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FREEDOM OF THE PRESS

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Namibia

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The constitution guarantees freedom of the media, and Namibia’s press has enjoyed a relatively open environment. However, constitutional provisions relating to the protection of national security, public order, and public morality provide legal mechanisms for restricting media freedom. There is no law to ensure access to information, and the 1982 Protection of Information Act serves to limit the information that can be disclosed by government officials. In August 2012, Information Minister Joel Kaapanda gave encouraging signals that the government was moving toward adopting an access to information law. His statement coincided with the launch of a civil society campaign to push for the passage of such legislation.

Defamation is a criminal offense under common law. In April 2012, a High Court judge awarded compensatory damages to investigative journalist John Grobler in a civil defamation suit filed against the ruling party, the South West Africa People’s Organization (SWAPO), over an article on the SWAPO website that accused him of once belonging to a notorious South African military unit. It was the first time that SWAPO, rather than one of its officials, had been held legally responsible for defamatory statements, as well as the first time that content posted online led to a defamation finding in a Namibian court. In November, a Windhoek High Court judge dismissed a N\$300,000 (US\$38,000) defamation suit filed by former Walvis Bay municipal chief executive Augustinus Katiti against the *Namibian*, the leading independent daily, for an article published in 2007.

Self-regulation of the media sector has developed slowly, with a media ombudsman established in 2009 to hear complaints against media practitioners. This ombudsman continues to act independently of the government and resolved 10 of 14 total complaints in 2012. There are no restrictions on internet content, and many publications and organizations have websites that are critical of the government. However, the 2009 Communication Act includes a clause that allows for the interception of e-mail, text messages, internet banking transactions, and telephone calls without a warrant.

In previous years, government and party leaders issued harsh criticism and even threats against the independent press, and called for the establishment of an official council to regulate the activities and operations of the media. Fewer such incidents were reported in 2012. In January, Youth Minister Kazenambo Kazenambo hurled racial insults and threatened to assault journalist Tileni Mongudhi during an interview (Mongudhi is a member of Namibia’s ethnic Owambo majority, while Kazenambo is a minority Herero). In the case of a violent attack in 2010 against Grobler, allegedly by four prominent businessmen with ties to SWAPO (including a son-in-law of former president Sam Nujoma), the charges against two of the men were dropped due to lack of evidence in March 2012, while the trial of the other two was ongoing at year’s end. Some journalists and editors, especially at the state-run media, practice a degree of self-censorship.

Namibia features five daily national newspapers—including the state-owned *New Era*—as well as five independent weeklies, one biweekly, and about a dozen monthly magazines. There are more than 20 private and community radio stations and three television stations. Private broadcasters and independent newspapers usually operate without official interference. The state-owned National Broadcasting Corporation (NBC) is the dominant player in the broadcast sector and has come under increasing political pressure in recent years. In April 2012, prominent SWAPO members, including Kaapanda and party secretary general Pendukeni Iivula-Ithana, threatened to delay or halt funding for the NBC and *New Era*, claiming that the outlets were not adequately supporting the government’s agenda. Community radio remains underdeveloped, and high costs for television licenses limit the expansion of that medium. Meanwhile, printing and distribution costs for print media also remain relatively high. In a positive development in 2011, the government lifted its 10-year ban on advertising in the *Namibian*, which had been put in effect because of the paper’s alleged bias against the government. Approximately 13 percent of the population accessed the internet in 2012.

2013 SCORES

PRESS STATUS
Partly Free

PRESS FREEDOM SCORE
31

LEGAL ENVIRONMENT
9

POLITICAL ENVIRONMENT
12

ECONOMIC ENVIRONMENT
10

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