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Freedom Of The Press - Malawi (2011)

Status: Partly Free
Legal Environment: 18
Political Environment: 19
Economic Environment: 18
Total Score: 55

The year saw both gains and setbacks for the media environment. While Malawi has strong constitutional guarantees for freedom of the press, the government continues to employ a strong hand in the operations of the media. Libel is not usually treated as a criminal offense, but publishing "false information likely to cause public alarm" is. In December 2010, a court in Lilongwe freed an editor, Gabriel Kamlomo, who had been imprisoned on that charge since July 2009. The judge ruled that the story published by Kamlomo was balanced in its reporting and based on substantial evidence. This marked a significant judicial gain for the media.

Less positively, in November, the National Assembly approved an amended version of Section 46 of the Malawi 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 would also allow the minister to ban the domestic publication of such materials. This law has the potential to severely hamper the free activities of the press. At the end of the year, it awaited the president's signature. Although the constitution guarantees access to information, a draft bill to implement this right has been stalled in parliament since 2003.

The broadcast media are licensed by the Malawi Communications Regulatory Authority (MACRA), which is funded by the government and led by an executive director appointed by the president. During 2010, MACRA closed at least eight private radio stations that it deemed "pirate stations" operating without licenses in violation of national law. Operators of such stations can be subject to fines and up to 10 years' imprisonment. Radio station owners and commentators argue that MACRA's licensing process is slow and subject to political influence. In the past, MACRA has often harassed private radio stations critical of the government and temporarily taken them off the air. In October 2009, the Supreme Court of Appeal ordered MACRA to pay Joy Radio 13.8 million kwachas (about \$98,000) in compensation for shutting it down during the election period earlier that year. In July 2010, MACRA brought together parliament members and media managers in order to review the country's Communication Act. MACRA representatives asserted that the original 1998 law does not address current trends in information communication. The revamping of the law marks an opportunity to provide for greater legal protections for the press, encourage the growth of privately held media outlets, and turn the state-owned Malawi Broadcasting Company (MBC) into a public broadcaster.

The government has a reputation for actively interfering with the operations of private print media outlets. In 2010, there

were a number of government interventions meant to hinder or stop the activities of various outlets. In August, President Bingu wa Mutharika threatened to shut down newspapers that "tarnished" the government's image. This came after the *Malawi News Daily* published a story that cited a South African Development Community (SADC) report that stated that more than a million Malawians would require food aid if extremely dry or drought-like conditions were experienced in the southern section of the country. In November, the government banned the publication of the weekly tabloid the *Weekend Times*. The government cited a colonial-era law that requires all printed publications to register with the National Archives and deposit a copy of each of their publications there. However, many newspapers are not registered with the archives, and the *Weekend Times'* publisher had submitted the necessary paperwork for registration. The high court of Blantyre later granted an injunction allowing the *Weekend Times* to continue publishing while an investigation by the National Archives was conducted. Due to the threat of legal or regulatory action, many journalists practice self-censorship. There were no reports of physical attacks against journalists during the year.

Malawi's print sector consists mainly of 10 independent newspapers, including 2 dailies and 4 weeklies. While numerous private stations with a diverse array of opinions do exist, government-controlled media outlets continue to dominate the broadcast media market in Malawi. Radio remains the primary source of information for most people, and the Malawi Broadcast Corporation (MBC) is the largest station and the only one 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. Television Malawi (TVM), the state-controlled television station, continues to be the only domestic television network and has recently been merged with the MBC. Self-censorship is common, particularly at state-run outlets. State media also has 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). In February 2010, the Center for Human Rights and Rehabilitation, a local nongovernmental organization, condemned the government's ban on placing official advertising in private media, which had been circulated in writing to some government departments. Advertising revenue, including government advertising, is critical to the survival of Malawi's economically tenuous press.

There are no government restrictions on the internet, although only 2.26 percent of the population accessed the medium in 2010.