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## Malawi

**Country:**

Malawi

**Year:**

2015

**Press Freedom Status:**

PF

**PFS Score:**

49

**Legal Environment:**

16

**Political Environment:**

17

**Economic Environment:**

16

After May 2014 presidential, parliamentary, and local elections, media watchers were concerned that newly elected president Peter Mutharika would undermine press freedom during his time in office. However, few significant violations of press freedom were reported during the year.

### Legal Environment

Malawi has strong constitutional guarantees for freedom of the press, but several laws restrict this freedom in practice. The 1967 Protected Flag, Emblems, and Names Act prescribes fines and up to two years in prison for insulting the president and various national symbols, and the 1947 Printed Publications Act mandates stringent registration requirements for persons seeking to publish printed matter such as newspapers and books.

Malawi has no comprehensive framework for information and communication technologies (ICTs). The previous government of Joyce Banda had introduced two different proposals that were both criticized for potentially limiting free expression online. In October 2014, the Mutharika government said that it was preparing a new electronic transaction management bill to present to parliament, but its exact details remained unclear, and a final proposal had yet to be presented at year's end.

Libel is both a civil and a criminal offense, punishable with up to two years' imprisonment. However, many libel cases are processed as civil matters or settled out of court. In November 2014, Mutharika indicated he would consider signing the Declaration of Table Mountain, a pan-African initiative that calls for the abolition of criminal defamation laws. However, no action was taken by year's end. In August 2014, former vice president Khumbo Kachali confirmed that he was proceeding with a libel suit against radio journalists Sylvester Namiwa and Gerald Viola—both former employees of Galaxy FM Radio, which is owned by the Mutharika family. The two had alleged during a 2013 broadcast that Kachali was involved in the “Cashgate” corruption scandal in which large sums of money were embezzled from state coffers. Namiwa was arrested for inciting violence after the incident, though he was appointed to Mutharika's press office in June 2014 and was reportedly seeking to have the charges dropped.

In 2013, Justice Mponda, a correspondent for the online publication *Malawi Voice*, was arrested for allegedly trying to extort officials from the former ruling People's Party (PP), offering to take down a critical article in exchange for a large sum of money. In February 2014, a Blantyre court cleared Mponda of the charges, and he too took a post in Mutharika's press office later in the year, illustrating the complicity of some elements of the media in the country's political sparring.

The constitution guarantees access to information, but efforts to pass a bill implementing this right have been stalled for years and accessing government information remains a considerable challenge for reporters. In January 2014, the Banda government adopted an access to information policy outlining its vision for the goals, procedures, and technical mechanisms of future legislation, a development described by observers as a critical first step in passing a final bill. In June, the Mutharika government pledged to table an access to information bill at the first session of the new parliament, but in September it announced that unforeseen delays had made this impossible. No further action was taken by year's end.

The broadcast media are licensed by the Malawi Communications Regulatory Authority (MACRA), which is funded by the government and led by a presidential appointee. In 2012, MACRA issued 15 new licenses to private and community radio and television stations, winning praise from the Malawi chapter of the Media Institute for Southern Africa (MISA). However, a proposed consolidated ICT regulatory management system (CIRMS) for the country's mobile phone network that could access the call records of users has led media professionals to warn that their ability to keep sources confidential could be compromised. After years of legal wrangling that had delayed implementation, in September 2014 the Supreme Court of Appeal ruled that authorities could proceed with the CIRMS program, though it was not yet operational by year's end.

In 2014, a grant from the Norwegian embassy allowed the Media Council of Malawi, a self-regulatory body, to resume operations after years of inactivity due to funding issues. In May it held its annual general meeting and elected a new chairperson.

## Political Environment

In the past, public outlets were strongly biased in favor of the government and were accused of serving as tools of official propaganda. However, the Banda government pledged to reform these outlets, and in 2013 MISA praised the state-owned Malawi Broadcasting Corporation (MBC) for featuring more diverse views and opposition members on its radio shows. MISA urged the MBC to continue this opening as the 2014 elections approached, since radio remains the primary source of information for most people in the country. However, media monitoring groups detected a strong progovernment bias in MBC's election coverage, as well as that of other state-owned outlets. The vast majority of airtime went to coverage of the PP and Banda, and was generally more positive than coverage of opposition candidates. Moreover, a disproportionate amount of time was spent covering the presidential race, while the parliamentary and local elections were neglected. Observers lauded the performance of the private media, which they found to have been fairer and more equitable in their coverage of both the incumbent party and the opposition, and to have generally contributed to a vibrant and substantive media landscape during the campaign and the election period. Nevertheless, some issues persisted in the private media as well, including a strong bias toward the presidential race at the expense of the parliamentary and local contests. Additionally, even prominent outlets sometimes displayed a lack of professionalism and polish in their coverage, undermining their credibility.

Violence against and harassment of journalists were common under the administration of President Bingu wa Mutharika, Peter Mutharika's late brother, but declined after Banda took office. However, occasional incidents persist. In January 2014, police seized the camera of Thoko Chikondi, a photojournalist for Nation Publications Limited, as she was photographing the arrest of Malawi's former justice minister; the camera was later given back, but other journalists were highly critical of the police's actions. In October, Archibald Kasakula, a reporter for Blantyre News Limited, was severely beaten by police officers after he photographed them harassing a woman on the street; he was later charged with obstructing police operations, but was released on bail. The beating provoked widespread outrage from across the media sector, and prompted the head of the Malawi Police Service to issue a statement in December affirming that journalists are free to photograph police without obtaining prior permission.

## **Economic Environment**

Malawi's print sector consists mainly of 13 independent newspapers, including two dailies—the *Daily Times* and the *Nation*—several weeklies, and a few magazines. However, print readership is quite low. Most newspapers and magazines remain inaccessible due to their relatively high costs and their publication in English, which is read by only around 1 percent of the population. The biweekly *Fuko Nation* is published in the majority Chichewa language and in Tumbuka; it targets rural readers.

Radio remains the primary source of information for most people. Two state-owned stations broadcast nationally, Radio 1 and Radio 2, both managed by the MBC. Additionally, 10 privately owned stations have national reach, and there are more than a dozen community radio stations. The most popular station is the privately owned Zodiak, which had a presence in nearly the entire country and commanded 76 percent of Malawi's listenership in 2013, compared with 43 percent for MBC's Radio 1 and 40 percent for

Radio 2. Around 75 percent of Zodiak's broadcasts are in Chichewa. Most other privately owned stations are located in large urban centers in the south and do not broadcast to more rural sections of the country, while most community radio stations—which broadcast in local languages—lack financial security. Although there are seven television stations, only the state-run TV Malawi broadcasts nationally.

Advertising revenue, including government advertising, is critical to the survival of Malawi's press, which operates under tenuous economic conditions. Many media houses lack funding and journalists are often underpaid, leaving them vulnerable to political pressure and bribery. In November 2014, during a reception for media workers held by Mutharika, journalists were given notebooks with large sums of money hidden inside, believed to be bribes to win favorable coverage. Several journalists denounced the move and donated the bribes to charity, but many were also reported to have accepted the money.

There are no government restrictions on the internet, although just 6 percent of the population used the medium in 2014 due to lack of access to computers and high subscription costs. The majority of Malawians who access the internet do so through their mobile phones; about 32 percent of the population had a mobile-phone subscription as of 2013.

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