



# Media Guide 2021



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## Out and Proud Project

The Out & Proud Project's overall objective is to improve the legislative frameworks and non-discriminatory environment favouring lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) people in Southern Africa. The project aims to strengthen the capacities of and opportunities for LGBTQI+ Human Rights defenders (HRDs) and their organisations in Malawi, Eswatini and Zimbabwe to defend, advocate and promote their rights and fight discrimination.

The implementing partners are the Southern Africa Litigation Centre (SALC), COSPE Onlus, Centre for Civil and Political Rights (CCPR), Nyasa Rainbow Alliance (NRA), Rock of Hope (ROH) and Trans Research, Education, Advocacy and Training (TREAT).

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# GLOSSARY OF TERMS

<b>Bisexual</b>	Bisexual people have a romantic and/or sexual attraction to people of the same and opposite sex – not necessarily at the same time, and not necessarily an equal amount of attraction for each gender.
<b>Discrimination</b>	The unjust or prejudicial treatment of different categories of people on various grounds, including race, age, social status, marital status, health status, sex, sexual orientation, and gender (including gender identity, expression, and presentation).
<b>Gender</b>	Social and cultural expressions shown through behaviours, mannerisms, dress and activities. Masculinity and femininity are the most known genders. Socially constructed characteristics may vary according to the times and society or group to which one belongs.
<b>Gender affirming treatment</b>	Can include counselling and psychosocial support, hormone replacement treatment, gender-affirming surgery (also known as sex reassignment surgery), to bring physical characteristics in line with one's gender identity.
<b>Gender identity</b>	Refers to a person's innate, deeply felt psychological identification as a man, woman, or sometimes in between – which may or may not correspond to the person's body or sex assigned at birth. An internalised representation of gender roles and awareness from infancy, which is reinforced during adolescence.
<b>Gender non-conforming</b>	A person who does not conform to the binary male-female categories that society prescribes; transgender people, for example, are gender non-conforming – but others who are not transgender might also fall into this category.
<b>Heterosexual</b>	A person attracted to people of the opposite gender, romantically and/or sexually, where the gender of the attracted person is the key to the attraction.
<b>Homosexual</b>	A person attracted to people of the same gender, romantically and/or sexually, where the gender of the attracted person is the key to the attraction.
<b>Homophobia</b>	Irrational fear of homosexual feelings, thoughts, behaviours, or people, and an undervaluing of homosexual identities – resulting in prejudice, discrimination and bias against homosexual individuals.
<b>Human rights</b>	Human rights are universal, fundamental, inalienable rights that all human beings are entitled to regardless of race, gender, sexual orientation, gender identity, age, social class, national origin, occupation, talent, religion, or any other personal factor. All individuals are entitled to human rights – simply because they are human.
<b>Human rights instruments</b>	International human rights instruments are treaties and other international documents relevant to international human rights law and human rights protection in general.

<b>Inalienable rights</b>	Rights that cannot be forfeited (given up), transferred or lost.
<b>Intersex</b>	Being born with ambiguous sex characteristics (chromosomes, genitals and/or reproductive organs). Many variations exist; intersex is not one category but includes many different ways to defy the medical definitions of "male" and "female".
<b>Lesbian</b>	Sexual identity and orientation; a woman attracted to other women romantically and/or sexually.
<b>Men who have sex with men (MSM)</b>	A sexual practice irrespective of sexual orientation or identity. An MSM can be a heterosexual, bisexual, homosexual or transgender man. This term is technical and is not necessarily an identity.
<b>Sex</b>	A pattern of romantic and/or sexual attraction to a person of the opposite gender, same gender, or more than one gender.
<b>Transman</b>	A transgender man or female-to-male (FTM) is assigned female biological characteristics at birth, but his gender identity is male; always use male pronouns when referring to a transman.
<b>Transphobia</b>	Irrational fear of transgender feelings, thoughts, behaviours or people, and an undervaluing of transgender identities – resulting in prejudice, discrimination and bias against transgender individuals. Where transphobia includes homophobia, we speak of homophobia and transphobia.
<b>Transwoman</b>	A transgender woman, or male-to-female (MTF) is assigned male biological characteristics at birth, but her gender identity is female; always use female pronouns when referring to a transwoman.
<b>Transgender</b>	An umbrella term that is often used to describe people whose gender expression or gender identity differs from their biological sex or their gender assigned at birth. The umbrella term is used to describe a wide range of identities and experiences – including transsexuals, FTM persons, MTF persons, transvestites, cross-dressers, two-spirits, gender-queers, and many more.
<b>Transsexual</b>	This refers to people who wish to undergo hormone replacement therapy and/or gender-affirming surgery to align their bodies to their gender identity.
<b>Women who have sex with women (WSW)</b>	A sexual practice irrespective of sexual orientation or identity. A WSW can be a heterosexual, bisexual, homosexual or transgender woman. This term is technical and is not necessarily an identity.
<b>Universal</b>	They apply to all persons throughout the world and are not dependent on sexual orientation, gender identity, or any other characteristic.

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# Introduction

The booklet serves as a guide to equip the media, journalists, and LGBTQI+ human rights activists in Southern Africa, specifically Eswatini, Zimbabwe, and Malawi, with media engagement tools.

The booklet is divided into three chapters. The first section is a how-to-guide on how activists can effectively dialogue with the media, followed by a general overview of the media's coverage of the LGBTQI+ community in Southern Africa. The third section will provide information on the existing media laws and codes of ethics in Eswatini, Malawi and Zimbabwe. This section will also guide the reader on how to complain about a media house or journalist if their rights have been violated.

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# CHAPTER 1

## How to Dialogue with Media

### What is the Difference Between Journalism, Public Relations and Advertising?

#### Journalism

Journalism is a profession of those specialising in the collection, production, and transmission of news and works in the world of publishing. There are many different types of media, ranging from newspapers to radio, television and online. In a broad sense, journalism includes journalists and other professional figures, such as photojournalists, teleoperators, sound technicians, and copy editors.

Journalism is the activity of gathering, assessing, analysing, and presenting news and information. It is also the product of these activities. In most instances, journalism will be for the public's good, i.e., keeping the public informed and ensuring transparency at the government level. In addition, it serves the purpose of holding senior government officials to account.

In all instances, good journalism will offer well-balanced reporting on all matters being reported or analysed unless it is an opinion piece or otherwise indicated.

Journalism can be distinguished from other activities and products by specific identifiable characteristics and practices. These elements separate journalism from other forms of communication and make it vital to democratic societies. History reveals that the more democratic a society, the more news and information it tends to have.

#### Public Relations

Public Relations (or PR) includes all communication activities that aim to develop relationships and create communication channels among institutions,

enterprises, structures, their users and relevant important clientele. As well as these organisations and the people within them, communication can be private citizens, media outlets and consumers.

Institutional communication is released in an organised way by an institution or its representatives to individuals or groups, including both the internal and external public from the social environment in which it operates. Its objective is to establish relations between the organisation and the public with which it interacts.

#### Advertising

Advertising is 'paid for' communications disseminated on economic agents' initiative through media outlets such as television, radio, newspapers, billboards, email and the internet). Intentionally and systematically, advertising tends to influence people's behaviour and choices concerning their consumption of goods and services.

### What are the Basic Elements of Journalism?

#### The News

The news is the product of a negotiation that involves the sources of information (from social actors that pursue public visibility or those that withhold useful information for journalists); the public (that need knowledge to orient themselves); and journalists that propose themselves as intermediaries between the sources and the public, i.e., journalists are between what happens (information from the protagonists/social actors) and the public.

#### The Sources

The sources are any social actor from whom journalists derive daily information in the search for news stories. The sources are single citizens, members or representatives of groups more-or-less organised or

in more broad sectors of the nation and society. In addition, the source can be a protagonist or a speaker at a noticeable event (that is significant from a journalistic perspective).

Sources are the institutional ones: administrations, public institutions, police headquarters, etc., or those socially renowned and authoritative.

In democratic countries and context, the journalist does not need to cross-check with too many sources as credible institutions are the source's authority and ensure the quality of the information.

The media's watchdog function requires journalists to verify and cross-check information from institutional sources, especially sensitive issues.

### *Characteristics of journalistic sources*

Some characteristics of journalistic sources are:

#### Authority

It concerns the holding of positions of official authority and responsibility. The importance of news is determined by the authority and relevance of its source.

#### Productivity

It concerns the capacity to give adequate information in a short time. Journalists more often use the sources that provide news and insights swiftly and regularly.

#### Reliability

It refers to the reliability in time and depth of knowledge. A source trusted by a journalist will be preferred because there will be little or no need for verification and fact-checks.

#### Credibility

Besides delivering reliable news, the source must credibly present the news or facts, not just highlighting a part of the story or some of its protagonists.

## Newsworthiness

Newsworthiness is the value journalists attach to every single tip-off or event. The journalist or the editorial team subjectively defines this value. Notwithstanding those that are open and flexible values (they change or can change according to the event, to the period, or to the journalist), those are defined by some recurrent newsworthiness criteria.

### Criteria of Newsworthiness:

News sources must understand the *criteria* of newsworthiness to increase chances of accessing the news media and organise events that are "appealing" to journalists.

Examples of *newsworthiness criteria*:

**Relative to the event:** This is the content of the event itself. The event will have more resonance if it concerns a country that is geopolitically considered "central" (the centrality of nations), a famous person (the centrality of characters), a topic that has been talked about at that moment (the timeliness of the issue), happens near home (territoriality/vicinity) or involves/affects a significant number of persons (relevance to many persons involved).

**Relative to the product:** This is the journalist's product: what is published or broadcast about the event. The event will have more resonance if it has low production costs (production costs), if it is brief and concise (brevity), if it is easily narrated (narrativity), if it is original or new (novelty/originality).

**Relative to the medium:** This ensures the most appropriate media through which the news will be delivered. In synthesis: the radio gives the news, the television illustrates, and the newspapers offer a greater chance of a deeper story.

**Relative to the concurrency:** This is the context of the competition of the various news media. It can be an intra-media concurrency (between two newscasts), inter-media concurrency (between a newscast and a newspaper), or cognitive (between the newscast and the so-called free time, that is, the other alternatives to the news consumption).

**Relative to the public:** It regards the public's attention, which must be interested in issues and events that directly concern them.

## Agenda Setting

Agenda-setting is a theory that aims to explain the effects of the news media on the public. According to this theory, the media's effect reflects and can influence essential issues of public concern and opinion.

The central element in agenda-setting is the salience transfer, making the news more meaningful and relevant to others. This gives the mass media the ability to transfer an issue from a private agenda to a public one of general interest.

The media decides which issues to dedicate time and space to according to a series of pressures to which they are subject.

At times, some issues take priority over the media's agenda, such as extreme weather, war, political disputes, etc. However, this priority issue reflects almost entirely the priority of issues of single citizens.

In other words, the media does not say what 'we should think', but 'what we should think about'. Therefore, the more importance the media gives to an issue, the more public acknowledgement the issue will have.

## Journalistic Genres

### Reportage

Reportage is one of the genres of journalism, not only in the written form. Reportage is a journalism style where a journalist explores and reports the news as an eyewitness of a fact or phenomenon describing what is happening and its context.

Photo reportage uses imagery as the narrative strategy. It is characteristic of reportage as it starts with a specific fact. However, it tells and expands the story, analysing its particulars and insights through imagery, capturing the moment with pictures rather than words.

Reportage in its best expression becomes a tool of interpretation, the monitoring of trends and changes.

### The Interview

We can define an interview as a type of journalistic article/service that reports the traces of questions and answers exchanged between a journalist (the interviewer) and his interlocutor (the interviewee) to gather information, opinion or recollection. It has three characteristics: a clear

interest for the interviewed person, journalistic techniques in formulating questions and answers, and the expressed willingness to deliver the result through a communication medium.

The interview is one of the most complex journalistic genres because it requires the journalist to have a specific competence on the argument and on the interviewee, a sound synthesis ability and a sufficiently detached behaviour from the interviewee that allows the journalist to interview respectfully, still with a critical view towards the interview itself.

A journalistic interview is a tool that supplies immediacy, vivacity and relevance to the journalistic subject. It often triggers arguments or controversies that feed the public's interest. Radio and television language have radically influenced the format and style of this journalistic genre. Due to timing pressures, interviews on current issues are often brief, fragmented, and occasionally based on the improvisation of questions to an interlocutor. The printed media journalism has inherited this model, resorting increasingly to brief interviews to represent an immediate opinion.

### Short News

Short news comprises a few concise lines without a title.

### The Editorial/Comments

The editorial or leading article, or sometimes "background article", is an article that generally illustrates the direction of a newspaper, analyses one of the relevant issues of the day and conveys the headline's orientation. It can be found at the top left part of the first page of a newspaper or on the third page of a magazine. In the newspaper, it can, sometimes, appear without authorship. When this is the case, the article's authorship is presumed to be the news Editor's responsibility, and it expresses its opinion on the most critical issue of the day.

Typically, the editorial is about political or critical current issues from the point of view of the editorial team. The leading article, or "background article", was named in this way because, in the newspapers of the 19th century, it occupied the last columns of the first page (the bottom of the page, "background") with the function of summarising a debate of a political, economic or social current issue that had taken place in the pages of the newspaper.

## What Makes a Good Story?

A good story is about something the audience decides is interesting or important. A great story often does both by using storytelling to make important news interesting.

LGBTQI+ organisations need to keep the line of communication open with journalists to share potential newsworthy content. A good story is not only based on LGBTQI+ events. Other national interest issues could have an LGBTQI+ angle, and activists should use their close ties with the media to position their voice on such matters.

The public is exceptionally diverse. Though people may share specific characteristics or beliefs, they have an untold variety of concerns and interests.

So, anything can be news, but not everything is newsworthy. Journalism is a process in which a reporter uses verification and storytelling to make a subject newsworthy.

At its most basic level, the news is a function of distribution — news organisations (or members of the public) create stories to pass on a piece of information to readers, viewers, or listeners.

A good story, however, does more than inform or amplify. It adds value to the topic. *The Elements of Journalism* describes journalism as "storytelling with a purpose."

Creating a good story means finding and verifying essential or interesting information and presenting it in a way that engages the audience. Good stories make journalism different and more valuable than other content in the media universe.

### *Research proves two things about good stories:*

Treatment trumps topic. How a story is told is more important to the audience than its topic or what it is about. The best story is a well-told tale of something the reader feels is relevant or significant.

The best stories are more complete and comprehensive. They contain more verified information from more sources with more viewpoints and expertise. They exhibit more enterprise, more reportorial effort.

## Tools to Communicate with the Media

### The Press Release

#### *What is a press release?*

A press release is a news narrative or proposal written in the third person to highlight a particular person, cause, event, service or product to the media.

The purpose of a press release is to describe a fact in the form of proposed news, broadcast a comment, give an answer or rectification, announce a project or an initiative.

A press release can also be part of a more comprehensive press kit. Fact sheets must always be sent to journalists. The story needs to be packaged appropriately, always leading with the interesting issue, so that the journalists are keen and understand the broader issue.

#### *Who is it for?*

The press release always targets two types of readers: the journalist who chooses the news and the person who reads it.

Therefore, the author of the press release must always ask ourselves two questions:

Is our press release "noticeable" or does it have a 'hook' to capture the journalist's interest?

Will it be interesting for the reader?

Send press releases only when something significant must be said. Journalists are busy and sending more but less important news stories out dilute the main messages and the source's credibility.

When sending a press release to a media channel, it is essential to address the press release to a specific recipient among the editorial staff. For example, the journalist who usually covers the issues in focus.

Constantly enrich the organisation's media directory with specific names and contacts of trustworthy journalists.

