforms globally and making it difficult to control the virus. The role of media as a Fourth Estate became fundamentally critical. Media had a responsibility and duty to bring to account governments and other bodies on the management of COVID-19 funds.

2 STATE OF FREEDOM OF EXPRESSION IN SADC PRIOR TO COVID-19

According to the ⁸SADC gender protocol 2018 barometer all SADC countries guarantee the right to freedom of expression. All countries in SADC have media laws and policies that govern the operations and behavior of the media. Some have stringent laws that pose a threat to media freedom and democracy. The report stated that in some of these countries freedom of the media continued to decline. The ⁹2020 World Press Freedom Index conducted by Reporters without Borders reveal that no SADC country ranks among the global top 20. Out of 180 countries, Namibia is 23rd place followed by South Africa which ranks 31st and Botswana 39th. The rest of the SADC countries rank above 50 while DRC ranks among the worst in the world for press freedom. Countries are ranked according to media independence, environment and censorship, legal framework, transparency, infrastructure and abuses.

In 2019 the Committee to Protect Journalists ¹⁰(CPJ) wrote to SADC heads of States asking them to prioritize press freedom and the safety of journalists. It also pointed out media suspensions and shutdowns in Tanzania, Zambia, DRC and Zimbabwe as worrying. It revealed restrictive legislation which included criminal defamation, sedition and secrecy laws used to target journalists such as in Namibia, Zambia, Botswana and DRC.

⁶ The United Nations Special Report Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Disease Pandemics and the Freedom of Expression and Opinion Report, https://freedex.org/wp-content/blogs.dir/2015/files/2020/04/A_HRC_44_49_AdvanceEditedVersion.pdf Accessed 25 April 2020

⁷ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁸ SADC gender protocol 2018 Barometer, Southern Africa gender protocol alliance, Gender Links

⁹ 2020 World Press Freedom Index. https://rsf.org/en/ranking_table. Accessed 24 September 2020

¹⁰ CPJ calls on SADC heads of state to prioritize press freedom and the safety of journalists. <https://cpj.org/2019/08/cpj-calls-on-sadc-heads-of-state-to-prioritize-pre/>. Accessed 24 September 2020

With this context and background ARISA and Internews found it imperative to monitor freedom of expression among media in SADC under COVID-19 lockdown laws and regulations which led to this study. Studies such as this one serves to help the media to deal better with future pandemics such as COVID-19.

4 RESEARCH METHODOLOGY, TIMEFRAME, PARTICIPANTS, AND LIMITATIONS

The study was interested in finding out how COVID-19 Temporary Measures, Laws and regulations had impacted freedom of expression, media institutions, journalists, digital media including social media. Three qualitative methods to collect data were utilized.

1. Questionnaire surveys were issued to 32 participants who responded by email, WhatsApp and telephone calls. One questionnaire was sent to practicing journalists and a second survey drew responses from media consultants, experts, civil society working in the areas of civic space and media freedom in the region. Overall, 20 journalists and 12 experts in civic space, freedom of expression and media took part in the interview surveys.
2. A content and desktop analysis of COVID 19 laws and official policies in the selected countries affecting access to information and freedom of expression; operations of media houses and individual journalists as social media and access to information online was conducted.
3. Case studies of freedom of expression violations in the region were also analyzed.

Data analysis included grouping data collected into the following themes ;

- media freedom laws/regulations governing freedom of expression
- media institutions
- journalists
- media coverage
- internet access and social media.

The research was carried out over the month of April -May 2020, a period covering national lockdowns to control the pandemic in selected countries.

The limitation of this study was that it could not cover all 16 SADC countries due to the limited time frame and resource constraints. The findings were mostly done through digital means and it is possible that some nuances were lost because of the inability to conduct face-to-face interviews due to movement restrictions.

4.1 SAMPLE

(ARISA) and Internews. ARISA's portfolio includes SADC countries excluding Tanzania. This report focuses more on the countries that Internews operates in. The countries selected were thus a convenient sample for easier gathering of data utilizing people who have

participated in Internews workshops and other programs as research participants. This report therefore includes information representing;

- Botswana
- Eswatini
- Lesotho
- Malawi
- South Africa
- Zambia
- Zimbabwe

4.2 RESEARCH QUESTIONS

- Are you aware of any new laws or amended existing laws due to COVID-19 on freedom of expression or laws that affect freedom of expression in SADC region?
- What are your views on media coverage during the pandemic?
- In your opinion, what aspect of media reporting during COVID-19 needs to improve?
- How has COVID-19 impacted your work or that of partners in terms of freedom of expression?

5. FINDINGS

5.1 LEGAL CHANGES: NEW LAWS, GAG RULES, AND FAKE NEWS



COVID-19 lockdown lockdowns were effected through Special emergency powers, Disaster Management Acts and Declarations of State of Emergencies. These legal provisions assisted governments in redirecting budget funds to COVID-19 as well as unlocking other forms of funding. However, many of these provisions restricted freedom of expression. Below are country findings.

5.1.1 BOTSWANA

The Emergency Powers Act adopted on April 9, 2020,¹¹ Section 30 criminalizes journalism and social media posts that reports on COVID information using sources outside government and restricts the flow of information. The offence carries a fine of up to P100 000 (US\$10 000) or up to five years imprisonment or both.

