

FREEDOM OF THE PRESS

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Malawi

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While Malawi has strong constitutional guarantees for freedom of the press, there were several substantial setbacks for media freedom in 2011. In January, the president signed into law an amended version of Section 46 of the penal code. The law previously allowed the minister of information to prohibit the importation of publications deemed "contrary to the public interest," but as amended it also allows the minister to ban the domestic publication of such materials. Although no publications were banned during the year, self-censorship reportedly increased in the wake of the amendment.

The constitution guarantees access to information, but a draft bill to implement this right has been stalled in the parliament since 2003. Access to information has remained a considerable challenge for reporters. Powerful individuals have also used court injunctions to prevent newspapers from publishing damaging articles about them. Libel is considered both a criminal and civil offense. If prosecuted as a criminal violation, it is punishable with two years' imprisonment; however, many libel cases are processed as civil cases or settled out of court. The broadcast media are licensed by the Malawi Communications Regulatory Authority (MACRA), which is funded by the government and led by a presidential appointee. During 2010, MACRA closed at least eight private radio stations that it deemed "pirate stations" operating without licenses in violation of national law. No such actions were taken in 2011. However, MACRA ordered two stations to halt coverage of widespread antigovernment protests on July 20. MACRA is regularly accused of political bias in its operations. It issued eight new broadcast licenses in November, after an extended period of accepting applications. Two of these went to allies of the president. Other applicants, most notably a religious group seen as hostile to the president, had its application denied without explanation. MACRA also attempted to implement a new "Consolidated ICT Regulatory Management System" (CIRMS) during the year, ostensibly to more effectively monitor the performance of mobile-phone companies. This has generated privacy concerns given the capacity of the system to access the call records of users. Media professionals have warned that their ability to keep sources confidential could be compromised. In mid-2011, the implementation of the system was temporarily blocked by the courts. A permanent ruling was expected in 2012.

Violence and harassment of journalists increased markedly in 2011, bringing condemnation from international rights groups and foreign donors. By conservative estimates, at least seven journalists were assaulted during the July 20 protests, and several others were detained. One radio station had its vehicles attacked with petrol bombs in the wake of the demonstrations. Police arrested a journalist in September for photographing the president's estate, while at least three others received death threats from anonymous sources for reporting on controversial issues. Robert Chasowa, a political activist and blogger, was killed under mysterious circumstances in September. In November, several journalists had to seek police protection from ruling party thugs who harassed them as they covered the president's return to the country.

Malawi's print sector consists mainly of 10 independent newspapers, including

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

60

LEGAL ENVIRONMENT

19

POLITICAL ENVIRONMENT

23

ECONOMIC ENVIRONMENT

18

two dailies and four weeklies. While there are numerous private stations with a diverse array of opinions, government-controlled outlets continue to dominate the broadcast media market. Radio remains the primary source of information for most people, and the Malawi Broadcast Corporation (MBC) is the only station with national reach. Most privately owned stations are located in large urban centers in the south and do not broadcast to more rural sections of the country. Although there are four television stations, only the state-controlled Television Malawi (TVM) broadcasts nationally. It recently merged with the MBC. State-run outlets are strongly biased in favor of the government and have been accused of serving as little more than propaganda tools. In the lead-up to the July 20 demonstrations, these outlets spread misinformation about the planned protests, claiming that they were pro-gay rallies. State media also have substantial control over important information. For example, according to a letter from the Ministry of Information and Civic Education, only state media are allowed to cover live events involving people the government deems "VVIPs" (Very Very Important Persons).

Advertising revenue, including government advertising, is critical to the survival of Malawi's press, which operates in a tenuous financial environment. A ban on advertising in one of the most reputable dailies, *The Nation*, remained in effect in 2011. Reports also surfaced that government allies planned to start a new "private" newspaper to drain advertising resources away from the second major daily.

There are no government restrictions on the internet, although only 3 percent of the population accessed the medium in 2011.

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