#### *When to send it?*

When to dispatch depends on the type of press release you have and the lead times of various media and editorial staff. Each country and media house has different timelines. To understand their timings, ask

them. Always make a note of this information as it can be used for future planning.

A general rule to maximise interest in one of your events or activities would be to send the press release two weeks before the event, then repeat it a few days before the activity.

Except in exceptional circumstances, press releases are transmitted in the morning hours before journalists and editors hold the daily diary meeting to plan their news coverage—not the first few hours of the afternoon when they are busy with 'big stories'.

Once a press release has been sent, it is proper to follow up with a telephone call to find out if the press release has been released. This shows the keenness on your side. Always use friendly language and tone when following up.

### *Through which channel/medium?*

The traditional channel for the press release is email. Only when you have an excellent and informal relationship with the media should you use WhatsApp or messenger.

### *What to write?*

The first rule of a good press release is not to write what you consider interesting but what you consider interesting for the journalist and the public. For instance, there is an increasing interest in numbers and statistics. Therefore, you must consistently demonstrate that the information you are bringing is well-researched and has verified statistics to push the advocacy forward.

There is a difference in how you would write a press release that concerns a new event and respond to another news or event.

The second rule is that if you respond to another piece of news or event, you must insert yourself in the journalistic discourse already set. However, this must be done in a complementary way and not imitative. In other words, it is necessary to find new points of view of the argument that does not replicate what others have already said or have a written position on.

You could also find better answers to an article or position that you disagree with and to which you want to add your facts or further information. In this case, the press release assumes different forms, for example, that of the rectifying letter.

## Important!

One should not use "advertising" language. A press release is not an advertisement. Avoid using adjectives with too many positive connotations or too many personal opinions. A press release is not an article, but it needs to have a journalistic style, nonetheless. It is essential to use proper grammar, spelling, titles, style, and prose. Remember, editors will not fix your document for you; that is up to you. They might make minor changes.

### *How to write it?*

The press release must be as brief as possible. A good norm is to stay within 500 words, though this depends on the type of news.

To ease readability, you should break down the text into paragraphs separated by double spacing. Then, you can use bold to highlight the parts of the text you consider more significant.

The press release length can be balanced by separating the main text using a further information section at the end of the press release or, even better, by offering further information on request. When offering further information on request, you should indicate what that information is.

Every press release must be identifiable to make it stand out from the other messages or emails that the editorial staff receive.

"Press release" must be the object of the email, and if it is short, the title could be added.

A common mistake is to send a press release without the date of submission. The press release will not always be read on the date the email arrives.

Every press release should have a title and a subtitle. The title (and the eventual subtitle) allows the journalist to make the first selection among the various press releases received, so it is vital to put in the time and effort to make it right and stand out.

The subtitle can also be larger than the classic journalistic subtitles: it further synthesises the press release content.

The information you consider the most important must be at the beginning of the body copy.

In the body copy, if you can, include a citation in quotes. The citation should either be yours or your organisations, i.e., from the source. Alternatively, if you have access to one from a relevant expert. A citation in quotes has stronger newsworthiness because it counts as a "testimony".

If sending pictures, always send them alongside the press release, not embedded in it. Only embed an image into a press release if you want to control the look and feel of the general press release.

### *How to be contacted?*

Important! At the end of the press release, include some lines to describe you as a source: who you are, your activities, etc.

Always include your complete contact information. Your name, the organisation's name, physical address, email, telephone number (a cell phone number), website address or social media such as a Facebook page. The journalist needs to know who you are and contact you with ease in any way possible.

Avoid, if possible, sending "anonymous" press releases. Using a person as the contact will get a better response than a press release sent from a generic organisation.

Also, having a real person makes it easier for a journalist to get in touch for more information.

### *Press Release Format*

#### *Follow up*

Do further phone calls to verify that your press release has been received. Be brief and on point. Busy reporters and editors will not have much time to spend on the phone. Declare your name and that of the organisation and the object of the press release.

If your press release is used, send two lines of thanks to the person who took care of it. This could be the editor, journalist or producer.

It is also worth mentioning that some journalists, depending on the medium, will be interested in a feature story. This is more work, but journalists sometimes need to get or fill a news slot. A story with multiple sides and angles can become a leading story, which can become a long-form story. This means the story on your press release will deliver awareness more than just once.

Remember, it will help create contact with the person (editor) or the journalist and encourage them to promote and broadcast other future initiatives or news.



## The Press Conference

### *The importance of timing*

Press conferences should be held with printing press deadlines in mind and consider the most popular news broadcasts and publications. Reporters will try to place news on the same day of the conference or in the next day's newspaper. Early morning from 08.00 to 10.00 during a weekday is the best timing. Journalists need the rest of the day to source other stories and leads.

It is essential to check with the media which days are feasible. Journalists usually have editors' meetings at their media houses. Always establish relations to ask which days and times are convenient for journalists and what to avoid.

Remember that TV reporters need time to view and edit footage in time for evening news deadlines.

Ensure that the press briefing does not clash with other more important news. If you can, call the relevant editor or desk you are in contact with and find out what else is planned for the date you have in mind.

### *Invitation*

Send a press release as an invitation to announce the press conference, specifying the who, what, where, when and why of the conference. Give a hint of what the topic will be, but *do not disclose everything*. Your aim is to stimulate the media to come and learn the whole story at the conference.

If possible, the press conference invitation should arrive at the reporters' table *a week to ten days* before the conference date. Call two or three days before the event, asking if the invitation has been received and if a reporter will attend. Editors receive many press releases, so calling refreshes their memory.

Write down the names of interested journalists. You will get an idea of how many people are expected to attend and prepare enough press kits for the participants.

### *Press supplements*

In addition to the press release, you may wish to prepare written information to distribute at the press conference. For example, it may contain short speakers' biographies, copies of research studies released at the conference, details of grants received, the organisation name that allocated them, and all the material you think is helpful to complete the press release information.

### *The venue*

**The place:** Choose a place that is suitable for all media, with parking facilities. Sometimes what you are announcing will be a crucial factor for your choice of venue. For example, if you announce the opening of a new centre, you should hold the conference there.

**Parking:** If the owners of the place manage a paid parking lot, try to guarantee free access to the media by showing a press card or invitation.

**The room:** You will need a large room — a classroom or a room in a community centre. If the room is located inside a large building, prepare signage indicating the location for the conference. Ensure that TV operators carrying cameras, lights, and the rest of the equipment can easily find their way and the tech facilities.

**The equipment:** Make sure enough power plugs allow TV operators to add extra lights if they need them.

If the press conference area is small, the normal voices of the speakers will be adequate. However, for a public conference or a larger audience, it is good to get a microphone. Some places, such as hotels, may provide sound equipment. Otherwise, you can rent it or ask for it on loan. Speakers usually either have a microphone standing or sit down at a table, they have a microphone in front of them. For conferences that involve the participation of a committee, or more than one speaker, more than one microphone may be required.

If possible, make sure that the speakers arrive early enough to have their voices tested and the sound level adjusted. This will allow you to test the device for interference before the press conference begins.

### *Supporting suggestions*

**Visual materials.** Your group may have supporting video, photographs, graphics, or posters useful to represent your organisation's theme or purpose. Ensure you test the supporting video beforehand. If you have visual material, make sure it is in the best position for great visibility, above or just behind the speaker, or in a separate space where post-conference interviews can be done.

**Evidence.** Depending on the news or story, try to predict the questions that the media will ask. Then, help your speaker in planning the facts of the presentation with appropriate questions. Things will be much easier if there is time to exchange questions and answers before the conference.

### *On the conference day*

Upon arrival, journalists should receive copies of all the material in a specific welcome folder prepared for the press. This folder must contain a list of speaker names and all the people or organisations mentioned during the conference to avoid, as much as possible, the misspelling of names in the ensuing write-ups.

Distribute name badges for the speakers and other VIPs. This is so journalists can easily identify them. Always have their name, title and organisation. If the speakers are sitting at a table, a named tent card could be placed at their setting instead. The tag must be as visible as possible.

The person in your organisation responsible for contacting and inviting the media must also introduce the speaker. The introduction should be short and to the point, provide the speakers' names and titles, and summarise the reason for their attendance at the press conference.

**Questions.** After the initial phase of the press conference, ask the media representatives if they have any questions. This part of the conference can take about half an hour. You must formally bring it to an end when the questions are slow in coming.

Some reporters may then want an opportunity for a short face-to-face interview with the speakers. It is customary to prioritise TV, followed by the radio and finally to the reporters of the printing press.

## Events

Although conferences, seminars, and public meetings aim to attract the public, local media should be encouraged to speak and make reports on the topics covered, the decisions taken, or the news announced during the conference.

In this way, you can give continuity to the open dialogue with local media, broaden the debate that has already started and get information for your organisation about the issues that concern it.

### Pre-event tips to achieve media interest and attendance

Establish the date, place and time of the event.

**Send a press release** inviting journalists and describing the topic of the conference, seminar or public meeting. List the speaker's names and the topics they intend to discuss.

If the speakers are well-known and authoritative people in their field, let the media know this in advance.

The press release invitation should be circulated at least ten days before the date of the event.

Before sending the press release, contact the speakers to ask them if they intend to use the written handouts. If yes, ask them to provide you with copies to include in your press release. Or, if the speakers are ready with their written media talks in advance, ask to include them instead. Make sure there is an apparent **embargo on the press release**: *"We do not authorise publication until [conference date]."*

For a large-scale conference, include the entire conference agenda in your invite. Reporters may not attend everything, but they can at least choose which event sessions are most interesting.

### *At the event, tips to offer media support and inclusion*

**Press tables.** Reserve special seats or a press table where reporters can easily see and hear. You could reserve front row seats or set up a press table on one side of the stage for them.

**Pressroom.** If the conference goes on a full day or more, journalists and media operators will appreciate having a room set aside for them. This will allow them to have a quiet place to look at their notes or study the agenda and other support materials. In addition, further copies of the speakers' texts, agendas and research papers will be available in the press room. Try to be sure that there are phones on hand.

**Press pass.** Upon registration or arrival, members of the media should receive identification badges with "Press" written on them and their name or the newspaper or group.

**The welcome.** Someone in your organisation should greet the media, offer them all the help they need, and provide them with useful material and information. A welcome pack that includes the press releases, full agenda, how and whom to ask for an interview, and any other information that helps them write about your activity will be given, such as functional info such as Wi-Fi where the media room is.

### *Post-event follow up*

#### *Press releases post-conference*

It is worthwhile sending a press release after the event. If you write a press release at the end of a conference, seminar or public meeting, please note that the press release should not be about describing the conference or meeting in steps. Instead, list the most critical decisions made, the most noteworthy announcements that have been made and the most notable focal points of what the speakers said.

## The Interview

The interview is one of the most used and most common journalistic formats across genres (news, politics, culture, etc.). The interview is a dialogue between journalist and interviewee. It can be written, radio, television, live, etc.

The person interviewed could be a witness of an event or newsworthy fact, a bearer of an opinion or point of view considered credible, authoritative or a representative of a specific sector of the company affected by a fact or some news.

### *How to prepare*

Interview in several media. Each media demands attention to its communicative characteristics because they influence the interview's newsworthiness and, consequently, the ability of the things you will say to be written or broadcast.

### *Radio and television*

It is important to be short and concise, primarily if the interview consists of some simple questions which are to be included in the news.

Do not get lost in the introduction or open parentheses. The logic is that of the sound bite, a sound or video clip, which will then be broadcast (a few seconds). Prepare for a harsh media inquiry but focus on the key message lest journalists stray to cover a less critical detail or angle. Do not be wordy. Simplify jargon. Always remember that news is about people and for the people, so putting a human face/experience to your key message, complex ideas, and jargon will make it more appealing to the media and their audiences.

So even in the syntactic construction of the answers, short and effective forms are a priority, while at the same time trying to avoid the risk of banalisation or simplifying too much.

### *The printing press and online*

For print or online newspapers, interview questions often come by email. The risk in having to write answers is to be too "literary" and formal. The advice is to re-read your written answers and "act" as if they were answers to an actual live interview. Then delete or ruthlessly rewrite those parts or sentences that do not "sound" like spontaneous answers.

However, it is often an interview in the presence of the interviewee or (very frequently) by phone, which is longer than one for TV and radio. You must be very aware of your body language, tone of voice, and facial expressions in this case.

Regardless of the media used, remember that often these are not long interviews in which you can calmly present your thoughts; instead, they are one or two questions that must be answered authentically with well thought out content.

### Before and after interview tips

Try to understand why they are interviewing you.

What are the interview topic and the cut that will likely be given (so who the interviewer is, where he works, and how he treated and/or is treating that piece of news)?

Try to understand in advance how the reader/listener will understand your interview message.

The format and place of journalism affect the content and form of the information that will shape your interview.

Do not be afraid of the interview or the interviewer. It seems banal to say this, but it is often one reason for the communication failure of many interviews.

Nervousness or too many expectations can hinder effective communication.

Always support your "mission": an interview is one of the many ways to get your message across and speak to an audience directly and without intermediaries.

**If you are not interested, say no.** An interview is not an obligation. There is always room to discuss the interview criteria, the so-called "rules of the game". For example, for a print interview, you can ask to read the draft article before publication.

What is the message that I want to deliver? A concept expressed well, even repeating and always referred to, than a thousand words that only hint at the concept. It is better to say one thing, simple, loud and clear, and therefore, where appropriate, it can be repeated across various sources. It is essential not to be worried that the same concept is being repeated.

Train yourself, but not too much. It is often a good practice, useful at the interview time, to be prepared for a series of questions with a series of answers. Politicians typically train by thinking about the worst questions they can be asked, so they are not surprised during the interview and can reply with a non-banal answer (or at least not as much as the question)! Training yourself is good but training too much often produces an unnatural attitude. It is best to avoid giving the impression of having learned the correct answer by heart.

Keep calm and do not panic. It is a good rule (except in specific cases but especially in live interviews) not to appear negative or too critical: an attitude that is too hostile or violent does not express "credibility" and "authoritativeness" regardless of the correctness of the contents expressed.

## Social and Multimedia Communication

### *When and how it is useful to use social media*

Mainstream media increasingly use social and visual media to influence public debate.

More than websites, social media is becoming the way journalists get information about positions, reactions of the associations on some public and political debates.

A declaration or statement can also be registered in a video message or quoted and published as a Facebook or Twitter post.

If your organisations do not have many followers, you can tag single journalists or some specific media you want to inform. Otherwise, on Twitter, you can simply use the hashtag to comment on a trending topic.

There are those on social media who would want to distort the messaging. It is vital to stay clear of those. Always answer the questions and avoid arguments. Treat the social media page as a professional platform.

This way, trolls will know that your page never entertains any distortions but sticks to the matter's facts and truths.

Always remember to tag the media house and the journalists. This builds journalists morale as you are marketing their work, making them keener to work with you.

### Important Advice

Attention should be paid to vulnerable groups and those in undemocratic areas.

Association, interest and advocacy groups should have great interest in communicating their activities, results, issues and requests or denouncing facts and unfair laws and behaviour that violate human rights.

In undemocratic countries, particular attention must be paid to people and groups considered unfairly illegal in their own countries when they expose themselves in the public sphere through media.

## Tips to record video message using a mobile

### *Format*

Horizontal (16:9) — remember to hold the phone in a landscape position. (As per the Image 1.)

### *Audio*

Preferably find a secure place, without street and wind noise. Be careful not to compromise the audio by covering the phone's microphone with your hands or touching it when shooting.

### *Setting up your shot*

Capture the top of yourself from the hips up. (As per Image 2.)

Use your association signage (banner, poster etc.) in the background so your association is always visible.

