



Policy Brief

Reclaiming Public Media ahead of 2018 Elections

Towards access to state media by all electoral contestants and equitable media coverage during elections and enforcement of the code of conduct on ethical reporting!

Executive Summary

There are dislocations between the progressive Constitution of Zimbabwe (2013) and the laws that were crafted under the Lancaster House Constitution, which the government of Zimbabwe is reluctant to repeal and replace with democratic legislation. This has perpetuated the restrictive environment within which the Zimbabwean media operates. Besides the laws, authorities have also superimposed themselves on publicly owned media entities such as the Zimbabwe Broadcasting Corporation (ZBC), turning them into partisan media outfits at the mercy of political players. This is despite the fact that the constitution provides for independence of broadcasting services to ensure they are insulated from political and commercial interests.

The political stranglehold on the public broadcaster evidently plays out in its coverage of political events, particularly elections. Coverage of recent by-elections and political rallies are a testament to this. All the news stories and programmes covering the events were about ZANU PF, its leadership and candidates. The party's opponents were only reported in the context of disparaging them.

With the private media struggling to provide sufficient counter narratives to the dominant public media due to both legal and extra-legal obstacles, it is important that Zimbabwe takes measures to restore the public service mandate of the public media ahead of 2018 elections. This will ensure that all shades of Zimbabwean opinion, political beliefs and activities are given space for citizens to make informed choices.

This call is not only grounded in the country's constitution but regional and international instruments on freedom of expression and regulation of the media during elections. One such key document is the SADC Guidelines and Principles on the Conduct of Democratic Elections, which outlines that all member states should ensure that there is ,“Equal opportunity for all political parties to access the state media...”

The African Broadcasting Charter, which Zimbabwe is a signatory, equally spells out the duties of public broadcaster. It states that;

- All State and government controlled broadcasters should be transformed into public service broadcasters, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.

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- Public service broadcasters should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference.
- The public service mandate of public service broadcasters should clearly defined.
- The editorial independence of public service broadcasters should be guaranteed, among others.

Against this backdrop, it is important that ZEC takes measures to ensure fair and equal coverage of all political actors and activity and thereby engender the holding of a democratic election in Zimbabwe.

Problem Statement

The coverage of political parties' activities by ZBC ahead, during and after the general elections has always been the main bone of contention among political contestants. The broadcaster's skewed coverage has also been called out in several observer mission reports and the recent Constitutional Court Judgment but with no change in approach.

This repeated violation of the broadcaster's public service mandate is also in discord with the SADC Guidelines and Principles on the Conduct of Democratic Elections which emphasizes the need for ZBC to ensure that political parties or candidates are given space to give direct and indirect access to contesting parties. It enjoins the broadcaster to reserve airtime for parties to present their election manifestoes and policies as well equal allocation of advertising time. It further violates the provisions of the Constitution of Zimbabwe, section 155 (d) which states that, "provides all political parties and candidates contesting an election or participating in a referendum have fair and equal access to electronic and print media, both public and private..."

The major challenges has been the lack of clear mechanisms by the institutions administering elections to ensure adherence to both the domestic and regional laws and instruments respectively by the public media in promoting equal access and ethical reporting during the elections.

In the 2013 elections for example, the ruling party dominated prime time broadcast on ZTV with a whopping 100% positive coverage on its campaigns while 89% of the stories covering the opposition Movement for Democratic Change (MDC) T portrayed the party in negative light. Television and radio broadcasting airtime is expensive and punitive, hence the need for the leveling of access to the state broadcaster among all political parties through meeting agreed upon quotas. In the 2013 elections, the opposition, MDC-T publicly requested the state broadcaster to reimburse its money after it charged them for advertising airtime but refused to flight the party's materials.

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The state broadcaster has without any doubt failed to fulfill its mandate to grant equal and equitable access to radio and television to all the contesting parties in the successive elections held in recent memory as enjoined under the SADC Principles and Guidelines on the Conduct of Democratic elections, the country's constitution and the Zimbabwe Electoral Act.