A number of citizen journalists that included a teacher and members of the opposition were arrested for posting information about COVID -19 on Facebook. The arrests were viewed by some as politically motivated.

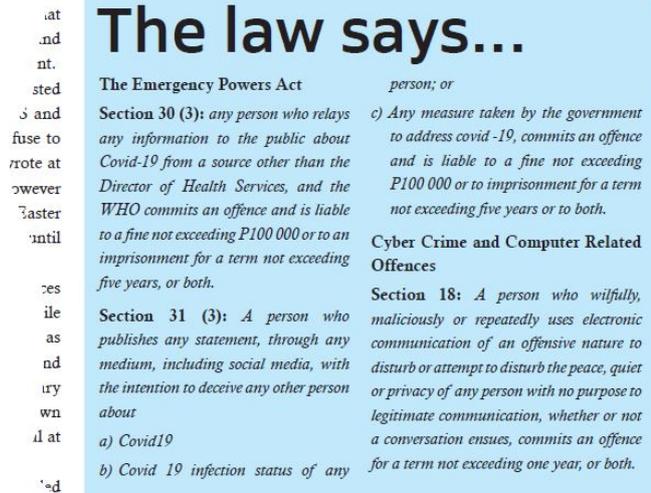


Figure 1 An excerpt from the newsletter the SniffDog on some of the legal provisions under Botswana's Emergency Powers Act

5.1.2 ESWATINI

A State of Emergency was declared in terms of Article 36 (1) B. of the 2005 Constitution which empowers the King to suspend some basic human rights for 21 days renewable for a period of 6 months. Under the state of emergency press freedom on information related to COVID 19 is restricted. Jabu Matsebula of the Swaziland Editors Forum said¹² the State of Emergency restricted the media and had "confined journalists to reproducing official statements in a copy and paste manner and contributed self-censorship.

The provisions resulted in the arrest of an editor¹³ who alleged that his arrest was persecution for criticizing the King in a COVID-19 article.

5.1.3 ZAMBIA

Statutory Instruments No. 21 and 22 of the Public Health Act 295 give powers to the Ministry of Health to control spread of COVID 19 including shutdowns of problematic areas. Movement of media was restricted in lockdown areas such as Lusaka, Kafue, and Nakonde. Media could not report on any information not approved by the Health Ministry according to media expert and member of the Media Liaison Committee, Mthoniswa Elias Banda¹⁴.

Zambia also used COVID 19 crisis to punish private media such as Prime TV, which had its broadcast license withdrawn and offices closed on 8 April 2020. This followed the refusal by the TV to air government COVID-19 messages for free citing commercial reasons.

Three radio stations in northern Zambia, Muchinga Radio, Mpika FM and Isoka FM were raided in mid-May by ruling Patriotic Front party officials who tried stopping the

¹¹ Mail & Guardian, Censorship: the unexpected side effect of COVID-19, <https://mg.co.za/africa/2020-05-11-censorship-the-unexpected-side-effect-of-covid-19/>, Published, May 11, Accessed May 11

¹² Result of quantitative survey on SADC by Internews, administered in April-May 2020.

¹³ Excerpts of questionnaire sent to media consultant who is based in Mbabane, Eswatini and asked to remain anonymous due to safety concerns.

¹⁴ Result of quantitative survey on SADC by Internews, administered in April-May 2020.

broadcasting of messages by opposition leader Hakainde Hichilema of the United Party for National Development alleging his messages had nothing to do with COVID-19.

5.1.4 SOUTH AFRICA

The Disaster Management Act criminalizes fake news. The Act had been amended at least three times within a month, making it difficult for ordinary citizens to interpret it according to Torong Ramela, the executive director of Communication Access Organization of South Africa.

South Africa's Press Ombudsman Pippa Green, said while the provision had good intentions, it send a chilling effect. One person was arrested after a video claiming that the COVID-19 testing kits were infected with the virus went viral on social media.¹⁵

5.1.5 MALAWI

The Disaster Preparedness and Relief Act (DPRA) was criticized by the Human Rights Defenders Coalition (HRDC) which challenged the Malawi government in court for using it to suppress the right to freedom of expression and ¹⁶ for approving the lockdown without Parliament's consent. An injunction was granted¹⁷ in favour of the HRDC, against the government, which was ordered not to impose a lockdown until it had placed measures in place to protect and assist vulnerable citizens during the pandemic.

investigative journalist Golden Matonga, reported that the Malawi Communications Regulatory Authority had recently "requested broadcasters to ban the airing of an address by the country's estranged Vice President on COVID-19. The Vice President, Saulos Chilima left the ruling party to form his own party."¹⁸

5.1.6 ZIMBABWE

Statutory Instrument 83 of 2020, Public Health (COVID 19 Prevention, Containment, and Treatment) regulations did not recognize journalists as essential workers but this decision was overturned by the courts after the Zimbabwe Chapter of the Media Institute of Southern Africa challenged it. The Zimbabwe Republic Police stated that only the state broadcaster, the Zimbabwe Broadcasting Corporation, which has broadcasting monopoly in the country was an essential service.