Look for a background that portrays your location or supports your story.

Look straight into the lens of the phone while you talk.



Image 1



Image 2

### Light & focus

Smartphones automatically adjust exposure levels while recording, which means that the lighting can vary and focus areas (yourself and your background) can blur if you make the slightest of movements. It would be best if you prevented this from happening. Use the auto-lock exposure (AE/AF function) on your phone to achieve consistent lighting and focus. This function is now on most smartphones.

To set AE/AF, typically, you need to tap and hold on to the main subject until you see *AE/AF Lock* function on the screen. If the lighting does not look right, brighten or darken the subject by swiping up or down on the screen.

### General Advice

Use the camera on the back of the phone, not the one for selfie mode.

Do not use digital zoom: videos lose quality.

Use a tripod or a surface on which to place the phone or wherever allows a good shot in the most stable way. Try to keep the phone as steady as possible with your hands (for example, by bringing your arms close to your body and not keeping them extended).

Put the phone in aeroplane mode to avoid receiving calls and messages to interrupt shooting and distract.

Make sure the phone lens is clean.

Be careful not to have the rotation lock active on your phone.



# CHAPTER 2: News Media Analysis of LGBTQI+ Coverage in Southern Africa

The news reflects our world, but it also shapes it. A journalist's job is to answer "who, what, where, when, why, and how" something happened. Who these news professionals are, what they believe in, where they live, when they work, why they pursue specific stories, and how they make sense of the world often determine which stories break and are buried.

In short, journalists are humans, and they have biases that affect their reporting. Sometimes, these biases are harmless (a journalist's favourite colour) or even beneficial (a bias favouring social justice or human rights), but they can also be dangerous.

This news media analysis of LGBTQI+ coverage in Southern Africa reveals that many regional news professionals are biased against sexual and gender minorities. This reality should come as no surprise. It accurately reflects *low social acceptance levels towards LGBTQI+ people across the region* (South Africa being a notably *more progressive outlier*). The danger is that journalists reflect anti-LGBTQI+ biases in their reporting and amplify and entrench intolerance and hatred that perpetuate discrimination and violence against queer communities.

Journalists' and editors' implicit and explicit biases influence how they frame stories about queer communities, whom they interview, what terminology they use, and what stereotypes they repeat. Beyond these biases, many journalists approach their work with good intentions but still make dangerous or insensitive mistakes because they do not know enough about LGBTQI+ people and related issues.

The best cure for these biases and mistakes is information. Unfortunately, sexual and gender diversity is seldom discussed in many societies, meaning LGBTQI+ communities are deeply misunderstood. This knowledge gap gives journalists an incredible

opportunity to use their influential platforms for good by educating their audiences about issues that affect LGBTQI+ communities. Doing so requires them to put biases aside and educate themselves first to portray queer people's lived realities fairly and accurately.

In this news media analysis, we will look at common mistakes journalists make when covering LGBTQI+ issues in Southern Africa (focusing on Eswatini, Malawi, and Zimbabwe) and discuss best practices they can implement to improve their reporting.

## Regional Media Overview and Analysis

South Africa's professional media landscape, relatively progressive social attitudes, and strong equal rights protections explain why its news media outlets produce the best coverage of LGBTQI+ issues and communities in Southern Africa. That does not mean the country's coverage is perfect. However, South Africa's shortcomings provide a useful starting point for examining deeper and more dangerous reporting issues across the region.

Reginald Witbooi, a SABC journalist based in Kimberly, says many South African journalists who would like to report on LGBTQI+ communities face pushback from newsroom colleagues who do not think these stories should be told. This interference can result in censorship (when editors refuse to let journalists pursue specific stories) or self-censorship (when journalists stop pitching LGBTQI+ stories because they do not think their team will approve). Another source of resistance comes from audiences. Duduzile Ramela, a journalist with eNCA in Johannesburg, says some audiences outright oppose LGBTQI+ coverage while others merely fail to see how it applies to their

communities. "If we are able to communicate with people in languages they can understand, perhaps we would go a little bit [further] in terms of bridging the gap," she suggests.

Lethabo Mailula, Advocacy and Communications Officer at Pan Africa ILGA, researches local and international media coverage of hate crimes against black lesbian womxn in South Africa, a topic she says has received less coverage in recent years to "reporting fatigue". This is not an altogether negative development, as much of the previous coverage was surface-level, sensational, and centred inordinately on so-called "corrective rape" (a homophobic hate crime). In the media coverage of gender-based violence, she does see, Mailula cites a disturbing hierarchy of social inequality wherein victims who are poor, black, masculine-presenting lesbian womxn receive less coverage than victims with greater perceived social capital. When *Karabo Mokoena*, a young heterosexual model, was murdered by her boyfriend in April 2017, her violent death became a flashpoint and rallying call against gender-based violence in South Africa. When *Lerato Moloji*, a lesbian who "was not affluent, well-educated or well-known" (according to news reports), was stoned to death after being sexually assaulted the previous year, her death received far less media attention.

In terms of broader LGBTQI+ news coverage, Mailula often sees sexual and gender minorities "cartoonized" in South African media. This manifests as sensational entertainment stories about adultery and promiscuity. On the other hand, positive reports usually centre on affluent queer entertainers and presenters like Somizi Mhlongo and Thami Dish. Sources from LEGABIBO in Botswana, where LGBTQI+ news coverage is also generally good, cite a similar problem with local "clickbait" that oversexualises LGBTQI+ people.

In South African media, Mailula notes that correct gender pronouns are increasingly being used for LGBTQI+ sources. However, this is not true elsewhere in the region where transgender and intersex people are more frequently misgendered and deadnamed. See: *"Naked Truth About Transgender"* *Zambia Daily Mail*, 21 July 2019.

Samuel Shapiro, Research Officer at The Other Foundation, says he has witnessed a decrease in South Africa's total LGBTQI+ news media coverage in recent years but a subtle and welcome turn to anti-homophobia in the coverage he does see. Tendai Thondhlana, Media and Communications Officer at The Other Foundation, reports increased positive coverage of LGBTQI+ issues and communities in mainstream media across Southern Africa and better understanding and greater acceptance of LGBTQI+ people on social media platforms. Journalists he works with, mainly in South Africa, have also improved their reporting on LGBTQI+ issues regarding framing and sensitivity to gender non-conformity and pronouns.

Comparing this news media analysis to similar studies conducted in recent years reveals both progress and stagnation. *A snapshot of LGBT media coverage in East, West and Southern Africa* published by Gender Links in 2015 showed that LGBTQI+ people "remain largely invisible in African media" and were underrepresented or misrepresented using discriminatory or stereotypical language. While visibility has improved in many countries, representation problems persist when journalists use discriminatory, stereotypical, sensational, moralising, marginalising, and misgendering language and framing devices.

*A news media analysis of LGBTQI+ coverage in East and Southern Africa* published by the Arcus Foundation in 2018 reported: "Unlike in Kenya and Uganda...most stories from South Africa and Botswana humanise LGBTQI+ people by acknowledging their existence, using their names (safely—acknowledging their awareness and consent), and amplifying their voices." This positive trend has continued into 2020 and can be seen in freelance journalist Carl Collison's regional coverage of LGBTQI+ issues and communities. See: *"The Muslims Who Will Not Choose Between Their God and Being Gay"* *Mail & Guardian*, 18 April 2019.

*Iranti's 2019 narrative study* on LGBTQI+ people's experiences with mainstream media across several Southern African countries flags opportunities for further improvement. The report, which analysed media clips from 2016-2017, found that mainstream media outlets

overrepresented gay men and transgender womxn and underrepresented bisexual people in terms of balanced LGBTQI+ coverage. Most intersex coverage focused on infants, most trans coverage focused on bureaucratic challenges to gender-affirming identification, and media coverage spiked in the event of murder, rape, or mob justice against lesbian womxn. Common reporting themes included legal reform; LGBTQI+ community events; statements made by government, religious, or traditional authorities; and international responses to regional LGBTQI+ human rights violations. "Even when media has good intentions, we know that we have so much more to do when it comes to changing public mindset, and this is often difficult when governments use media platforms to fuel hate against LGBTQI+ persons," the report states.

This issue of state-owned and controlled media producing anti-LGBTQI+ propaganda remains a challenge in several regional countries, including Eswatini, Malawi, and Swaziland, which are discussed in-depth below.

Iranti, Taboom, and other media advocacy organisations in Southern Africa work closely with journalists to improve LGBTQI+ coverage. For signs of improvement, *read some of the stories* Taboom Media's journalists have produced and watch *Covering African Sexual Minorities*, an AfricanNews conversation with journalists who report on LGBTQI+ issues in Sub-Saharan Africa. In this video, veteran journalist and Taboom Media trainer Bella Matambanadzo says of queer lived realities, "There are narratives of rejection, narratives of pain, but also narratives of joy, of absolute desire, of tremendous pleasure, happiness, and personhood...We are not just talking about subjects, we are talking about human beings who deserve absolute dignity and humanity." To further improve regional news media coverage of LGBTQI+ issues, journalists must embrace this human-centric and human rights-affirming approach to their work.



## Eswatini Media Analysis



Representatives from the Rock of Hope, a community-based organisation that supports and advocates for the rights of LGBTQI+ people in Eswatini, report a slight increase in positive or neutral media coverage of local LGBTQI+ issues and communities in the past two years. However, despite journalists writing better story text, headlines still sensationalise queer identities, and trans people are still often misgendered.

They also report an increase in pro-LGBTQI+ public statements made by political and religious leaders in news media reports. One notable example came in October 2019 when Deputy Prime Minister Themba Masuku told chiefs of the Shiselweni Region, "We need to seriously think about how we can embrace these [LGBTQI+] communities because they are here to stay" (*Times of Eswatini*, 8 October 2019). The Chairman of the Council of Swaziland Churches made similar *statements in December 2019*, saying LGBTQI+ people are human beings in "God's image" and should be welcomed in churches without discrimination.

Eswatini's first public Pride event in June 2018 generated a significant share of the LGBTQI+ news media coverage published during this media scan, not all of it positive. The blog Swazi Media Commentary tracked news coverage of human rights issues and *noted* that The Observer newspaper group published several articles containing hate speech in the week leading up to Pride. In these and other articles, sources call LGBTQI+ people "evil" and liken them to child sex

molesters and people who have sex with animals". By repeating sources' demonstrably false and demonising hate speech without correcting or contextualising it or allowing LGBTQI+ people to respond, some journalists perpetuated dangerous myths about homosexuality as a "foreign" concept that corrupted children. See: *"Nation Frowns Upon Gay Pride Parade" Eswatini Observer*, 21 June 2018 and *"Homosexuality is Evil: Bishop Hlatshwayo" Eswatini Observer*, 22 June 2018.

Despite this negative coverage, more accurate and affirming accounts were written after Eswatini's first Pride successfully took place, perhaps demonstrating the importance of visibility in improving news media narratives. See: *"Pride March a Success Amidst Criticism" Eswatini Observer*, 1 July 2018 and *"Frankie, 'C4' Dominate Historic Gay Pride" Times of Swaziland*, 1 July 2018. These and other outstanding articles give LGBTQI+ community members and activist representatives plenty of space to explain their views without falling into the trap of "false balance" by platforming dehumanising or degrading hate speech. See: *"Legalise Same-Sex Marriages, Prostitution" Eswatini Observer*, 24 February 2019.

Religion is a common theme in Eswatini's LGBTQ+ coverage. Many stories include remarks from religious leaders, some negative and some remarkably positive. See: *"Gay Pastors Cannot Lead Congregants" Eswatini Observer*, 15 May 2019, *"Pastors Call Us Titabane, Tinkonkoni" Times of Swaziland*, 18 August 2020 and



*"Gays, Lesbians Church Reopens" Eswatini Observer, 9 December 2018.* In several stories about allegedly queer religious leaders, the journalists' framing and word choice ("accused" of being bisexual, etc.) reveal heteronormative bias. As a result, the "newsworthiness" of these articles is suspect. SSOGIE identities should not be sensationalised, and private citizens should not be outed to sell newspapers. See: *"Church Suspends Pastor Accused of Being Bisexual" Times of Swaziland, 4 March 2019.*

In many cases, the authors' intentions seem good, but their lack of knowledge about LGBTQI+ issues and terminology and failure to interview appropriate sources results in confusing stories. This was true of reporting about Eswatini Sexual and Gender Minorities' ongoing attempts to register as an association with the government. Journalists should always include LGBTQI+ voices when reporting on the community and ask sources for clarification before publishing to avoid confusion or unanticipated harm. See: *"Our Life Starts After 9 pm -- LGBTQIs" Times of Swaziland, 10 November 2019* and *"LBGTI case: Judge Remains, Lawyer Recused" Times of Swaziland, 25 June 2020.*

During this scoping period, some of the worst articles were homophobic letters to the editor published

in The Times of Swazi under the guise of allowing its readers a "right to reply" to previously published stories. These queerphobic op-eds use fearmongering to spew dangerous and misinformed stereotypes that target marginalised and vulnerable communities. It is a privilege for readers to have their opinions published, not a blanket right. Editors should not publish hate speech. See: *"Right to Reply- It Took Me 7 Years to Come Out - LGBTQI+ Pastor" Times of Swaziland, 21 November 2019.*

Several articles about human rights, sexual and reproductive health and rights, and HIV prevention mentioned LGBTQI+ people as key populations but did not discuss the lived realities of sexual and gender minorities. These articles were noted during the media scan but excluded from detailed analysis.

The Times of Swaziland and The Eswatini Observer both published positive and negative stories during this scoping period. This mix suggests that individual reporters and editors matter more than their news outlets. Therefore, efforts to improve news media coverage of LGBTQI+ communities in Eswatini should focus on sensitising individual news media professionals and encouraging a progressive rethinking of newsrooms' policies, procedures, and cultures.



## Malawi Media Analysis



Representatives from the Centre for the Development of People (CEDEP) in Lilongwe said in 2018 that a general lack of knowledge about sexual and gender minorities combined with too few human rights champions willing to publicly challenge homophobia and transphobia were contributing to inaccurate and negative news media coverage of Malawi's LGBTQI+ community.

Although the Media Forum on Sexual Minorities says its sensitisation training has since helped improve Malawians' attitudes towards LGBTQI+ people. Representatives from Nyasa Rainbow Alliance in Blantyre say they have seen some improvement in reporting on LGBTQI+ issues in the past two years. However, most national and local news outlets still fail to produce accurate, professional, and humanising coverage consistently.

In terms of reporter knowledge, nuance, and tone, news media coverage of Malawi's LGBTQI+ community improved in 2018-20 compared to 2016-18 coverage. In terms of sourcing, there are still too few LGBTQI+ voices cited in stories. The Media Forum on Sexual Minorities attributes this absence to a lack of trust potential sources feel towards journalists, a plausible explanation given the dangerous and problematic stories still being published. When journalists struggle

to find local LGBTQI+ sources to quote, they either report one-sided anti-LGBTQI+ stories or fill the affirming void with quotes from allies or queer voices abroad. This reliance on non-Malawian sources, often from Europe, reinforces the myth that sexual and gender minorities are somehow foreign or "unAfrican". See: *"Irish Envoy Backs LGBTQI+ Rights Movement" The Nation, 13 July 2020*, *"LGBTQI+ Phobia On The Decline, Says Manarela" The Nation, 19 December 2019* and *"Manarela calls for action against abusing people living with HIV" Nyasa Time, 14 December 2019*.