Policy Options

The following are key policy issues (inclusive of options) available regarding voter education:

Zimbabwe must not miss an opportunity to make the legislative framework conform to the Constitution and other regional and international instruments that the country is signatory to. Imperatively, ZEC should take the lead in enforcing the constitutional provisions on access to state media by all political contestants and ethical reporting. These are provided for in the Universal Declaration on Human Rights, African Charter on Human and Peoples Rights, Banjul Declaration on the Principles of Freedom of Expression in Africa, Southern Africa Protocol on Sport, Culture and Information and the African Charter on Broadcasting. In the absence of the said reforms, the SADC Guidelines and Principles on the Conduct of Democratic Elections will not be fully adhered to ahead of, during and after the 2018 poll. As a result, Zimbabweans will not fully enjoy media freedom, their right to freedom of expression, assembly, association, and access to information. Further, the continued failure of the state broadcaster and newspapers to provide equal access to the political players makes the competing environment uneven resulting in disputes on the credibility and fairness of the envisaged elections.

SADC Guidelines and Principles on the Conduct of Democratic Elections in the Southern African region and the Electoral Act are instructive in formulating policies that will address problems of the past. They provide for:

- Equitable treatment of all political parties and candidates in the extent, timing and prominence of the coverage accorded to them.
- A clear distinction between factual reporting and editorial commenting on the election.
- The affording of a right to reply to any claims by the political parties or candidates concerned to be false and that the media does not promote political parties or candidates that encourage violence or hatred against any class of persons in Zimbabwe.

Thus in line with dictates of the constitution and regional instruments on the holding of elections it is recommended as follows:

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Policy Recommendations

ZESN hereby makes the following recommendations:

- The ZEC must set clear monitoring mechanism and sanctions for non-compliance to ensure that state media complies with their public service mandate.
- ZEC should widen the composition of the Media Monitoring Committee to include media stakeholders as a means of promoting transparency and accountability. The committee faces capacity challenges to effectively monitor and produce comprehensive reports on the state of the media coverage and performance during the elections. Currently ZEC relies on the Zimbabwe Media Commission (ZMC) and the Broadcasting Authority of Zimbabwe (BAZ) in the discharge of this overwhelming duty. There is need to broaden the composition to include civil society and other stakeholders as a means of building capacity and ensuring transparency and accountability in this regard.
- ZEC should widely publicise its monitoring mechanism and measures to ensure equal and equitable access to the public media as well as guarding against the spewing of hate language in the media, especially by the public media.
- ZEC must demand coverage schedule from the public broadcaster based on contesting parties, assess its fairness, approve and monitor its implementation.
- ZEC and ZMC should ensure authorities comply with the constitution as it relates to securing the editorial independence and impartiality of the state media
- ZEC in partnership with the ZMC should review the code of conduct governing media during elections in consultation with the media stakeholders
- ZEC must establish a clear public complaints mechanism to address public concerns and act on them.

Appendix 1 – MISA-Zimbabwe Public Broadcasting Framework: Mandate of Public Broadcaster (2010)

The public broadcaster shall

- (a) provide access to a wide range of information and ideas from the various sectors of society;
- (b) report on news and current affairs in a way which is not influenced by political, commercial or other special interests and therefore comprehensive, fair and balanced;

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- (c) contribute to economic, social and cultural development in the country by providing a credible forum for democratic debate on how to meet common challenges;
- (d) hold those in power in every sector of society accountable;
- (e) empower and inspire citizens, especially the poor and marginalised, in their quest to improve the quality of their lives;
- (f) provide credible, quality and varied programming for all interests, those of the general public as well as minority audiences, children, women, the youth and the disabled, irrespective of religious beliefs, political persuasion, culture, race and gender;
- (g) reflect, as comprehensively as possible, the range of opinions on matters of public interest and of social, political, philosophical, religious, scientific and artistic trends;
- (h) include significant amounts of educational programming, and programmes dealing with political and economic issues, including, but not limited to, human rights, health, sports, early childhood development, agriculture, culture, justice and commerce, and thus contribute to a shared consciousness and identity for the nation;
- (i) promote and develop local content;
- (j) provide universal access to its services with its signal seeking to reach all corners of the country and ensuring and making services available in all the official languages of the country.

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