Some journalists were arrested for possessing expired press cards which were dated 2019. The Zimbabwe Media Commission, a government body that accredits journalists, wrote to the police asking them not to harass journalists because it was yet to issue 2020 media accreditations.

¹⁵ News 24, Man who posted fake contaminated COVID-19 Test kits video arrested, <https://www.news24.com/SouthAfrica/News/man-who-posted-fake-contaminated-covid-19-test-kits-video-arrested-20200407>, Accessed 12 May, 2020.

¹⁶ Nyasa Times, HRDC accuses Malawi govt of hiding behind COVID 19 to violate citizens' rights, <https://www.nyasatimes.com/hrdc-accuses-malawi-govt-of-hiding-behind-COVID-19-to-violate-citizens-rights/>, Accessed 12 May 2020

¹⁷ Nyasa Times, No Corona Virus lockdown in Malawi as Court maintains injunction, <https://www.nyasatimes.com/no-coronavirus-lockdown-in-malawi-as-court-maintains-injunction/> Accessed 12 May 2020

¹⁹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

Spreading of fake news on social media and mainstream media about COVID 19 was categorized as a Level 14 offense under Statutory Instrument (SI) under the Public Health Act, with a punishable jail time of up to 20 years. Journalists while acknowledging that it is unethical to publish lies, they were worried the punitive measures will scare journalists from doing their job for fear of arrests.¹⁹

5.1.7 LESOTHO

The Public Health (Covid-19) 2020 Regulations²⁰ also criminalized dissemination of false COVID-19 information. Journalists viewed it as intimidation that leads to self-censorship.

6 COVID-19 LAWS AND REGULATIONS EFFECTS ON JOURNALISTS AND MEDIA INSTITUTIONS

Journalists reporting on the frontlines of COVID-19 were impacted at a personal level. This included attacks, arrests. A South African cameraman died of the virus.

6.1 OCCUPATIONAL HAZARDS: ON THE JOB HARASSMENT



It was difficult for journalists to gather news, particularly in countries where journalists were not classified as part of “essential services”. such as in Zimbabwe and South Africa.

For countries where freedom of the press was difficult before COVID-19 such as in Zimbabwe, Malawi, Lesotho, and Eswatini, the environment seemed to have worsened during -the COVID-19 crisis. Although Zimbabwe journalist Panashe Makufa and the Media Institute of Southern Africa won the case in which they argued that journalism is an essential service, harassment of journalists continued with at least five cases of police brutality recorded. Reporters without borders lists Zimbabwe as the country with the worst violations against journalists since the beginning of the lockdown.²¹

South Africa, freelance journalist Yeshiel Panchia was harassed by police armed with rubber bullets and non-lethal weapons.²² He was accused of contravening the shutdown rules because he was not an essential worker. He was later released after producing his documentation and permit.

A cameraman in South Africa under the ENCA stable, Lungile Tom, died from the COVID-19 virus underpinning the occupational risks to infection media workers are facing while reporting on the pandemic.²³

¹⁹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

²⁰ Government of Lesotho website, Public Health COVID-19 Regulations, <https://www.gov.ls/wp-content/uploads/2020/04/PUBLIC-HEALTH-COVID-19-REGULATIONS-PDF.pdf>, Accessed 12 May 2020

²¹ Reporters without borders, Zimbabwean reporters arrested while covering coronavirus lockdown, <https://rsf.org/en/news/five-zimbabwean-reporters-arrested-while-covering-coronavirus-lockdown>, Accessed 12 May 2020

²² Committee to Protect Journalists, ‘Freelance journalists risk lives and livelihoods’, <https://cpj.org/blog/2020/04/freelance-journalists-risk-lives-and-livelihoods-a.php>

²³ ENCA Media Investments, ENCA media investments mourns the loss of top cameraman, <https://www.enca.com/press-release/emedias-investments-mourns-loss-top-cameraman>



Martin Zweli Dlamini, publisher of [Swaziland News](#) was on the run after having been declared “a person of interest” by the police for articles that allegedly accusing someone as a COVID-19 patient, which is an offense under the State of Emergency²⁴. A rights group [reported](#)²⁵ that in an effort to find Dlamini, his home was raided by the police and his family harassed.

In Malawi, a community turned on a journalist in Chikwawa district beating him up after he interviewed the first person who tested positive for COVID-19.

6.1.1 PSYCHOLOGICAL WELL-BEING, FEAR, AND EXHAUSTION



COVID-19 was being viewed as a “war” by some countries and labelled as an “enemy” that should be “fought and “defeated”. Journalists interviewed say the deployment of military and hard armor gives a sense of an actual war being waged. South Africa alone deployed over 70 000 soldiers to enforce the lockdown rules in the country.²⁶

Journalists interviewed reported trauma and burnout due to too much work and shortages of staff. This put the mental integrity of journalists reporting on the COVID-19 frontlines at serious risk.