Malawian news media coverage of transgender and intersex people remains riddled with misgendering. For example, in several stories, the main subject's gender pronouns inexplicably change from one paragraph to the next. In others, gender and sexual orientation are inaccurately conflated, either explicitly or due to the author trying to cover too many topics and identities in one story. In addition, journalists write problematic phrases like "trapped in the wrong body" in several stories, phrases that should only ever be used in direct source quotes and contextualised. See: *"The Curse of Being an Intersex" The Nation, 10 August 2020*, *"Hunted Shunned" The Nation, 17 July 2020* and *"Slow Path to Gender Equality as Some Pastors Welcome LGBTQI+ Community," Malawi24, 23 December 2019*.



Of the three countries in this study, Malawi seems to have the lowest professional journalism standards, as evidenced by typos, misspellings, errors, poor writing, and inadequate acknowledgement of source safety. Perhaps due to inadequate newsroom resources, these shortcomings often result in well-intentioned writers producing stories that further confuse rather than inform readers about sensitive LGBTQI+ issues. See: *"Key population dying in silence - MANERELA"* *Nyasa Times*, 10 October 2018 and *"Circumcision Programmes Can Protect Gay Men From HIV"* *The Nation* 6 April 2019. Occasionally this lack of journalistic professionalism paradoxically results in the excellent treatment of LGBTQI+ issues, such as when journalists republish affirming press releases or human rights reports as stories with little to no additional reporting. See: *"Arrests, Violence, State Indifference"* *The Nation*, 31 October 2018.

Iranti's 2019 narrative study on LGBTQI+ people's experiences with mainstream media highlights the dangerous ways religious leaders and politicians in Malawi use media to spread hate speech and homophobic sentiments. A 2019 study by The Other Foundation suggests this high-level hate speech has slowed the general public's acceptance of LGBTQI+

people. It was evident in several of the stories analysed during this media scan. See *"Msonda Cleared in Gay Case"* *The Nation*, 20 July 2018 and *"CEDEP Describes Running Mates Stance on Same-Sex Marriages 'razzle-dazzle'"* *Nyasa Times*, 27 March 2019.

Iranti's study also found that state ownership and censorship of prominent media outlets prevent some journalists from producing positive content about LGBTQI+ issues in Malawi. "The complexity of the intersection of a religious citizenry, a religious state, as well as the legislative frameworks founded on Christian beliefs, restrict the media's ability to create counter-narratives that provide an accurate and positive representation of LGBTQI+ individuals in Malawi," the report states.

Representatives from the Centre for Solutions Journalism in Blantyre echoed these sentiments with regards to audience response. "Being a conservative nation with most people declaring themselves religious, when we publish or broadcast stories on LGBTQI+ issues, a lot of homophobic comments are posted," they said.



## Zimbabwe Media Analysis

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Representatives at Trans Research Education Advocacy & Training (TREAT) in Bulawayo said that while Zimbabwe's LGBTQI+ community still faces hate speech and mockery on social media, most traditional news outlets have become more neutral in the past two years.

In Harare, representatives at TransSmart Trust have noticed an increase in LGBTQI+ media coverage and say more journalists are consulting the community to inform their reporting. However, more and better coverage is still needed. They cite fewer instances of misgendering for "passing" trans people but say others are still frequently misgendered in the media. There is a need for more sensitisation in this regard. Despite more allies privately supporting TransSmart's initiatives, they have not noticed a significant increase in public media statements supporting LGBTQI+ persons.

Of the three countries analysed in-depth for this media scan, Zimbabwe media outlets published the most inflammatory and dangerous articles, mostly op-eds or letters to the editor. The worst of these pieces appeared in *The Patriot* (controlled by Zimbabwe's ruling party ZANU-PF) and three newspapers that form part of the state-controlled Zimpapers group (*The Chronicle*, *H-Metro*, and *The Sunday Mail*). This element of political control is noteworthy given the government's queerphobic policies and overt use of news media as propaganda to advance political agendas.

The most brazen of these op-eds employ extreme fearmongering and lies to persuade readers into believing dangerous myths about sexual and gender minorities, such as that homosexuality is a western plot to eradicate Africans. More insidious articles pose as news stories rather than op-eds and contain factual errors, offensive and dehumanising characterisations and associations ("strange, weird, disgusting, recruit, dirty acts, drunkards, thieves, etc."), and outlandish conspiracy theories that explicitly demonise LGBTQI+ people. Others reflect the authors' biases more subtly by quoting traditional and religious leaders who express only queerphobic views. See: "*Gays Testing the Waters*" *The Patriot*, 4 October 2018, "*The Flipside of Human Rights*" *The Patriot*, 4 October 2018, "*Is Homosexuality a Sin?*" *The Sunday Mail*, 30 September 2018 and "*It's Tragic to Call Homosexuality a Human Right*" *The Chronicle*, 1 December 2019.

Some of the most dangerous articles seem to have been written with good intentions but still do more harm than good. This often happens when journalists fail to include LGBTQI+ sources and instead privilege perceived voices of authority (medical doctors, politicians, religious and traditional leaders) who know little about the issues. These stories usually perpetuate false and dangerous myths about LGBTQI+ people. For example, one story uses an inappropriate synonym for "intersex", suggesting that the author did not consult intersex sources. In addition, the article dangerously platforms a doctor who performs medically



unnecessary cosmetic surgeries (genital mutilation) on children. See: *"The Mystery of Ambiguous Genitalia" The Chronicle, 18 December 2019*. Another story gives credence to a government minister's false statements and frames them as legitimate statements of fact, which they are not. *"Higher Education Minister Blasts GALZ's Varsity Survey" DailyNews, 16 October 2018*.

Several media outlets in Zimbabwe share a dangerous obsession with outing people. These sensational stories rarely have any ethical news value and should not be published. While outlets that "break" these unethical stories are the most culpable, those that republish them also amplify the damage. There is some logic in offering victims of media outings a platform to refute false rumours, but individuals should not be harassed into doing so. These media appearances can inadvertently throw fuel on the fire, spreading sensational stories wider than if the target of rumours had simply chosen not to comment. See *"Netball Star Denies Lesbian Claims" H-Metro 10 July 2020* and *"Rugby Star Refutes Gay Rumours" The Sunday News, 15 March 2020*.

News surrounding the deputy head of a private college coming out as gay to students and colleagues, and the subsequent backlash he faced garnered the most LGBTQI+-related news media coverage during this scoping period. He decided to come out only after a journalist asked him to comment on a story that would have forcibly outed him. Facing death threats and scrutiny, the teacher *fled Zimbabwe* for safety abroad, demonstrating the real dangers and life-altering

consequences resulting from outing attempts and other unethical reporting practices.

News coverage surrounding this incident was mixed. Some journalists took an objective approach and gathered a wide range of voices and opinions, while others used the events to express personal negative biases through their reporting. Several objectively reported stories were published with sensational headlines, a reminder that editors rather than journalists often write headlines and can undermine otherwise ethical reporting when the time comes to publish. See: *"Top Zim School in Homosexual Storm" DailyNews, 22 September 2018*.

Beyond the most dangerous articles already discussed, most LGBTQI+-related stories published in Zimbabwe during this scoping period fall somewhere in the middle between excellent and atrocious. Most conflate sex and gender, misuse terminology, or repeat myths and stereotypes without adequately refuting or correcting them.

Unsurprisingly, the best LGBTQI+ stories are the few that include relevant voices from the community. Such stories are far more likely to use correct terminology, challenge negative myths, and take source safety seriously. See: *"GALZ Demands Equality of Treatment" DailyNews, 30 December 2018*, *"Gays Hail Poll Environment" DailyNews, 19 August 2018* and *"Lockdown: Small Freedoms Appreciated" Sunday News, 17 May 2020*.



## Best Practices for Regional LGBTQI+ Reporting

As the stories in this media scan demonstrate, LGBTQI+ people in Eswatini, Malawi, Zimbabwe, and elsewhere in Southern Africa and worldwide continue to face discrimination, marginalisation, exclusion, and violence in their everyday lives. Journalists have long perpetuated false stereotypes about vulnerable sexual and gender minorities. They now have a moral duty to help replace dangerous myths with accurate portrayals of queer people's lived realities. Doing so requires journalists to embrace the core tenets of human rights reporting to advance social tolerance and acceptance.

Taboom Media has worked with hundreds of journalists to improve media coverage of LGBTQI+ communities in recent years. At the end of each Taboom workshop, journalists collaborate to update a Reporting Resolution on Covering Sexual and Gender Minorities & Religion in Sub-Saharan Africa. The latest Reporting Resolution, republished below, summarises some of the best practices journalists should remember when reporting on sexual and gender minorities.

As journalists from across Sub-Saharan Africa, we adhere to our profession's principles of honesty, fairness, accuracy, transparency, sensitivity, and thoroughness. When reporting and editing on LGBTQI+ issues, we resolve to:

1. Develop our knowledge of different SSOIE (Sex, Sexual Orientation, Gender Identity, and Gender Expression) issues and belief systems.
2. Avoid mentioning SSOIE status when such information is not directly relevant to a story.
3. Carefully consider word choice and framing around sexual and gender minorities. Use sources' preferred terminology when appropriate.
4. Allow marginalized and underrepresented people to speak for themselves and in their own voices.
5. Strive to include moderate voices in our reporting, not just the extremes.
6. Seek out knowledgeable sources who can provide accurate information and analysis.
7. Always consider the motivations and potential biases of our sources.
8. Verify all details when covering sensitive news. Ask for clarification when needed.
9. Avoid including dangerous hate speech in our stories.
10. Avoid sensationalizing or capitalizing on marginalized identities.
11. Avoid using imagery that depicts sexual and gender minorities in stereotypical or dehumanizing ways.
12. Take all measures possible to protect the safety and security of sources, subjects, communities, and ourselves. This may require anonymizing sources.
13. Practice the qualities of responsible, ethical journalism by minimizing harm and interrogating hearsay and rumour.
14. Encourage diversity in our newsrooms and educate our colleagues.
15. Ensure that our personal beliefs and biases do not influence the accuracy of our reporting or limit the topics we cover. If our beliefs somehow jeopardize our ability to cover a story fairly, we should pass it onto a colleague who can do it justice.

Taboom Media offers further tips in its 2nd Edition of *Covering Sexual and Gender Minorities & Religion in Sub-Saharan Africa: A Reporting Guide for Journalists*, published in June 2020, eight of which are summarised here.

## 1. Educate and inform through nuanced and sensitive coverage

Avoid sensational depictions in favour of nuanced and sensitive coverage of SSOGIE issues and lived realities. Use accurate, accessible language and clearly explain terms and concepts that might be unfamiliar to audiences while avoiding the urge to oversimplify.

## 2. Challenge myths and misconceptions

If a source repeats a false myth, journalists can either exclude it from their reporting or include it alongside accurate information that reveals the source's ignorance or bias. Source statements that are beliefs or opinions should be contextualized and weighted appropriately based on broader community sentiment.

## 3. Include moderate and diverse sources

There are seldom just "two sides" to any story, and every person's story is unique. So rather than trying to paint SSOGIE issues as black and white, journalists should explore the grey. That is where the most interesting and important stories can be found. "Exploring the grey" means speaking to moderate and diverse sources rather than just the extremes. It is the best way to portray highly complex and emotionally charged issues accurately.

## 4. Allow SSOGIE minorities to speak for themselves and in their voices

"Nothing about us without us" is a popular rallying cry among SSOGIE rights activists and other marginalised groups. Therefore, when covering SSOGIE issues, reporters should (safely) include the voices and perspectives of SSOGIE minorities. They know more about the issues that affect their lives than anyone else.

## 5. Use sources' preferred terminology when appropriate

If a source identifies as a "gay woman" or a "queer man" or a "gender-diverse person", do not call them a "lesbian", a "gay man", or a "transgender woman". Journalists should respect their sources' identities and report them accordingly. The same goes for gender pronouns. If a transgender woman uses "she" pronouns or a genderqueer source wants to be referred to as "they", use the correct pronouns. Remember that lesbian, gay, bisexual, transgender, queer, and intersex are adjectives, not stand-alone nouns. Do not refer to "a gay" or "transgenders" but rather "a gay man" or "transgender people" - however your sources identify.

## 6. Protect the safety and security of sources and subjects

Even if a source consents to have their photo taken and gives their full name during an interview, a responsible journalist should still obtain "informed consent" before publishing any identifiable information if circumstances suggest that the source may face elevated risk of potential harm. "Informed consent" means explaining to sources where and when the story will be published, outlining realistic dangers that might arise, and giving them adequate time to reflect before agreeing to their personal details being used. In addition, journalists should strive to minimise harm, which sometimes means anonymizing at-risk sources.

## 7. Illustrate stories with responsible and relevant images

When choosing photos or images for a story, make sure they are relevant. For example, if a story is about transgender men in Eswatini, do not illustrate it with a photo of two white women holding hands. Not only would that photo be irrelevant, but it might also reinforce the false notion that sexual and gender diversity is a "Western phenomenon". Always remember the right to privacy and strive to include relevant, accurate, and humanizing photos.

## 8. Tell stories of triumph

LGBTQI+ people often face unnecessary pain, suffering, and abuse, but they also experience joy, love, and triumph just like anyone else. Unfortunately, most stories about LGBTQI+ communities dwell too heavily on the negative. Instead, journalists should seek out and tell stories of queer people making a positive difference in their communities and triumphing over adversity.

## Methodology

This media scan analysed more than 100 English-language online and print text stories to evaluate the quality of LGBTQI+ news coverage in Eswatini, Malawi, and Zimbabwe compared to regional and international coverage. The scoping period of analysis was 1 June 2018 - 1 August 2020. Most clips analysed were news and feature stories, with some opinion pieces and letters to the editor. International news wire stories were excluded from country-specific analysis to evaluate local newsroom coverage.

The researcher began by interviewing media monitoring partners and activist organisations in each priority country and/or reading their existing relevant reports. These partners included:

- **Eswatini:** Eswatini Sexual & Gender Minorities, Rock of Hope
- **Malawi:** CEDEP, Centre for Solutions Journalism, Nyasa Rainbow Alliance
- **Zimbabwe:** GALZ, TREAT, TransSmart Trust
- **Regional:** The Other Foundation, Pan Africa ILGA, Iranti

These engagements were used to determine which media outlets the study should prioritise, which relevant local language keywords should be scanned,

and gather partners' general impressions of existing LGBTQI+ media coverage in each country.

After determining priority news outlets (based primarily on circulation, reach, and influence), the researcher conducted keyword media searches using Google News Search, Google Web Search (which included site-specific searches of each priority news outlet), PressReader, and Dow Jones Factiva. Advanced searches surfaced the most relevant stories based on each service's algorithm from within the scoping period. Partners were also asked to send relevant media clips they had collected from within and beyond the 26-month scoping period.

## Tone Matrices

The scoping exercise evaluated the overall coverage and source statements included in each story based on relevant indicators. The following tone matrices were adapted from the peer-reviewed Gender Links paper "*A snapshot of LGBT media coverage in East, West and Southern Africa*" and first used in the report "*Media Representation of LGBTQ People in Africa*". Suppose a clip contained indicators from more than one column, the researcher assigned the most appropriate tone with consideration to the story's overall effect. If an indicator category was irrelevant to or absent from a story (if the story had no visuals/photos, for example), that category was ignored.



