



Section 61(2) of Zimbabwe's 2013 Constitution guarantees the freedom of the media. Media freedom is closely connected to the right to access information enshrined in Section 62 of the Constitution.

The media as the fourth estate

In its role as the fourth estate, the media plays an important role in keeping the public informed. A more informed public is able to make better decisions in things that relate to day-to-day events and ultimately, the quality of life. The media's informative role is even more important during the electoral cycle, members of the public need information about the various political parties and candidates participating in a given election.

The media plays a vital role in the dissemination of information that is in the public interest and helps the public to be better positioned to participate in democratic processes such as elections. Such information must ideally be accurate and given in a timeous manner. The print and broadcast media play a vital role in ensuring that the public receives such election related information.

Media freedoms in the electoral act

According to Part XXIB of the Electoral Act, privately owned and publicly owned media establishments have a duty to provide neutral elections related information at all times of the electoral cycle. This statutory duty to provide accurate and politically neutral information rests more heavily on public owned or State funded media such as the Zimbabwe Broadcasting Corporation owned media and print media under the Zimpapers stable. This is because these entities are publicly funded and must therefore serve all members of the public across all political divides.

The Electoral Act mandates the Zimbabwe Electoral Commission (ZEC) to regulate media coverage during the electoral period, however, ZEC failed to operationalise its Media Monitoring Committee. This failure led to polarised and biased media coverage that went unchecked for the duration of the 2018 electoral cycle.

Furthermore, the SADC Principles and Guidelines Governing Democratic Elections call upon SADC member States to ensure they, “*promote necessary conditions to foster transparency, freedom of the media; access to information by all citizens; and equal opportunities for all candidates and political parties to use the state media.*”



ZIMBABWE ELECTION SUPPORT NETWORK

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The reality in Zimbabwe's elections has however, been very different. All the observer reports produced by the various observer missions that attended Zimbabwe's 2018 elections noted a worrying imbalance in the coverage of election related news by public media during the electoral cycle.

Observer missions findings on media freedoms in 2018 elections

The European Union's Election Observer Mission found that, “...*the state broadcaster, the Zimbabwe Broadcasting Corporation, failed to abide by its legal obligation to ensure equitable and fair treatment to all political parties and candidates. State-owned TV, radio and newspapers, which dominate the media landscape, were heavily biased in favour of the ruling party and incumbent president in their election-related coverage.*”

The Southern African Development Community's Electoral Observation Mission (SEOM) to Zimbabwe found that, “... *the public broadcaster and the State owned newspapers were in favour of one political party, contrary to the provisions of the Constitution, the Electoral Act, and the Revised SADC Principles and Guidelines Governing Democratic Elections, which requires State-owned media to be impartial.*”

So urgent is this matter that the European Union Election Observer Mission's Final Report lists the need to get the State-owned media to “...*abide by their legal obligation to be impartial and provide equitable treatment to all political parties and candidates*” as one of its priority recommendations.

Recommendations

Although Zimbabwe's election related laws have been amended to promote balanced election coverage in State-owned and public media there is still need to ensure that these constitutional and statutory provisions are fully implemented in a way that promotes media freedom and public participation in democratic processes.

It is recommended that ZEC invite capable and relevant civil society organisations to participate in the Media Monitoring Committee. Media stakeholders that form part of the Zimbabwe Electoral Support Network (ZESN) are able to fulfil this role. This will ensure that this Committee has enough capacity to monitor and handle media related issues during the electoral cycle.

It is also recommended that strategic litigation be used as a way to ensure compliance with and implementation of constitutional and statutory provisions relating to the media and elections.

Furthermore, it is recommended that there be an awareness drive among media stakeholders to educate them on the statutory provisions on the media and elections. Once trained, the media stakeholders must be encouraged to write on the need to prioritise balanced election coverage in public media.