Simon Allison, Africa editor of the Mail & Guardian and The Continent said: “From a very personal perspective, I have never worked so hard in my life. There are so many important stories to cover that I am having to do a kind of story triage just to decide which ones we have the capacity to pursue. This is certainly contributing to feelings of stress and burnout, and I’m not sure how much longer I can continue at this pace.” A Lesotho journalists added: “The TV screen in the newsroom is on full blast with COVID-19 news channels, my laptop screen always has a story I am working on or research on COVID-19. Even at home, I am constantly checking my phone to see if there is anything new on Twitter that I can report. I cannot switch it off. My skin crawls when I see that COVID-19 picture of the virus. ”

A senior reporter at a newspaper in Zimbabwe said: “Journalists are reporting on the frontline and are witnessing death and suffering of people from hunger because of COVID-19. We need counseling and newsrooms do not offer this or even debriefs after visits to hospitals, homes of COVID-19 victims, and isolation centers”.

Female journalists also reported feeling the impact of lockdowns because they are expected to put in extra hours, their unpaid care responsibilities have also increased at home. Ruth Barapedi Kedikilwe, former journalist and managing partner at Relay Media Communications, in Botswana said: “As a woman I have had to leave my primary residence to come and stay with my elderly parents as their helpers have been released for the lockdown.”

²⁴ Result of quantitative survey on SADC by Internews, administered in April-May 2020

²⁵ VOA News, ‘Government of tiny eSwatini refutes reports of kings illness’, <https://www.voanews.com/science-health/coronavirus-outbreak/government-tiny-eswatini-refutes-reports-kings-illness>, Accessed 28 April 2020.

²⁶ Talk Radio 702, 70 000 more soldiers deployed to help enforce lockdown, <https://ewn.co.za/2020/04/22/70-000-more-soldiers-deployed-to-help-enfore-lockdown>

A Malawi radio reporter who requested anonymity said he felt like he was “going to war unprepared” because of lack of protective wear and social distancing.²⁷ Botswana’s BBC journalist Yvonne Mooka said some journalists were quarantined together with members of Parliament after a nurse who was assisting at Parliament tested positive and their experiences were an “eye-opener”.

Valerie Boj, an editor at the SA Independent Media group observed that journalists operated in fear of violence when covering protests such as food riots by people who were angered by loss of jobs and income.

6.1.2 EQUIPMENT: TOOLS OF THE TRADE & PERSONAL PROTECTIVE EQUIPMENT



journalists were operating without adequate equipment, For example journalists interviewed said there were in need of equipment such as elongated microphones, laptops as well as quality close-shot cameras that allow electronic journalists to film while maintaining social distancing.

In some countries such as in South Africa and Botswana protective equipment was supplied by employers. It was however not the case in countries such as Malawi, Lesotho, and Zimbabwe.

Journalists in Zimbabwe risked going to assignments without adequate protective gear.

A journalist for a print publication that is part of the AMH stable in Zimbabwe said²⁸ she was terrified to visit isolation centers but had no choice because the newspaper “really needed the story”.

A Malawi community radio station said the office did not have even a single mask.²⁹ In Lesotho news editors were accused of forcing journalists to go for assignments without masks.

Remote working also posed challenges. However, reporters who are more established tended to have their own transport and equipment and fared better with remote working than journalists who still junior and not much experience.

6.1.3 DATA COSTS

High data costs had a negative effect on news production. In South Africa although some data service providers reduced data costs during the COVID-19 lockdown period after a Competition Commission directive³⁰, the costs remained prohibitive for some journalists.

Valerie Boje, an editor at the Independent Media in South Africa observed that although journalists possessed laptops, they had no Internet access at home, which affected news production.

A Zimbabwe investigative journalist for a popular national daily newspaper had in the 5-week period from April to May 2020, received funds equivalent to a 20-minute phone call

²⁷ Result of quantitative survey on SADC by Internews, administered in April-May 2020

²⁸ Result of quantitative survey on SADC by Internews, administered in April-May 2020

²⁹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

³⁰ Grocotts Mail, MTN announces reduced data pricing,

<https://www.grocotts.co.za/2020/04/17/mtn-announces-reduced-data-pricing/>, Accessed 28 April 2020.

which was insufficient for the needed data and airtime to conduct research for COVID-19 stories.

Dr Millie Phiri, a Post-doctoral fellow at the University of Johannesburg in South Africa said³¹ Press Freedom Day went unnoticed because journalists did not have the data to participate in online commemorations of the day.

7 POISONED CHALICE OF SOURCING



In a pandemic, it matters who speaks in the media. The restrictions on use of sources outside government such as in Botswana and Zambia resulted in very few experts speaking about the virus. Governments were the main sources of information because they were responsible for testing their citizens for COVID-19. “We do detect a reluctance/fear from ordinary people to speak - perhaps due to the stigma of Covid-19, perhaps out of fear. Some spokespeople are more receptive and transparent than others, but there is a difficulty accessing local information (e.g. local hospitals),” said Valerie Boj, editor at South Africa’s Independent Media group.³²

It is no longer clear what is considered credible as credible sources can also issues false information. For example, in the initial stages of the pandemic, the WHO advised that it was not necessary to wear masks in public unless one is infected. However, after further scientific investigation, this information has now been updated according to each country and people are urged to wear masks when going outside of their homes in some countries. For example, in South Africa starting in May 2020, it is now compulsory to wear a mask whenever one is out in public.³³The fact that everyone is a potential publisher on social media and the added problem of irresponsible statements from political leaders also worsens makes it difficult to differentiate authentic information from disinformation and misinformation.