*Coverage Tone Matrix*

POSITIVE/NEUTRAL COVERAGE	INCOMPLETE COVERAGE	NEGATIVE COVERAGE
Sufficient LGBTQI+ voices	Insufficient LGBTQI+ voices	Zero LGBTQI+ voices
Challenges negative myths/stereotypes	Repeats myths/stereotypes without adequate interrogation	Perpetuates negative myths/stereotypes
Fair, balanced and objective approach	Objective approach but the unjust weighting of sources/info	Clear bias, moralizing, fearmongering, sensationalizing, prejudice, ridicule, etc.
Uses accessible language	Inaccurate or inadequate explanation of terms/jargon	Stereotypical, biased, dog-whistle language
Uses accurate/inclusive terminology	Misuses terms but with no apparent malice	Uses discriminatory or dehumanizing terms
Includes accurate factual research/history/context	Insufficient or questionable research/history context	False or only negative research/history context
Takes source safety seriously (anonymity, etc.)	Inadequately addresses or acknowledges source safety.	Dangerous or deliberate disregard for source safety
Relevant affirming visuals/photos	Generic rainbow flag etc. visuals/photos	Demonising visuals/photos

*Source Statements Tone Matrix*

POSITIVE STATEMENTS	NEUTRAL STATEMENTS	NEGATIVE STATEMENTS
Sufficient LGBTQI+ voices	Insufficient LGBTQI+ voices	Zero LGBTQI+ voices
Challenges negative myths/stereotypes	Repeats myths/stereotypes without interrogation	Perpetuates negative myths/stereotypes
Uses accessible/affirming language	Clear/generic statements of situational facts	Stereotypical, biased, dog-whistle language
Properly uses accurate, inclusive terms	Misuses terms but with no apparent malice	Uses discriminatory or dehumanising terms
Cites accurate factual research/history/context	Insufficient or questionable research/history/context	False or only negative research/history/context



# CHAPTER 3: Media Laws and Codes of Ethics for Journalists in Southern Africa

The legal framework regarding LGBTQI+ persons differs within the SADC region. Generally, people do not understand the law and make assumptions about LGBTQI+ persons, resulting in a hostile environment for the LGBTQI+ community.

Common phrases are used like: *"homosexuality is a crime"* or *"the constitution does not mention sexual orientation or gender identity and so LGBTQI+ people are not protected by the law"*, or *"the bible says it is a sin to be gay."* It is misleading statements like these that make people believe that a State does not have a legal duty to protect and defend the human rights of LGBTQI+ persons.

*"Privacy is essential to who we are as human beings. It gives a person space to be himself/herself without judgment. It allows people to think freely without hindrance and is an important element of giving people personal autonomy and control over themselves and those who know what about them."*

*LM v Attorney General (LEGABIBO intervening), Botswana High Court, 2019, para 113.*

The African Commission's **Declaration of Principles on Freedom of Expression in Africa** (2019) emphasises that freedom of expression is a fundamental and inalienable human right and an indispensable component of democracy. Freedom of expression includes the freedom to express one's sexual orientation and/or gender identity.

## It is Not an Offence to be Gay

No law in any SADC country makes it illegal to be a part of the LGBTQI+ community, yet, lesbian, gay, and transgender people are often harassed and prosecuted unlawfully because of their sexual orientation, gender identity, or gender expression. Often, authorities use laws that aim to protect "public morality", nuisance laws, or vagrancy provisions to arrest or detain members of the LGBTQI+ community. For instance, in 2014, Ricky Nathanson was arrested and charged with criminal nuisance after using bathroom facilities designated for women. In a progressive judgment with far-reaching implications, the Zimbabwean High Court *found* that transgender people have the same rights as all citizens.

LGBTQI+ persons are also often targeted under national penal codes that criminalise consensual sexual activity between same-sex couples. It is important to note that in countries where same-sex conduct is a criminal offence, a person can only be arrested if there is evidence to prove that such an offence has been committed, simply identifying as homosexual does not make a person a criminal, meaning that it is not a crime to be gay.

*"It is not, however, and never has been, a crime in Botswana to be gay."*

*Attorney-General v Rammoge and Others, Botswana Court of Appeal, 2016, para 58.*

The table below depicts the Penal Code provisions in a few SADC countries concerning consensual same-sex acts:

COUNTRY	CONSENSUAL SEX BETWEEN MEN	CONSENSUAL SEX BETWEEN WOMEN
<b>Botswana</b>	Sections 164, 167 - Penal Code	Section 167 - Penal Code
<b>Malawi</b>	Sections 153, 154, 156 – Penal Code	Section 137A – Penal Code
<b>Eswatini</b>	Section 185(5) - Criminal Procedure and Evidence Act; Common law	None
<b>Zambia</b>	Sections 155, 156, 158(1) - Penal Code	Section 158(2) - Penal Code
<b>Zimbabwe</b>	Section 73 – Criminal Law Act	None

## Human Rights are Universal

Human rights apply to all persons regardless of their gender identity or sexual orientation. Like all human beings, LGBTQI+ persons have the right not to be discriminated against, harassed, or abused. Their rights are protected under the Constitution. They are also protected by regional and international human rights instruments that oblige States to protect and respect all their citizens' rights.

### *What does international law state?*

UDHR	AFRICAN CHARTER	ICCPR
Article 1: "All human beings are born free and equal in dignity and rights."	Article 2: "Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status."	Article 2(1) commits States to protect the rights of all individuals in their territory.  Article 2(3) further requires that there be a remedy available where any rights have been violated.
Article 2: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."	Article 3(1): "Every individual shall be equal before the law."  Article 3(2): "Every individual shall be entitled to equal protection of the law."	
Article 7: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."		

## Discrimination

Members of the LGBTQI+ community face different types of discrimination based on sexual orientation or gender identity. Another form of discrimination is hate speech. It is important to note that there are also situations where certain rights can be limited. This means that an individual right can be disregarded only if the reasons for doing so are reasonable and justifiable in a democratic society. For instance, a Constitution can uphold the right to freedom of expression. Still, if a person uses hurtful language or speech that incites violence, such behaviour would not be protected under the right to freedom of expression.

### Discrimination Based on Sexual Orientation or Gender Identity

South Africa is the only country that mentions protection from discrimination based on sex, gender and sexual orientation in its Constitution. Several countries' constitutions prohibit discrimination based on sex, while others, like Eswatini, prohibit discrimination based on gender. The Botswana High Court has *held* that "sexual orientation" is a subset or component of "sex". This means that sexual orientation should be included where the discrimination clause refers to sex. Increasingly, the terms 'sex' and 'gender' have been used interrelatedly. Courts have recognised this conflation or blurring between sex and gender within a societal context throughout the world.

The African Commission on Human and Peoples' Rights in *Zimbabwe Lawyers for Human Rights & Associated Newspapers of Zimbabwe v Zimbabwe* (2009) held that that article 3 of the African Charter aims "to ensure equality of treatment for individuals irrespective of nationality, sex, racial or ethnic origin, political opinion, religion or belief, disability, age or sexual orientation."

In December 2020, the African Court on Human and Peoples' Rights issued an *Advisory Opinion* explained that the expression "any other status" in Article 2 of the Charter encompasses discrimination cases, which could not have been foreseen during the adoption of the Charter.

#### What does international law state?

UNHRC	CESCR	ACHPR
States must protect individuals from discrimination based on "sex", which includes "sexual orientation". <i>(Toonen v Australia, United Nations Human Rights Committee, 1994)</i>	The CESCR recognizes several other prohibited grounds for discrimination, which is in a non-exhaustive list and includes health status, age, disability, nationality, marital and family status, sexual orientation and gender identity. (General Comment No. 20, para 28-35)	In 2014, the ACHPR passed a resolution that condemned systematic attacks and human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution against people because of their gender identity or sexual orientation and urged member states to do the same. (Resolution 275 on Protection against Violence and other Human Rights Violations against Persons based on their real or imputed Sexual Orientation or Gender Identity)

## Discrimination in the Form of Hate Speech

### What constitutes hate speech?

There is *no universal definition* of the term "hate speech". What is considered "hateful" in different national or cultural contexts is often controversial, disputed, and constantly evolving. *International definitions* of hate speech have many similarities, focusing on forms of speech most likely to encourage violence, discrimination, or other forms of hostility.

What does regional and international law say about hate speech?

UNITED NATIONS	ICCPR	ACHPR
<p>"Any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor."</p> <p><i>(UN Strategy and Plan of Action on Hate Speech, 2019)</i></p>	<p>Article 20(2) prohibits "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". The <b>UN Secretary-General</b> has explained that this prohibition of incitement should be understood to apply to the broader categories of prohibited discrimination, including sexual orientation, gender identity and intersex status.</p>	<p>In 2014, the ACHPR urged member States to enact and apply "appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identity."</p> <p><i>(Resolution 275 on Protection against Violence and other Human Rights Violations against Persons based on their real or imputed Sexual Orientation or Gender Identity)</i></p>

### What do the international media guidelines say about hate speech?

Across Southern Africa, *media coverage* of LGBTQI+ persons is often negative, using hurtful terminology and stereotypes and reporting inaccurate information. International law provides a relatively limited set of provisions to protect LGBTQI+ persons against this sort of negative media representation. However, international codes of ethics for journalists provide a much stronger basis of protection for LGBTQI+ persons. The following section discusses several of these codes of ethics, including both regional and international guidelines.

Journalists have strong incentives to uphold these guidelines because press assemblies and other professional associations may rescind membership or press access to journalists or publications that do not uphold these ethical standards.

The following are examples of codes of ethics for journalists both regionally and internationally.

**EAST AFRICA FREE PRESS  
 ASSEMBLY CODE OF  
 ETHICS**

Section 3:

“The mass media shall avoid prejudiced, pejorative or stigmatising language in reference to, among other things, a person’s nationality, ethnicity, class, religion, political affiliation or sex, or to any physical or mental illness or disability. Such references shall be eschewed unless they are germane to a story.”

**THE INTERNATIONAL  
 PRINCIPLES OF  
 PROFESSIONAL ETHICS IN  
 JOURNALISM**

The ethical commitment to the universal values of humanism calls for the journalist to abstain from any justification for, or incitement to, wars of aggression and the arms race, especially in nuclear weapons, and all other forms of violence, hatred or discrimination, especially racialism and apartheid, oppression by tyrannical regimes, colonialism and neo-colonialism, as well as other great evils which afflict humanity, such as poverty, malnutrition and diseases.

**THE DECLARATION  
 OF PRINCIPLES ON  
 THE CONDUCT OF  
 JOURNALISTS**

Section 7:

“The journalist shall be aware of the danger of discrimination being furthered by the media and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.”

## Possible Complaints Mechanisms

Different complaints processes have different roles and offer different remedies or outcomes. Deciding whom you should complain to will depend on your needs.

**INTERNAL COMPLAINTS**

Internal complaints can be reported directly to the media company that violated your rights. Internal complaints are effective to achieve an immediate resolution, for example, a correction or retraction.

*Internal complaints can be informal or formal:*

An *informal complaint* would be when you call the editor, state your concern, and request a correction or retraction.

A *formal complaint* is usually made in writing either to the editor or to the Ombud at the company.

**EXTERNAL COMPLAINTS**

External complaints are made outside of the media company with an independent body that has an interest in protecting rights and regulating the media industry. External complaints are useful to address concerns around systemic discrimination.

*External complaints processes include:*

- Complaining to *specialised bodies* which regulate the media, such as a media commission.
- Complaining to the *Human Rights Commission*, in case of a complaint about a human rights violation by any person or organisation.
- Complaining to the *Ombud*, in the case of complaints about injustice, unfairness or human rights violations by government departments, facilities and people who work for the government.
- Complaining to the *journalists’ association* where a journalist breached the ethical code of conduct.
- Taking the case to *court* where damages were incurred because of the complaint or where you seek an interdict.
- Opening a case with the *police* where the complaint amounts to a criminal offence such as incitement to violence. The police will investigate the crime and, if appropriate, arrest the person who committed the crime. This person may then be charged in court, and, as the complainant, you can be called to give evidence as a witness. The police can also offer protection to complainants or witnesses. Where the police refuse to investigate, this can be taken up with the Station Commander internally, with the Independent Police Complaints Commission, or by launching a private prosecution.

Here are some general differences between making a complaint and taking a case to civil court:

#### About the process

- **Complaint:** Less formal – you can make a complaint on your own without a lawyer.
- **Court:** More formal – there are strict rules about time, procedure and how things are presented in court, and you will usually need a lawyer to assist you.

#### Advantages

- **Complaint:** Complaints processes are usually quicker and cheaper than court processes.
- **Court:** Courts can set a new standard for how all people should be treated.

#### Disadvantages

- **Complaint:** Some complaints processes may not be effective.
- **Court:** Going to court can take a long time and can be very expensive.

## The Complaints Process

A complaints process has four steps:

1. **Before you complain** – the incident leading to the complaint and deciding on the best way to handle it.
2. **Making your complaint** – how to present your complaint and what to include in it.
3. **During the complaint** – what to expect while your complaint is investigated and decided.
4. **After the complaint** – what to do if you are unhappy with the result.

### Before you complain

Start as soon as possible. If you have identified a case and you want to make a complaint, you should start the process as soon as possible.

Complaints bodies should be able to guide you on the procedure for making and handling complaints. Ask for guidance on how to make a complaint before you begin.

*It can be challenging to decide which complaints process is right for you. Key factors will be:*

- The facts of your case.
- Your safety and privacy.
- The remedies you want.

### The facts of your case: key questions

1. Does the complaint involve something that is a criminal case?
2. Is there a specialised body that you can approach?
3. Is the complaint about a journalist?
4. Have your human rights been violated?
5. Are you able to travel to make a complaint?

## Safety and privacy

Safety is an important concern when choosing a complaints process.

If you are concerned about your safety or if you don't want people to know about your complaint, you should choose a complaints process that will allow you to make an anonymous or confidential complaint.

### What is the difference between confidentiality and anonymity?

- **Anonymity** means that it is not possible to identify the individual behind the complaint. This happens when no personal information is given that might link the complaint to the complainant.
- **Confidentiality** means that, although personal information about the individual behind the complaint is given, that information must be kept safe. Therefore, it should not be disclosed unless it is necessary, and it may not be shared with anybody who is not directly involved in handling the complaint.

*When you want to stay anonymous as a complainant:*

- No personal information should be in the complaint. Personal information is any information that identifies you or could identify you as an individual, including your name, where you live, or any information about your health condition, age, gender or sexual orientation that might be used to identify you.
- Removing personal details from a complaint may mean that the information in the complaint is not complete. But if it is your wish to remain anonymous, your decision must be respected.

*Handling your complaint confidentially:*

- You can ask that the complaint is handled confidentially, and that all personal information is treated as private.
- In handling the complaint, the complaints body should then make every effort to treat all personal information in the complaint as privately as possible. The complaints body should also try make sure that none of the personal information is leaked to anybody who is not involved in the complaints process, including the media.

*Other ways of protecting yourself:*

- You can ask someone you trust to make the complaint on your behalf to feel safer in making a complaint.
- You can ask a family member, friend or community organisation to make a complaint on your behalf if you are worried about making the complaint yourself.
- Some complaints processes have the power to issue interim orders. Interim orders can be made as soon as a complaint is made before it is thoroughly investigated and decided. Thus, they protect you from harm during the complaints process.

### Some critical questions about safety and privacy before you make a complaint:

#### 1. Is it important that your identity is kept secret?

- If you do not want to be identified during the complaints process, you need to find a complaints process that will protect your anonymity or confidentiality.
- Make sure you inform the complaints body about your need for confidentiality and that your details are not disclosed to any other person or the media.

#### 2. Do you want to make a complaint yourself, or do you want a family member, friend or community organisation to make the complaint on your behalf?

- Does the complaints process allow for a complaint to be made on behalf of someone else?
- If yes, you must give your permission before someone else can make the complaint for you.

#### 3. Will the complaint make the person you are complaining about angry?

- Is there a chance the people you are complaining about will attack, intimidate or harass you or any of the witnesses involved?
- If you think that anyone might try to harm, intimidate or harass you or any of the witnesses involved in the complaint, inform the complaints body about this and ask for help.

#### **4. Are there family members or friends who can support and assist you with the complaint?**

- It can be helpful to tell trusted family and friends that you have made a complaint so that they can give you support through the process.

## Remedies

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An effective complaints body should have the power to investigate complaints, gather evidence and provide an appropriate remedy or solution to help you.

Different complaints processes offer different kinds of remedies and options for remedies.

### *Questions to help choose a complaint process*

1. *Is it important that your complaint is handled as quickly and urgently as possible?*
  - If your complaint is time-sensitive, you should take it to a complaints process that can resolve it very quickly.
  - Internal complaints processes are sometimes much quicker than external processes.
2. *What kind of remedy do you want? Options:*
  - An apology.
  - A correction.
  - A retraction.
  - A policy changes.
  - Training for journalists and other media professionals.
  - Money as compensation.
  - An order that a journalist or other individual is disciplined or suspended.
3. *Do you know of any other people who have had similar experiences from the same institution?*
  - In cases where many people have the same complaint, it might be better to complain to an external body, like a health professions council or a human rights body. This is because external bodies have more power to recommend training and changes in law or policy to prevent the situation from happening again.

## Making your complaint

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### *How should I make a complaint?*

Depending on the complaints process you are using, complaints are usually made face-to-face, in writing, over the telephone or through a combination of these ways.

Generally, complaints should be in writing, although sometimes the complaints body will accept a verbal complaint and write down the details for you. If you make a complaint verbally, ask for a copy of the written record of the complaint.

Before making a complaint, it is good to check whether there is a standard complaint form you should use.

### *What must be in the complaint?*

Whether the complaint is made verbally or in writing, this information should be in your complaint:

## Checklist:

- Name and contact details of the person making the complaint or someone else who can be contacted if you wish to remain anonymous.
- The date on which you are making the complaint.
- The date of the events that you are complaining about.
- All the facts that caused you to want to make a complaint in the order that they happened.
- Specific information about poor treatment or discriminatory attitudes and how this has affected you. If you think that one of your human rights was violated, say this.
- If you tried to make an informal complaint, you should mention this, the date, and the response to your complaint.
- What kind of outcome or remedy you want, for example an apology, compensation.
- Whether or not you are willing to give further information or oral (verbal) evidence about the case.
- If your complaint is urgent and you want it to be handled quickly, you should explain why it should be handled urgently.
- Statements from any witnesses, or give details of who the witnesses are and how they can be contacted.
- Suppose your case is serious and you think you might want to take the case to court at a later stage. In that case, you should include this statement in your complaint: *"The information in this complaint is given without prejudice to my rights to take any further action, including legal action, at a later stage."*
- If your complaint is in writing, you should sign it. If you are not able to sign it, a thumbprint is often also accepted.

**Important! You should keep copies of all your written communications with the person or facility you are complaining against, even if you do not include these in your complaint. However, if you do want to include these communications in your complaint, include a copy and keep the original somewhere safe.**

## Note:

- If the complaint is made on behalf of somebody else, mention this in the complaint.
- You should also mention that you have permission from the person on whose behalf you are making the complaint.
- If they have not given you permission to use their name, you should say that the person behind the complaint wishes to remain anonymous.
- Be careful to verify the information before filing a complaint on someone else's behalf. Making false allegations against someone in public can expose you to legal action.

## During the complaint

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### *What to expect after you have made a complaint*

After a complaint has been made to a complaints body, you should be given an acknowledgement (a formal note or receipt) that the complaint has been received. You should ask to receive this acknowledgement in writing.

After making a complaint, you usually have the right to receive updates on the progress of the complaint. The complaints body should give you information about where your complaint is in the complaints process, for example: is it being investigated?

### *Tips for following up on your complaint:*

- Ask for the name and contact details of the person who will handle the complaint.
- Ask for a reference number for the complaint.

### *The investigation and enquiry*

After you have made a complaint and the complaints body has recorded it, it will begin an investigation of all the facts:

- If you left any important details out of your complaint, the person or body investigating the complaint might contact you if they need more information.
- If any of your contact details change, make sure you inform the complaints body.
- You or any witnesses might be asked to give evidence about the complaint.
- If you submitted your complaint about a professional, you might be asked to explain your side of the story at a disciplinary hearing.
- What you say at a disciplinary hearing will help the complaints body decide whether they need to suspend or discipline a media professional or, in extreme cases, prevent them from practising. The disciplinary hearing is usually closed to the public.

During the investigation and enquiry stage, you can ask for information on how far the complaint process has gone.

### *The decision*

After the complaint has been investigated, the complaints body will decide the complaint. Depending on the complaints body that you took your complaint to, different orders can be made at this stage on what remedies to give.

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## After the complaint

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Here are a few options if you are unhappy with the outcome of your complaint or the way it was handled:

### *Referring the complaint to a different complaints body*

It may be possible to take your complaint to a different complaint body.

### *Escalating your complaint*

If you made a complaint internally, you could escalate the complaint to someone higher.

### *Taking your complaint to the court*

If you are unhappy with the way your complaint was handled, or you feel that the procedure was unfair or the decision was wrong, you may have the right to go to court:

- Taking a case to court can be expensive and time-consuming.
- You may need the help of a lawyer.
- You will have to move quickly to take the case to court, as there are usually time limits for how long you can take to go to court after a decision by the complaints body.
- If your case failed at the complaints body because there was not enough evidence, it might be risky to go to court. If you lose in court, you may have to pay the legal costs of the other side.

## Country Analysis

This section analyses the specific laws and ethical codes in Eswatini, Malawi, and Zimbabwe. It looks at the various complaint mechanisms available in each country. It provides a guideline of how to complain if a member of the LGBTIQ+ community believe their rights have been violated. The media has a vital role in countering hate speech narratives and promoting tolerance, non-discrimination, pluralism, and freedom of opinion and expression. Sometimes, however, reporting can feed into such narratives, for example, when the media discriminates against a person without properly contextualizing their story.

Where a published statement does not reach the standard of criminal hate speech, individuals may still have a remedy by reporting and filing a formal complaint regarding the published statement to their domestic Ombudsperson/Human Rights Commission or available alternative body. When and how to report an individual journalist or media house for hateful speech varies considerably from country to country within the Southern African region, depending on each country's constitutional provisions, domestic codes of ethics, as well as their complaints procedures.

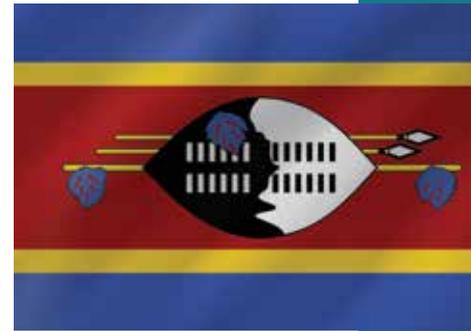
Hateful content that has been published may sometimes warrant a lawsuit for defamation and slander. Individuals who believe they may have a valid claim for hate speech should refer to the "Domestic Complaint Mechanisms" sections below or approach their domestic Ombudsperson or Human Rights Commission before considering approaching the courts for a possible lawsuit for defamation.

The process of requesting a retraction of a statement varies from country to country. While the same constitutional provisions and media guidelines govern both retractions and complaints, the process by which retractions are requested and granted are quite different.

Unless formally ordered by a judge in a suit for defamation, slander, libel, or hate speech, retractions are generally granted by the media house themselves rather than by the courts. If an individual believes that their constitutional rights have been violated by a statement in the media or believes that such a statement violates domestic or international media ethics, simply raising this with the media house may sometimes be enough for them to retract the statement. Additionally, individuals may contact the relevant Media Association or Ombudsperson to pressure the publication or journalist.

If all else fails, an individual may bring a civil suit for defamation, for which the primary remedy would be a retraction of the defaming statement.

# Eswatini



## Applicable Laws

### CONSTITUTION OF ESWATINI

#### Right to Equality

#### Section 20(1) and (2) of the Eswatini Constitution:

*“(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.*

*“(2) For the avoidance of any doubt, a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed, or religion, or social or economic standing, political opinion, age or disability.”*

Although the Constitution does not explicitly mention sexual orientation or gender identity, that does not mean that persons can be refused rights based on their sexual orientation or gender identity. In *Satellite Investments v Dlamini and Others*, [2011] SZICA 5, paras 25-26, the Industrial Court of Appeal in Eswatini held that the prohibited grounds of discrimination are not exhaustive.

See also section 4 of the Children’s Protection and Welfare Act: *“A child shall not be discriminated against on the grounds of gender, race, age, religion, disability, health status, custom, ethnic origin, rural or urban background, birth, socio-economic status, refugee status or other status.”*

#### Right to Dignity

#### Section 18(1) of the Eswatini Constitution:

*“The dignity of every person is inviolable.”*

A person’s dignity is seriously degraded in cases where their identity and sexual orientation is repudiated and stigmatised by the State and society, or where LGBTQI+ persons are insulted, denied employment, and discriminated against based on their sexual orientation, gender identity or gender expression.

**Freedom of Expression**
**Section 24 of the Eswatini Constitution:**

*“(1) A person has a right of freedom of expression and opinion.*

*(2) A person shall not except with the free consent of that person be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media, that is to say —*

*(a) freedom to hold opinions without interference;*

*(b) freedom to receive ideas and information without interference;*

*(c) freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons); and*

*(d) freedom from interference with the correspondence of that person.*

*(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision —*

*(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;*

*(b) that is reasonably required for the purpose of —*

*(i) protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings;*

*(ii) preventing the disclosure of information received in confidence;*

*(iii) maintaining the authority and independence of the courts; or*

*(iv) regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television or any other medium of communication; or*

*(c) that imposes reasonable restrictions upon public officers, except so far as that provision or, as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in a democratic society.”*

**CRIMES ACT**
**Publishing or Threatening to Publish Defamatory Matter with Intent to Extort Money**

Section 74 of the Crimes Act:

*“Any person who publishes or directly or indirectly threatens to publish or directly or indirectly proposes to abstain from publishing or directly or indirectly offers to prevent the publication, of any defamatory matter concerning any other person with intent to extort any property from such person or any third person or with intent to induce any person to give or confer or procure or to attempt to procure to, upon or for any person any property or benefit of any kind, shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or imprisonment not exceeding three years.”*

**Communication Containing Threats**

**Section 82 of the Crimes Act:**

*“Any person who writes or transmits or knowingly is a party to the writing or transmission of a communication containing threats of bodily injury to a person or indecent or obscene matter, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or, in default of payment thereof, imprisonment not exceeding six months.”*

## BROADCASTING GUIDELINES

<b>General Guidelines in Programming</b>	<p><b>Section 7.1(1)(f) of the Broadcasting Guidelines Services:</b></p> <p><i>(1) A licensee shall, in the broadcasting of a licensed service by that licensee, comply with the following requirements – (f) that the programmes of the licensee do not encourage or foster hatred or racial tension.”</i></p>
<b>Editorial Policy</b>	<p><b>Section 9(2) of the Broadcasting Guidelines Services:</b></p> <p><i>“The editorial policy of the Licensees shall - promote or perpetuate hate speech, messages or any prejudices against any person or group of persons.”</i></p>
<b>Violence and Hate Speech</b>	<p><b>Section 10.2(3)(c) of the Broadcasting Guidelines Services:</b></p> <p><i>“Broadcasting service licensees must not broadcast material which, judged within context, amounts to [...] the advocacy of hatred that is based on race, ethnicity, religion or gender and constitutes incitement to cause harm.”</i></p>

## BROADCASTING CODE

<b>Guidelines for Advertisements</b>	<p>Section 4 of the Eswatini Communications Commission Broadcasting Code:</p> <p><i>“4.6.8 Advertisements must not condone or encourage harmful, discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.</i></p> <p><i>4.6.9 Advertisements must not condone or encourage violence, crime, disorder or anti-social behaviour.</i></p> <p><i>4.6.14 Individual living persons shall not normally be portrayed or referred to in commercial communications without their permission. However, references to living persons may normally be made in commercial communications for books, films, radio or television broadcasts, newspapers, magazines etc., which feature the persons referred to in the communication, provided they are not offensive or inaccurate.”</i></p>
<b>Privacy</b>	<p>Section 8 of the Eswatini Communications Commission Broadcasting Code:</p> <p><i>“8.2.1 The right to privacy of individuals shall be respected. Intrusion into purely personal matters which have no bearing on the public interest is prohibited.</i></p> <p><i>8.2.4 News coverage must not violate nor interfere with an individual’s right to be presumed innocent until proven guilty.</i></p> <p><i>8.2.5 Care and reasonable discretion should be exercised in disclosing the identities of persons, by face or by name, so as not to harm their reputation and safety. Proper labelling of a person as a “suspect,” “alleged perpetrator,” “accused,” or “convict(ed),” is required.”</i></p>

**JOURNALISTS' CODE OF ETHICS**

**Respect for Privacy and Human Dignity** Article 5(3) of the Journalists' Code of Ethics:

*"[a] journalist should guard against defamation, libel, slander and obscenity."*

**Hate Speech** Article 13 of the Journalists' Code of Ethics:

*"Journalists shall avoid by all means the publication of speech that might promote hatred, spite and conflict amongst the Swazi or any other nation."*

**Note:** The Swaziland National Association of Journalists (SNAJ), with the Swaziland Editors Forum and journalistic professionals, created a code of conduct called the *Swaziland National Association of Journalists' Code of Ethics*. There is no oversight or monitoring body for investigating complaints that refer to it.

**ELECTIONS ACT**

**Use of Foul Language** Section 42 of the Elections Act:

*"(1) A person shall not, whether in a general or organized campaign, use any language –*

- (a) which constitutes incitement to public order, insurrection or violence;*
- (b) which is defamatory or insulting or which contains incitement to hatred; or*
- (c) which seeks to excite or promote disharmony, enmity or hatred against any person.*

*(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding five thousand Emalangeni or to imprisonment for a period not exceeding one year or both."*



# Domestic Complaints Mechanisms

## Eswatini Human Rights Commission (EHRC)

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The EHRC investigates complaints about violations of the Constitution of Eswatini. The EHRC is an independent commission and is not subject to the direction or control of any person or authority. However, the EHRC shall not investigate any matter leading to, resulting from or connected to the decision of a Minister or the government's policy under which the ministerial decision was made.

### How should I complain?

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Complaints should be made in writing through the office of the commissioner (e.g., by letter):

- Physical address: Mbabane Office Park, Sibekelo Building
- Postal address: P.O. Box 8795, Mbabane, Eswatini,
- Tel: (+268) 24049829 / 24047625 / 24049152
- Fax: (+268) 24049374

### What are the powers of the EHRC?

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- To issue subpoenas requiring the attendance of any person before the commission and the production of any document, record or thing required for the investigation by the commission;
- To fine any person for contempt of any subpoena order, or cause that person to be brought by a competent court for the enforcement of the subpoena or order of the commission;
- To question any person in respect of any subject matter under investigation before the commission; and
- To require any person to disclose truthfully and frankly any information within that person's knowledge relevant to any investigation by the commission.

### What remedies can the EHRC provide?

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- Investigating complaints and publicising findings and recommendations.
- Negotiations and finding a compromise between parties.
- Referring the matter to the Director of Public Prosecutions or the Attorney Genal for appropriate action.
- Challenging the validity of a particular piece of legislation or regulation.

The ECHR has the discretion whether to initiate, continue or discontinue an investigation. If the EHRC decides not to investigate or discontinues a matter, the complainant must be informed, and reasons for not investigating the matter must be provided.

## Eswatini Communications Commission (ESCCOM)

Every consumer of information and communication technology products, including TV and radio *broadcast services*, is entitled to fundamental rights, regardless of their status in society.