8 MEDIA HOUSES (SUSTAINABILITY)

Findings reveal that media houses were negatively impacted by lockdowns regulations with some experiencing financial struggles that threatened their sustainability.

8.1 ‘WE CAN’T SEND ANYONE ANYWHERE’



Challenges faced by journalists such as lack of transport, equipment, high data costs and travel bans that prohibited inter provincial travel impacted negatively on news production under COVID-19 lockdown regulations, which affected media houses’ capacity to deliver news according to Valerie Boje, editor at the Independent Media in South Africa³⁴. The Zimbabwe Human Rights Commission noted that the national lockdown restrictions on movement of citizens resulted in critical skills professionals such as

³¹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

³² Result of quantitative survey on SADC by Internews, administered in April-May 2020

³³ Mail & Guardian, ‘Compulsory face masks and curfew kick in as lockdown eases’, <https://mg.co.za/article/2020-04-25-compulsory-face-masks-and-curfew-kick-in-as-lockdown-eases/> Accessed 25 April 2020

³⁴ Result of quantitative survey on SADC by Internews, administered in April-May 2020

journalists being denied passage by the police at security roadblocks and at times spending long hours trying to justify their movement in the line of duty. These restrictions and the poor implementation of rules by the police and soldiers created an unpleasant working environment for journalists and put media houses under financial pressure to pay bail costs and other necessities to cater for their journalists in case of arrests.

Thapelo Ndlovu, Editor of the Community Media Foundation and Indlovu Consulting, in Botswana said the permits for media were sometimes limited to towns where the journalists lived. This situation increased media houses' reliance on news agencies to provide news in areas they had no capacity to reach including international news. This had its own advantages as some media houses could not afford expensive subscriptions of news agencies. Relying on wire news meant loss of readership as readers could obtain the same news online.

The restrictions resulted in journalists suspending face-to-face interviews according to Journalist and contributing writer to the New Frame, Percy Zvomuya, who operates in Zimbabwe and South Africa. A Zimbabwe journalist said some sources were not willing to be interviewed online.

8.2 THE MONEY IS DRYING UP



Commercial media houses were already in financial trouble before the COVID-19 virus pandemic with waves of retrenchments hitting various newsrooms leaving skeletal staff with the task of newsgathering.³⁵

Editor of the Independent Media group in South Africa Valeri Boj observed that there was little interest in local print advertising and expressed concern if it would ever come back. Big retail and government adverts were being reserved for Sunday papers. Digital media revenue in South Africa is not enough to sustain media. The distribution of hard copy newspapers was problematic and print circulation had dropped dramatically. In South Africa, print media had recorded a 20% decline in circulation from 2016-2018. The Sunday Sun alone had shed 50% of its circulation in that period³⁶. In Zimbabwe, sales of print newspapers had seriously plummeted. Digital copy sales were also poor resulting in severe revenue shocks for companies.

The quality of news on radio was affected due to plummeting advertising revenues. This has negatively impacted on information delivery. Station manager at community radio group NWU FM, Itumeleng Bahetane said audiences had grown because 'our primary target audience seems to be relying on us for COVID19 issues' but revenues fell because most clients had pulled out because their businesses were not operating during COVID-19.³⁷

Golden Matonga a Malawian investigative reporter with the Nation Media Group described the plight of media a "deathbed". This situation had forced his media house to explore alternative revenue streams online and asking subscribers to pay for news services to remain relevant, but these initiatives were still "baby steps". Some radio stations in Malawi were on the verge of closing with a journalist at a community media radio station in Malawi claiming staff had not received April salaries.

³⁶ State of the Newsroom, 2018, Page 3-5 https://journalism.co.za/wp-content/uploads/2019/07/State-of-the-Newsroom-report-2018_updated-20190709.pdf

³⁷ Result of quantitative survey on SADC by Internews, administered in April-May 2020

Some lockdown regulations were not properly interpreted. For example, Thapelo Ndlovu, Editor of the Community Media Foundation and Indlovu Consulting, in Botswana said some publications in Botswana panicked when the lockdown measures were implemented and closed their media houses resulting in journalists losing income but later reopened when it became clearer that other media were operating.

The fall in revenues have seen journalists taking salary cuts by 30-40% according to Valerie Boje, an editor at the Independent Media in South Africa.³⁸ This was the same for the *Mail & Guardian*, where journalists were worried about keeping their jobs.

In Lesotho, a journalist who asked to remain anonymous said The Lesotho Times publishers said its Sunday edition would become a digital-only publication as the group had taken an 80% revenue knock and that this will impact on the salaries for staffers. "As things stand, a decision for salary cuts has been communicated to staffers. The percentage of salary cuts will be communicated this week. This is psychologically affecting journalists as they don't know how much they will be taking home at the end of April," the journalist said.³⁹ Findings showed that at least three other publications in the country were effecting salary cuts or sending workers home.

Death of print media giants

In South Africa in April 2020, the 38-year old media house Associated Media Publishing announced its permanent closure affecting well-known magazines *Cosmopolitan*, *House & Leisure* and *Women on Wheels*. Another publishing giant *Caxton and CTP Publishers & Printers* also announced that the magazine division would be closing affecting 10 magazines; *Bona*, *Country Life*, *Essentials*, *Food & Home*, *Garden & Home*, *People*, *Rooi Rose*, *Vrouekeur*, *Woman & Home*

The challenges exposed by COVID-19 raised the need for journalists' unions as some journalists said they had "nowhere to take their grievances". Some Zimbabwe media had paid only 50% of salaries and deducted the lockdown period days as leave days although journalists were still expected to file stories.

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³⁸ Result of quantitative survey on SADC by Internews, administered in April-May 2020

³⁹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁴⁰ IOL, Last straw for some media in South Africa, <https://www.iol.co.za/business-report/opinion/covid-19-last-straw-for-some-media-in-sa-47653018>, Accessed 12 May 2020

⁴¹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

Perhaps Botswana editor **Ntibinyane Ntibinyane** summed it when he wrote:⁴² “I am not a prophet of doom, but the truth is the prognosis is looking good. Newspapers are on financial ventilators. Even before the Coronavirus outbreak, the writing was already on the wall. Newspapers were bleeding money. The traditional business model was collapsing. The virus is only expediting the inevitable death.”

8.3 SOCIAL MEDIA, DIGITAL MEDIA, AND ACCESS TO THE INTERNET

During COVID-19 lockdowns, most turned to social media for news. The use of social media as journalism is problematic because some people no longer trust what they read from these platforms due to proliferation of fake news. Findings show a growing problem of fake news, disinformation, and misinformation among media and government officials. The findings also show intersections between social media and traditional media. In Malawi, a media reporter illustrated these intersections saying traditional media is playing two roles “giving information on one hand and on the other hand fighting false information propagated on social media.”⁴³

Findings also suggested that they are mixed blessings for use of digital media by journalists as it serves as both as a competition and an alternative revenue stream although with its own challenges.

The World Health Organization has noted the emergence of what it calls, an “infodemic” which involves “the rapid spread of information of all kinds, including rumours, gossip and unreliable information”⁴¹ - *World Health Organization, Managing Epidemics*, <https://www.who.int/emergencies/diseases/managing-epidemics/en/>, Accessed 22 April 2020

8.3.1 FAKE NEWS, DISINFORMATION AND MISINFORMATION

The media is not immune to spreading fake news and sometimes manufactures it. In South Africa, News24 media published false information that the Bill and Melinda Gates Foundation intended to run COVID-19 vaccine trials in Africa resulting in much backlash against the Foundation. Although an apology was published⁴⁴, the story had been shared widely on social media and in other media as well.

Lindiwe Khoza, director of the South African Youth Centre, said states contributed to the problem of false news because it had enforced itself as the only source of information. She asserts that where people operate in fear, their fears manifest in fake news, distorted information as coping mechanisms.

In Malawi, a radio reporter blamed social media for “propagating fake news which is in most cases instilling fear among the people”. He said popular among the fake news

⁴² SniffDog, May edition, only available in Digital format through WhatsApp and email, Accessed 12 May 2020

⁴³ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁴⁴ News24, Apology to Bill and Melinda Gates Foundation for Africa Vaccine story, <https://www.news24.com/SouthAfrica/News/apology-to-the-bill-and-melinda-gates-foundation-for-africa-vaccine-story-20200405>, Accessed 10 May 2020

information in Malawi is “that there no COVID-9 in Malawi; the virus does not attack black people and that the virus is a consequence of the 5G network.”⁴⁵

In Zimbabwe and Malawi, journalists revealed that because everyone is a publisher on social media, this was problematic. Religious people were blamed for taking advantage of the platforms to propagate theories on the virus as well as offering alleged miracle cures to the virus.⁴⁶ Fake news was a punishable offence in some SADC countries (see 3.1

Press councils were also hit by financial difficulties like everyone else, but this had implications on monitoring media violations. “From the perspective of the Press Council, where I work, it’s dented our finances (because of the severe economic effects on the media) and made hearings impossible. This makes adjudication harder,” said Press Ombudsman at the Press Council, Pippa Green.⁴⁷

8.4 4 ACCESS TO THE INTERNET AND DIGITAL MEDIA

Access to news produced by media was hampered by access to the Internet. Lindiwe Khoza, director of the South African Youth Centre said⁴⁸ though “information is being produced, it is a privilege to those with TV’s, radio, phones, and data.” This meant that some rural communities were relying on word-of-mouth- information only. Yet

Internet access is a fundamental human right

As most people were locked down, Paul Mulindwa, Africa advocacy officer at global NGO alliance CIVICUS observed that⁴⁹this impacted on the right to assemble and freedom of expression. Activists, who normally would be sources for journalists, moved their campaigns online. Those who could not afford data and had no smartphones and computers were left out of these conversations and sometimes this included journalists. Unfortunately, COVID-19 had resulted in donor fatigue.

Encouraging, was the increase use of digital media by elite media consumers “Most people are at home and there has been a huge jump in interactions with the public on our social media pages,” said Thabo Leping, Station Manager, Aganang community Radio, South Africa.⁵⁰ Yvonne Tshepgang Mooka a BBC Africa journalist in, Botswana, said: “We are seeing robust digital migration! It is either you adapt or stay stuck. Online media is not the future of Journalism. It is now.”

Digital media was posing challenges to media houses and journalists. A journalist in Zimbabwe said journalists were feeling the competition that social media posed for their work. She said, “readers only use legacy media to verify news which they think is fake not to learn anything new.”⁵¹

An editor in Zimbabwe said shifting to subscriptions on digital media means those with access shared the information with non-subscribers. These leaks were prejudicing them of

⁴⁵ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁴⁶ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁴⁷ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁴⁸ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁴⁹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁵⁰ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁵¹ Result of quantitative survey on SADC by Internews, administered in April-May 2020

revenue because “We know many people were reading our content, but they were not paying for it. They (the e-papers) are just being circulated for free on social media”⁵²

9 MEDIA COVERAGE AND REPRESENTATION OF COVID-19 & ACCESS TO INFORMATION

How the media covered the pandemic was reflected in the level of freedom of expression. Findings showed that voices of minority groups such as women, less-privileged people, indigenous groups, those with disabilities were few in the media.

The findings also show alternative new media that is being explored.

9.1 ONE-WAY STREET OF INFORMATION

In most countries, respondents were concerned that media coverage of the virus was mostly a top-down approach with the government telling the media what to report. Zambia media consultant Mthoniswa Banda said media was operating in fear of being closed down if they are too critical in their approach hence there had been little or no coverage of Zambians talking back to the government or asking government for clarifications on the COVID-19 rules and regulations. The Zambia Broadcasting Corporation, a state media outlet, which was the major provider of information on COVID-19 was also not including the voices of ordinary people in its broadcasts. The same sentiments were also shared in South Africa. There was “information overload” and minority voices were mostly ignored according to University of Johannesburg post-doctoral fellow Dr Millie Phiri.

Journalists and media houses while providing a lot of COVID-19 information they had not adequately covered topics considered important. For example, South Africa’s Press Ombudsman, Pippa Green pointed out her worry that there was no scientific explanations to whether lockdown measures were effective in dealing with the virus.⁵³ Ruth Barapedi Kedikilwe, a former journalist in Botswana with interest in sexual and reproductive rights, contends that not enough attention was being paid by the media on sexual health and reproductive rights. For example, very little was written on accessing birth control which is usually given in public hospitals as well as ante-natal and birth services information in lockdowns.

Botswana, Media Institute of Southern Africa director, Tefo Phatshwane, said journalists needed to improve on the quality of questions they asked because of “lack clarity and comprehension of the situation”⁵⁴. Lebogang Kenneth Mabothe the executive director of ID Junction said the state so far was doing a good job in providing the media with daily information on COVID-19 statistic. Similar commendations were expressed by South African participants.

Pre-COVID-19, many media institutions had considerably phased out reporting “beats”⁵⁵ where journalists are specialist reporters in areas such as health, politics, education,

⁵² Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁵³ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁵⁴ Result of quantitative survey on SADC by Internews, administered in April-May 2020

⁵⁵ State of the Newsroom Report, Page 22 https://journalism.co.za/wp-content/uploads/2019/07/State-of-the-Newsroom-report-2018_updated-20190709.pdf, Accessed 8 May, 2020

science, and technology meaning that most journalists had become general news reporters. The emergence of the virus posed challenges for journalists most of who were not specialists in health reporting. This impacted on good journalism. Lack of data-journalism skills, for instance, resulted in missed opportunities by journalists to turn COVID-19 information mostly conveyed in statistics form into stories of impact.

There was concern by South Africa's Press Ombudsman, Pippa Green that radio news platforms had been turned into mere talk shows. This means there was no real news (in the sense that it is reported and verified). There was fear that lack of verification resulted in fake news. This was echoed by Torong Ramela who said journalists struggled with "bio-medical politics"⁵⁶ Journalists were limited by the conditions of operations and for now they were mostly focusing on awareness, said station manager at community radio group NWU FM, Itumeleng Bahetane.

Paul Mulindwa, Africa advocacy officer at global NGO alliance CIVICUS, said there was under reporting of news in local languages and yet nearly 70%, as in the cases of Malawi, Zimbabwe, Tanzania, lived on farms and remote areas. Access to TV, radio or electricity was problematic in these area.

In South Africa and Zambia, community media had been affected by lack of people to talk to due to lockdowns and movement restrictions.

10 BRIGHT SPARKS: NEW MEDIA PRODUCTS

Findings showed that new media innovations were being explored in the region.

The Mail & Guardian pioneered a new digital print edition, The Continent, featuring stories from the African continent. Based in Johannesburg the weekly publication receives stories on COVID-19 from various African journalists. It publishes and distributes to subscribers for free on email and the WhatsApp platform.

Said the Continent editor, Simon Allison: "We have experienced an explosion in demand for the kind of journalism that we do. Site visits are up to record levels despite that there is been no advertising and promotion of the new initiative. It means there is hunger for credible, reliable news from a publication with a long track record that people can trust. This was a new way of packaging and distributing news with potential to be self-sustaining with the next year or two.

In Botswana, SniffDog, a human rights publication that is published by Indlovu Consulting also started publishing during May 2020 and it is distributed for free mainly on email and WhatsApp to subscribers. Its success is yet to be measured.

11 CONCLUSION & RECOMMENDATIONS

11.1 CONCLUSION

The COVID 19 pandemic has highlighted that Freedom of Expression is essential in the access to economic and social rights including the rights to healthcare. This not only

⁵⁶ Result of quantitative survey on SADC by Internews, administered in April-May 2020

covers access to medical personnel or healthcare facilities but access to accurate information that help citizens to keep themselves safe. Citizens need a healthy information ecosystem to make informed decisions that are lifesaving. Information indeed saves lives.

The review of freedom of expression in the SADC region is insightful showing that where countries have already been using repressive legislative frameworks to suppress access to information and to express themselves, the COVID 19 pandemic worsened the situation. This is true in countries such as Zimbabwe, Lesotho and Malawi. There is need for clear expiry dates of the laws adopted in response to COVID 19.

For journalists, the pandemic has changed the way they work. There is need to address the mental integrity of journalists and post-traumatic stress disorders that have arisen or will arise in future due to the pandemic. The report shows that new forms of journalism are also gaining prominence but there is need to upskill journalists in areas such as data journalism, digital journalism and cutting-edge skills of technology, editing for online and storytelling skills that are people centric. This should include development of freelance reporters many of whom are in precarious financial positions due to loss of work.

Media houses need to explore sustainability models, particularly radio where the audience has grown but the revenue streams have remained static or fallen dramatically.

The report shows that marginalized groups that include those living with disabilities, women, children, indigenous persons, poor persons and workers in unprotected work are not getting heard in the media. This also included people in the remote parts such as rural areas.

The pandemic also exposes a wide digital divide as technology hardware and access to the Internet is now a requirement to access information on prevention, possible vaccines, economic relief and even rules adopted by the state for citizens to adopt in their behavior in response to the pandemic. For those connected, matters of protection of privacy have become even more pertinent as the state looks to making use of mobile phone records to track infected persons. The issue of high data costs needs to be tackled.

The right to freedom of expression and access to information needs to be embraced as a response to ensuring the enjoyment of access to public health in the time of the COVID 19 pandemic.

11.2 RECOMMENDATIONS

Freedom of Expression is a wide right encompassing media, activists, citizens among others. Therefore, recommendations are split into recommendations to program implementers of freedom of expression and also recommendations specific to media and journalists

11.3 RECOMMENDATIONS TO PROGRAM IMPLEMENTERS IN THE AREA OF FREEDOM OF EXPRESSION;

- Training held during the coming months of COVID should include a component of reporting safely during COVID no matter which right is being covered by the journalist because ALL stories involve the newsgathering process which is affected by COVID-19.

- Support is needed in procuring hand sanitizers, elongated microphones, and masks for journalists and human rights defenders.
- Partners should consider developing a safety protocol for journalists for reporting in a time of COVID as the research found there are few of these available.
- Emergency funding should be considered for journalists in need of legal representation or are on the run for reporting on COVID-19.
- Advocacy work is required to lobby governments to explicitly name journalism as an essential service in lockdowns.
- Laws that are adopted as emergency measures during COVID-19 should have an end date when these will be repealed.
- Media funders should consider providing data costs not only for reporting but also for journalists to participate in online activities such as the World Press Freedom Day so they can add their voices to global discussions.
- Journalists need basic digital production training (Web, audio, video, and social media)
- Freelance journalists are in dire need of financial assistance for reporting as media are cancelling their contracts.
- Media houses need direct grants to report on COVID-19 as traditional sources of advertising have dried due to private business suffering lockdowns.
- Media grants to support journalism reports on the effects of COVID-19 on women and girls and other minority groups.
- Reporters need practical on-the-ground mentoring on how to do better stories when working alone.
- The same protection accorded to journalists under international human rights instruments should also be extended to sources for journalists as well as whistleblowers especially during crisis times of pandemics.
- Journalists need psychological support such as a feeling of community through online groups, so they do not feel isolated or overwhelmed.
- Programs need to track and support freedom of expression human rights defenders
- Journalists require science cafes where journalists and technical experts meet to simplify scientific issues.

11.4 RECOMMENDATIONS TO MEDIA AND JOURNALISTS:

- Investigative journalism is required in the areas of government procurement processes, accountability of donations geared to address COVID as well as alleged abuses and rebranding of donations by political parties.
- Human rights reporting needs bolstering such as excesses by the armed forces during lockdowns

- Other areas of COVID-19 and impact on ordinary citizens require attention such as how people are coping with the effects such as shutdowns e.g.: growing their food as statistics seem to be overshadowing the news.
- Border tensions with other countries need amplified reporting as this will increase especially for countries that share a border with those who are said to be underreporting statistics such as Tanzania.
- Report more on the effects of COVID-19 and the effects of measures against COVID-19 on women and girls and other minority groups.
- Report scientific reports and data journalism in a way that untangles the jargon for listeners.
- Give news of vaccine developments taking place around the world.
- Health reporting of impact of COVID-19 on HIV patients as most are in panic is crucial.
- Media is encouraged to put to employ content moderators on their content online to curb the spread of false claims such as unscientifically proven messages on cures.

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