ESCCOM's *broadcasting responsibilities* include:

- Development of society, gender equality, nation-building, provision of education, and strengthening society's spiritual and moral fibre.
- Ensure the plurality of news, views, and information and provide a wide range of entertainment and education programmes.

## How should I complain?

Complaints should be made in writing through the office of the commissioner.

A *complaints form* is available on the ESCCOM website:

- P.O. Box 7811 Mbabane
- 4th Floor, Sibekelo Building, Block 1, Mbabane Office Park
- via the online form on the ESCCOM website
- <https://www.esccom.org.sz/consumers/complaints-form/>
- via email: [info@esccom.org.sz](mailto:info@esccom.org.sz)

A complaint should include the name, physical address, contact details of the complainant, name and contact details of the service provider, full details of the complaint and attachments about the complaint.

Complaints need not specify the section of the Code to which the complaint relates but must adequately identify the material broadcast and the nature of the complaint. In the case of a complaint under the Broadcasting Code, complaints must be brought within three months of the broadcast. After that, the commission has the power to conduct the hearing in private.

## Powers of the commission

- Recognise, promote and protect the consumers' right to comment and complain about their dealing with service providers.
- Provide and publicise the process for resolving consumer complaints.
- Issue interim orders pending the finalisation of investigations, including an order that the licensee stops specific conduct that is harmful.

## Domestic Media Outlets to Lodge a Complaint

MEDIA OUTLET	EMAIL ADDRESS	TELEPHONE NUMBER	CONTACT DETAILS TO LODGE A COMPLAINT
Eswatini Times	EswatiniTimes@gmail.com	+26869284929	letters@times.co.sz
Swazi Observer	info@observer.org.sz	N/A	info@observer.org.sz
The Nation	N/A	24041480	N/A
SBIS		24061000	24061000
The Independent	info@independentnews.co.sz		

# Malawi



## Applicable Laws

### MALAWI CONSTITUTION

#### Right to Equality

#### Section 20(1) of the Malawi Constitution:

*“Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition.”*

Malawian case law supports the view that “other status” in section 20(1) is open to other statuses that are not explicitly mentioned in the Constitution. In *Banda v Lekha* (277 of 2004) [2005] MWIRC 44, the Industrial Court of Malawi found that the anti-discrimination provisions extend to HIV status, although this is not explicitly stated in the Constitution. International human rights treaties also support a similar view that “other status” extends to sexual orientation and gender identity.

#### Right to Dignity

#### Section 19(1) of the Malawi Constitution:

*“The dignity of all persons shall be inviolable.”*

#### Constitutional Principles

#### Section 12(1)(e) of the Malawi Constitution:

*“all persons have equal status before the law.”*

#### Access to Justice and Legal Remedies

#### Section 41(1) of the Malawi Constitution:

*“Every person shall have the right to recognition as a person before the law.”*

### PENAL CODE

#### Proposing Violence at Assemblies

#### Section 87 of the Penal Code:

*“(1) Any person who, without lawful excuse, at any assembly makes any statement or behaves in any manner which is calculated or is likely to incite or induce the persons assembled—*

*(a) to kill or do physical injury to any person or to any class or community of persons, or*

*(b) wilfully to destroy or do any damage to any property; or*

*(c) to deprive any person of the possession or use of any property either permanently or temporarily,*

*shall be guilty of a misdemeanour and shall be liable to imprisonment for five years.*

*(2) In this section, the word “assembly” means an assembly of three or more persons.”*

**Intimidation Section 88 of the Penal Code:**

*“(1) Any person who—*

*(a) by word, attitude, manner or conduct, threatens another with any injury to his person, reputation or property or to the person, reputation or property of anyone in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or to prevent that person from carrying out any duties or work essential to the maintenance of public security, public tranquillity or public order or to the maintenance of essential services, as a means of avoiding the execution of such threat; or*

*(b) in the like manner and with the like intention threatens persons generally or any class or description of persons; or*

*(c) is the publisher, editor or printer of any newspaper, pamphlet or other document containing any such threat as is referred to in paragraph (a) or (b); or*

*(d) is the writer of, or directly or indirectly causes any person to receive, any letter, writing or other document containing any such threat as is referred to in paragraph (a) or (b), shall be guilty of an offence.*

*(2) For the purposes of this section, a person is deemed to print a newspaper, pamphlet or other document if he prepares it by printing, lithography, typewriting, photography, or any other mode of reproducing matter.*

*(3) Any person who commits an offence against subsection (1), shall be liable to a fine of £500 and to imprisonment for five years and for a subsequent offence to imprisonment for seven years; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to seven years, shall be liable to imprisonment for ten years.”*

**COMMUNICATIONS ACT****Regulation for Content Services Section 22(a) of the Second Schedule of the Communications Act:**

*“...not broadcast any material that is indecent or obscene or offensive to public morals, including abusive or insulting language, or offensive to religious beliefs of any section of the population, or likely to prejudice the safety of the Republic or public order and tranquillity.”*

**GENDER EQUALITY ACT****Prohibition of discrimination based on sex Section 4 of the Gender Equality Act:**

*“(1) A person shall not:*

*a) Treat another person less favourably than he or she would treat a person of his or her own sex; or*

*b) Apply to the other person an exclusion, distinctions or restriction which applies or could apply to both sexes, but –*

*(ii) Which is such that the proportion of one sex who can comply with it is considerably smaller than the proportion of the opposite sex who can comply with it;*

*(ii) Which he or she cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and*

*(iii) Which is to the detriment of the other person because he or she cannot comply with it, with the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of the rights and fundamental freedoms of that person.*

*(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of one million Kwacha (K1,000,000) and a term of imprisonment for five (5) years.”*

## ACCESS TO INFORMATION ACT

<b>Personal Information</b>	<p><b>Section 2 of the Access to Information Act:</b></p> <p><i>“personal information means information about an identifiable individual including –</i></p> <p>Information relating to the race, colour, sex, language, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition of the individual...”</p>
<b>Protection of Information</b>	<p><b>Section 31 of the Access to Information Act:</b></p> <p><i>“An information holder may refuse to disclose information that has been requested where disclosure of that information has a real likelihood of endangering the life, health or safety of a person.”</i></p>

## ELECTRONIC TRANSACTIONS AND CYBER SECURITY ACT

<b>Limitations to freedom of communication</b>	<p><b>Section 24 of the Act:</b></p> <p><i>“(1) Subject to this Act, there shall be no limitations to online public communication.</i></p> <p><i>(2) Notwithstanding the provisions of subsection (1), online public communication made be restricted in order to –</i></p> <p><i>(b) prohibit incitement on racial hatred, xenophobia or violence; (c) prohibit justification for crimes against humanity;</i></p> <p><i>(d) promote human dignity and pluralism in the expression of thought and opinions.”</i></p>
<b>Prohibition of Offensive Content</b>	<p><b>Section 87 of the Act:</b></p> <p><i>“Any person who wilfully and repeatedly uses electronic communication to disturb or attempts to disturb the peace, quietness or right to privacy of any person with no purpose of legitimate communication whether or not communication ensues, commits a misdemeanour and shall, upon conviction, be liable to a fine of K1,000,000 and to imprisonment for 12 months.”</i></p>
<b>Cyber Harassment</b>	<p><b>Section 86 of the Act:</b></p> <p><i>“Any person who uses any computer system and continues –</i></p> <p><i>making any request, suggestion or proposal which is obscene, lewd, lascivious or indecent; or</i></p> <p><i>threatening to inflict injury or physical harm to the person or property of any person; or</i></p> <p><i>knowingly permits any electronic communications device to be used for the above purposes,</i></p> <p><i>commits an offence known as cyber harassment and shall, upon conviction, be liable to a fine of K2,000,000 and to imprisonment for 5 years.”</i></p>
<b>Cyber Stalking</b>	<p><b>Section 88 of the Act:</b></p> <p><i>“Any person who wilfully, maliciously and repeatedly uses electronic communication to harass another person and makes a threat with the intent to instil reasonable fear in that person for his safety or to a member of that person’s immediate family, commits an offence known as cyberstalking and shall, upon conviction, be liable to a fine of K1,000,000 and to imprisonment for 12 months.”</i></p>

In terms of section 96 of the Act, any person affected by the above criminal offences may lodge a complaint with MACRA, who shall then direct a cyber inspector to assess the complaint. A complaint can also be lodged by any organisation whose members are affected by the offence, in which case the Authority must keep the organisation informed of the investigations.

## PARLIAMENTARY AND PRESIDENTIAL ELECTIONS ACT

### Ethical norms during campaigning

#### Section 61(1) of the Act:

*"no person shall in campaigning in an election use language which is inflammatory, defamatory or insulting or which constitutes incitement to public disorder, insurrection, hate, violence or war."*

**Note: Section 43 of the Local Government Elections Act 1996 also forbids campaigners from using such deleterious language.**

Nation Publications Limited is the Group that publishes The Malawi Nation, which is a prominent newspaper in Malawi. The *Malawi Nation's Editorial Policy* provides guidelines for journalists to avoid discrimination and breach of privacy: This is a good example of a particular media house's internal policies which hold the publication to a certain standard of care.

*"Nation Publications shall not place gratuitous emphasis on the race, nationality, religion, colour, country of origin, gender, sexual preferences, marital status, political views or intellectual or physical disability of either individuals or groups unless the fact is relevant."*

*"Nation publications shall avoid prejudicial or pejorative reference to a person's race, religion, sex or sexual orientation or any physical or mental illness or disability."*

*"Nation publications shall avoid publishing details of a person's race, colour, religion, nationality, country of origin, sex or sexual orientation, marital status, political views or intellectual or physical disability unless these are directly relevant to the story."*

*"Nation publications, in both news and comment, shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that any right to privacy or breach of confidence may be overridden by a legitimate public interest."*

In addition, the Editorial Policy places an obligation on publications to distinguish between fact and opinion. It requires that "news reports shall be free from the author's or the newspaper's opinion or bias of any kind." Specifically, it requires that "reporters shall exercise due care and responsibility with regard to the presentation of brutality, violence and atrocities."

If there have been concerns, complaints can be raised, and the Editorial Policy undertakes to "make amends for publishing information or comment that is found to be harmfully inaccurate by printing, promptly and with appropriate prominence, a retraction, correction or explanation"; provide an apology and provide a fair opportunity of reply.

## Domestic Complaints Mechanisms

### MEDIA COUNCIL OF MALAWI

The Media Council of Malawi is mandated to 'promote self regulation and professionalism in the media industry' in Malawi. The council accredits journalists and media companies, hears complaints and deploys an Ombud in newsrooms. The complaints committee consists of three media representatives and two public representatives of which one shall be a representative from the Malawi Law Society.

### How should I complain?

Contact the respective provider of the service with a call or written complaint to obtain a complaint reference number.

The Media Council does not prescribe a specific complaint procedure. It can be contacted via a message on its website: <https://www.mediacouncil-mw.org/contact/>

Alternatively, the Media Council provides the following contact information:

Address:

Media Council of Malawi  
Mtolankkhani House, Acacia Lilaga  
Off Old Airport Road  
P.O Box 30463  
Lilongwe, Malawi

Email:

[info@mediacouncil-mw.org](mailto:info@mediacouncil-mw.org)

Telephone:

+265 88 887 7999

## Remedies

Under the Media Council's constitution, 'all complaints shall be disposed of with urgency and in any event not later than two months after receipt of such complaint'. The committee shall aim at resolving the matter through mediation and negotiation and shall only resort to adjudication where such mediation and negotiations have failed.

Upon determination of a complaint, the committee may

- censure
- order an apology
- order publication of the corrected version of the article from which the complaint arose
- order full publication of the results of the hearing.

## Malawi Communications Regulatory Authority (MACRA)

MACRA is responsible for "*any complaint or dispute relating to electronic communications and postal services*". This includes complaints regarding broadcast material on television and radio. If the complainant is interested in the subject matter of the complaint, and it is not "frivolous or vexatious", MACRA shall investigate the complaint. In addition, MACRA can investigate complaints relating to "*disputes between licensees and the public involving alleged breaches of the Act, regulations, rules or licences*".

## How should I complain?

Contact the respective provider of the service with a call or written complaint to obtain a complaint reference number.

Complaints can be made in writing (max. two pages) and include the complainant's name, physical address, and phone number. Email address and complaint reference number (service providers should provide a complaint reference number). Copies of all documents about the complaint should also be provided and a brief explanation of the complaint.

Complaints can be made to:

- **Malawi Communications Regulatory Authority:** 9 Salmin Armour Road, Ginnery Corner;

By post:

- **Malawi Communications Regulatory Authority:** 9 Salmin Armour Road, Private Bag 261, Blantyre

Via phone or fax

- (+265 (0) 1 812912 or 01 812 890

Via website at: [www.macra.org.mw](http://www.macra.org.mw) or [consumer-help@macra.org.mw](mailto:consumer-help@macra.org.mw)

In terms of the Electronic Transactions and Cyber Security Act, any person who claims that a published electronic message is unlawful or infringes their rights shall notify the intermediary service provider of such message. Such notice must contain the information stipulates in section 30(5) of the Act. Section 32 of the Act further allows a person who is directly or indirectly identified in online public communication the right to demand publication of his response, in addition to requesting a correction or deletion of the content. The request should be submitted to the editor in chief. The online editor must publish the response within 24 hours.

## Remedies

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After hearing a complaint, MACRA can make an order which may include any of the following:

- A compliance order requiring the person to comply with the provisions of the Communications Act 2016.
- A cease-and-desist order requires a person to stop or refrain from doing an act in contravention of the Communications Act 2016.
- A compensation order.
- Suspension or withdrawal of a licence for a maximum period of three years.
- Any other order considered appropriate by MACRA.

## Malawi Human Rights Commission (MHRC)

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The MHRC may investigate complaints about violations of the Constitution of Malawi or any other law. However, a case that is before a court cannot be heard by MHRC. A friend, family member or an NGO can make a complaint on behalf of someone else. The MHRC says that it treats all matters in a confidential way. If safety and privacy are important, ask how the complaint will be handled and whether any extra privacy or confidentiality steps can be arranged.

## How should I complain?

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- Complaints should be made in writing, either by letter or by filling out a standard complaints form available on the MHRC's website.
- Complaints can also be made in person by visiting the offices of the MHRC in Blantyre or Lilongwe. Your complaint should include the names and contact details of the complainant.

## Remedies

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After hearing a complaint, the MHRC can:

- Take a decision, make a recommendation or take any other action it believes is necessary.
- Order a settlement.
- Refer the complaint to another complaints process.
- Order mediation.
- Propose changes to law or policy.
- Refer the case to the police.
- Take the case to court on behalf of the complainant.

## OFFICE OF THE OMBUD

Complaints can be filed with the Office of the Ombud regarding abuse of rights or unfair discrimination related to broadcasting or media services. The Office of the Ombud handles "any and all cases of injustice", including widespread abuses. Still, they only have the power to investigate public offices that are related to the government.

**Note: The Ombud Office cannot help you complain about private actors that the government does not run. The Ombud also cannot help you with a complaint that falls under the jurisdiction of the MHRC. While the Office of the Ombud says it will keep the name of the complainant confidential, summaries of the cases heard by the Office are published each year in an annual report and on the internet, often with the name of the complainant.**

### How should I complain?

You can make a complaint in writing or verbally at any of the Ombud regional offices in Blantyre, Lilongwe, Balaka or Mzuzu, or directly to the national office.

Before complaining to the Office of the Ombud, you may be asked to try to resolve the complaint through internal complaints processes. State your complaint from what you have done to resolve the issue before coming to the Ombud, like speaking to the broadcasting service provider.

If making an internal complaint is not available to you or is not safe, you should mention this on your complaints form.

### Remedies

- After investigating your complaint, the Office of the Ombud will decide. This may include recommendations.
- The Office of the Ombud does not have the power to force others to obey its recommendations.

## Domestic Media Outlets to Lodge a Complaint

MEDIAL OUTLET	WEBSITE	TELEPHONE NUMBER (+265)	CONTACT DETAILS TO LODGE A COMPLAINT
Nation Newspaper	<a href="http://www.mwnation.com">www.mwnation.com</a>	882135094	888954584
Nation Newspaper	<a href="http://www.mwnation.com">www.mwnation.com</a>	888601146	888954584
Times Group	<a href="http://www.times.mw">www.times.mw</a>	991808046	999558423
Zodiac	<a href="http://www.zodiakmalawi.com">www.zodiakmalawi.com</a>	996239992	999958289
Atlas	<a href="http://www.theatlas.mw">www.theatlas.mw</a>	999421595	998619881

# Zimbabwe



## Applicable Laws

### CONSTITUTION OF ZIMBABWE

<b>Right to Equality</b>	<p><b>Section 55(1) and (3) of the Constitution of Zimbabwe:</b></p> <p>(1) "All persons are equal before the law and have the right to equal protection and benefit of the law.</p> <p>(3) "Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock."</p>
<b>Right to Human Dignity</b>	<p><b>Section 51 of the Constitution of Zimbabwe:</b></p> <p>"Every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected."</p>
<b>Right to Privacy</b>	<p><b>Section 57 of the Constitution of Zimbabwe:</b></p> <p>"Every person has the right to privacy, which includes the right not to have -</p> <ol style="list-style-type: none"> <li>a. their home, premises or property entered without their permission;</li> <li>b. their person, home, premises or property searched;</li> <li>c. their possessions seized;</li> <li>d. the privacy of their communications infringed; or</li> <li>e. their health condition disclosed." </li></ol>
<b>Freedom of expression and freedom of the media</b>	<p><b>Section 61(5) of the Constitution of Zimbabwe:</b></p> <p>"Freedom of expression and freedom of the media exclude incitement to violence; advocacy of hatred or hate speech; malicious injury to a person's reputation or dignity; or malicious or unwarranted breach of a person's right to privacy."</p>

In 2019, the High Court of Zimbabwe **recognised** the right of transgender people and stated in *Nathanson v Mteliso & Ors.* that: "Transgender citizens are part of the Zimbabwean society. Their rights ought to be recognized like those of other citizens. Our constitution does not provide for their discrimination. It is nothing but delusional thinking to wish away the right of transgender persons."

**CRIMINAL LAW (CODIFICATION AND REFORM) ACT**

**Participating in gathering with intent to promote public violence, breaches of the peace or bigotry**

**Section 37 of the Criminal Law (Codification and Reform) Act:**

*(1) Any person who—*

*(a) acts together with one or more other persons present with him or her in any place or at any meeting with the intention or realising that there is a real risk or possibility of forcibly—*

*(i) disturbing the peace, security or order of the public or any section of the public; or*

*(ii) invading the rights of other people; or*

*(b) acting together with one or more other persons present with him or her in any place or at any meeting performs any action, utters any words or distributes or displays any writing, sign or other visible representation that is obscene, threatening, abusive or insulting, intending thereby to provoke a breach of the peace or realising that there is a risk or possibility that a breach of the peace may be provoked; or*

*(c) acting together with one or more other persons present with him or her in any place or at any meeting utters any words or distributes or displays any writing, sign or other visible representation—*

*(i) with the intention to engender, promote or expose to hatred, contempt or ridicule any group, section or class of persons in Zimbabwe solely on account of the race, tribe, nationality, place of origin, national or ethnic origin, colour, religion or gender of such group, section or class of persons; or*

*(ii) realising that there is a risk or possibility that such behaviour might have an effect referred to in subparagraph (i);*

*shall be guilty of participating in a gathering with intent to promote public violence, a breach of the peace or bigotry, as the case may be, and be liable to a fine not exceeding level ten or imprisonment for a period not exceeding five years or both.*

*(2) The crime of participating in a gathering with intent to promote public violence, a breach of the peace or bigotry is committed whether the action constituting it is spontaneous or planned in advance, and whether the place or meeting where it occurred is public or private.*

*(3) For the avoidance of doubt it is declared that where a person would be liable for contravening—*

*(a) paragraph (a) or (b); or*

*(b) paragraph (c);*

*of subsection (1), but for the fact that the person acted alone in a public place, the competent charge is disorderly conduct in a public place or causing offence to persons of a particular race, tribe, place of origin, colour, creed or religion, as the case may be, and not a contravention of a provision referred to in paragraph (a) or (b)."*

**ELECTORAL ACT**

**Section 6(b) of the Fourth Schedule of the Electoral Act:**

*"a) No political party or any of its members or supporters, and no candidate or any of his or her supporters, may discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political party."*

## CODE OF CONDUCT FOR ZIMBABWEAN MEDIA PRACTITIONERS

### Section 11 of the Code of Conduct for Zimbabwean Media Practitioners:

*“Media practitioners and media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origin, nationality, gender, sexual orientation, physical disability, religion or political affiliation.”*

*b) Media institutions must take utmost care to avoid contributing to the spread of ethnic hatred or political violence.”*

## Domestic Complaints Mechanisms

### Zimbabwe Human Rights Commission (ZHRC)

Section 243(1)(d) of the Constitution gives the Human Rights Commission the power to “receive and consider complaints from the public and to take such action regarding the complaints as it considers appropriate”. The Human Rights Commission Act helps to inform the operation, functions, and purpose of the Human Rights Commission. A friend, family member or an NGO can make a complaint on behalf of someone else. The ZHRC states that it treats all matters in a confidential way. If safety and privacy are paramount, ask how the complaint will be handled and whether any extra privacy or confidentiality steps can be arranged.

#### How should I complain?

Any person aggrieved by an actual or perceived human rights violation can submit a written complaint to the Human Rights Commission, which is authorised to undertake an investigation into the matter at hand. For a complaint to be considered, it must be lodged within three years of the action or omission that gave rise to it. In addition, any such complaint may be required to present accompanying evidence of the alleged human rights abuse.

Complaints can also be made on the [website](#) of the ZHRC.

#### Remedies

If, after the investigation, the Human Rights Commission is satisfied that a breach of human rights has occurred and other conditions are met, it will report its findings to the institution or person against whom the complaint was lodged and can make recommendations if deemed appropriate. It may also recommend that a complainant take legal action, request an authority or person to disclose the steps they have taken to remedy the relevant human rights violation or submit a special report to the Minister of Justice and Legal Affairs to give to the President and to table in Parliament. If it thinks appropriate, the Human Rights Commission can take legal action itself to remedy the human rights violation disclosed in a complaint made to it.

### Zimbabwe Media Commission

#### Section 42B (3) of the Access to Information and Protection of Privacy Act 2002:

Persons concerned by a possible breach of that Act, the Zimbabwe Media Code, or an injurious allegation made against them are empowered to complain with the Zimbabwe Media Commission, which can then investigate the complaint.

#### Remedies

The Zimbabwe Media Commission can take several steps, such as cautioning the journalist or media organisation, suspension, or order that a fine be paid, or refer the matter to the Zimbabwe Media Council. If that course of action is deemed inappropriate, the Zimbabwe Media Commission can take alternative disciplinary action, such as admonishing the person or media organisation in breach of the Zimbabwe Media Code or administer a fine.

## Electoral Commission

### Section 239(k) of the Constitution of Zimbabwe:

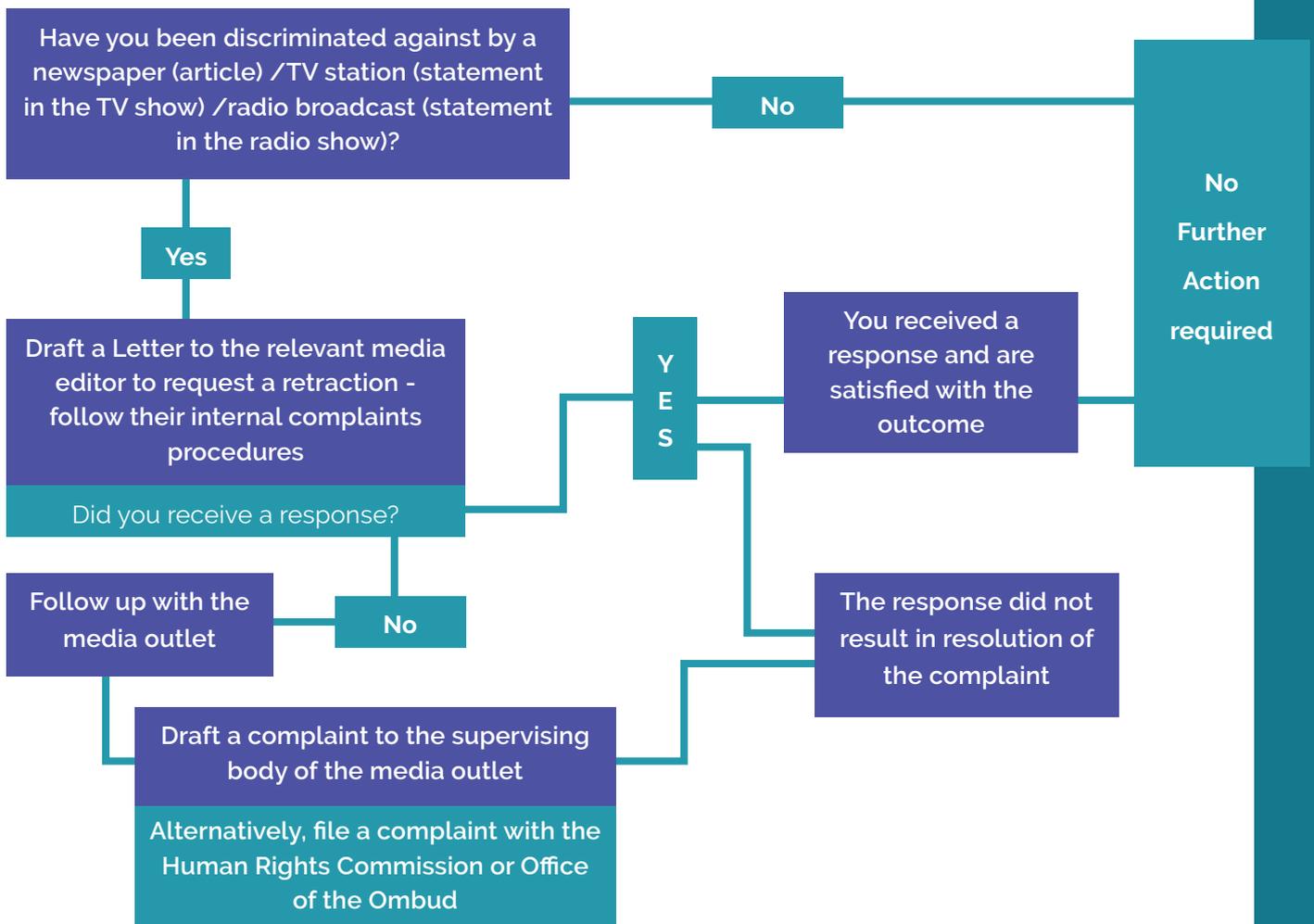
The Electoral Commission is furnished with the power to "receive and consider a complaint from the public and to take such action in regard to the complaints as it considers appropriate."

Complaints can also be made under the Electoral Act 2005 in matters of: Voting, vote counting and voter registration.

## Domestic Media Outlets to Lodge a Complaint

MEDIA OUTLET	EMAIL ADDRESS	WEBSITE	TELEPHONE NUMBER	CONTACT DETAILS TO LODGE A COMPLAINT
Community Radio Harare (CORAH FM)	<a href="mailto:corahfm@gmail.com">corahfm@gmail.com</a>	<a href="http://www.corah.live">www.corah.live</a> <a href="https://www.facebook.com/corahfm">facebook.com/corahfm</a>	+263773574140	+263772886969
Capitalk100.4FM0	@CapitalKFm	<a href="http://www.capitalkfm.co.zw">www.capitalkfm.co.zw</a>	+263 (242)442924	N/A
Voice of America – Studio 7		<a href="http://www.voazimbabwe.com">www.voazimbabwe.com</a>	+263785509295	N/A

## Flowchart for Lodging a Complaint



# Templates

## Press Release

### PRESS RELEASE

#### **Play 4 your rights: a project to combat sexism.**

Fighting sexism with a game: On the 8th March, COSPE launches the new three-year project, "Play *for your rights! Innovative media education strategies against sexism and discrimination.*"

Play aims to **combat hate speech of a sexist matrix**, stereotypes and gender discrimination among adolescents through (social) media education strategies and gaming. Play is a tool for change and learning for young people, involving them and supporting them to understand complex phenomena with creativity and imagination.

Adolescents are particularly exposed to online bullying, and women are the main victims of expressions of violence.

The EIGE (European *Institute for Gender Equality*) report entitled "Cyber Violence against women and girls (2017)" underlined that *women are the main targets of some forms of cyber violence compared to men. In a survey of over 9,000 German internet users between the ages of 10 and 50, women were significantly more likely than men to have been victims of online sexual harassment and cyberstalking, and the impact on them was far more traumatic for victims.*

The most usual forms with which this violence are perpetrated are the "Slut-shame", "body shame" with the most frequent insults being ugly, fat, whale, disgusting, bitch, whore, and the "porno revenge", the sharing explicit images or sex without consent as well as brutal and sexualized threats of death, rape and violence and offensive comments about sexuality, sexual orientation or gender roles.

The '**Play4your rights**' project, supported by the Erasmus Program of the European Union, unites and synergies the experiences and skills of **six different partners in four European countries** (*COSPE, Casa delle Donne per not subject to violence, Centro Zaffiria in Italy, Mediterranean Institute of Gender Studies in Cyprus, Women's Issues Information Centre in Lithuania, Medien+Bildung.com in Germany*), aims to counter this vicious on-line bullying through training for teachers and educators, and participatory laboratory activities within high schools.

At the centre of an **innovative methodology: the game**. The boys and girls who are recipients of the game are made real protagonists. The so-called "Strategic reaction" will be tested in schools. It is an ad-hoc card game where players must find positive solutions through language to win. It is an urban game that starts with stories and narratives (as per video games), and the player must proceed through steps, each step presenting a different difficulty but ultimately leading to "fulfilling a mission". The game will be designed by experts and the boys and girls of the schools involved and placed in their actual geographical and social context.

At the end of the project, the materials produced will be **made available free of charge** to the public, accompanied by a **handbook. An app for teachers and educators** and communication activities will be promoted at the national and European level to combat hate speech and gender stereotypes.

Florence, March 4, 2020

#### **For more information contact:**

(Name, Surname, mobile and email, press officer)

# Letter: Request for a Retraction

[Date]

[Complainant's Contact Details]

[Name of Media Outlet]

**Re: [Title of the article / Title of the Show]: LGBTQI+ Discrimination**

Dear Sir or Madam

I am writing this letter about your article titled [title of the piece] written by [name of the author] published on [date]. The article's content was profoundly concerning and discriminated against the LGBTQI+ community [or the complainant personally]. The article stated that "[direct quote from the article]". As an LGBTQI+ person, I am personally offended by the message of the article.

In the light of the above, I [name of the sender] hereby request a retraction of the statement made in the article and the article itself. In case that you should reject the retraction of the article, I will follow up with the supervising body and file a complaint.

I am looking forward to hearing from you soon.

Yours sincerely,

[Put your signature here]

(Write your name here)



In collaboration  
with:

