

VMCZ

VOLUNTARY MEDIA COUNCIL OF ZIMBABWE



Media Complaints Report 2021

A Report by the Voluntary Media Council of Zimbabwe (VMCZ)



VOLUNTARY MEDIA COUNCIL OF ZIMBABWE

Promoting Media Accountability Today ... Tomorrow

Media Complaints Committee Report

FOREWORD

The Annual Media Complaints Report captures complaints filed with the VMCZ Media Complaints Committee in the period between January 2021 and December 2021. The report reflects cases that were reported to the Media Complaints Committee and, also the processes that were undertaken to resolve the complaints received from across the board.

The period under review has been a difficult period especially for the media throughout the world, as the media grappled with numerous challenges associated with the novel coronavirus. The media struggled to bring information to a desperate citizenry, eager to get vital information out on how to prevent and control the spread of the Covid-19 virus. The pandemic also brought with it measures introduced by governments across the world, in a bid to contain the virus and protect the populace from further infections and possible deaths.

This also had an impact on the work of the Media Complaints Committee since complaints could not be heard physically due to limitations in movements and meetings requirements. The committee however managed, under difficult circumstances, to hear complaints that were filed during the year under review.

Special mention goes to the provincial adjudication committees. VMCZ has so far managed to set up provincial adjudication committees in all the country's ten provinces. The provincial adjudication committees were instrumental in handling complaints coming in from the provinces. The provincial adjudication committees in Gweru and in Bulawayo managed to hold adjudications without the involvement of the national committee, and this is credited to capacity development exercises carried out during the year.

The Media Complaints Committee and the provincial adjudication committees continue to play a pivotal role in the complaints resolution mechanism and they should continue to be supported in this endeavour to enhance media professionalism.

Media Complaints Committee Chairperson's Statement



Justice Smith

The Covid 19 pandemic has changed the global outlook immensely. What has been normal for many people changed drastically when the novel Corona virus struck. The world was broad to a standstill through the numerous shutdowns that limited human movements and damaged commerce and people's livelihoods.

In all this Zimbabwe was not spared as the pandemic tore through societies.

The media was also not spared as lockdowns restrictions forced the media to limit and curtail operations due to low incomes and depleted advertising and revenue, impacting on welfare of journalists and media workers. Most news agencies laid off staff and cut off contracts of part time workers and freelance journalists. All this had cumulative effects of diminishing the progress of enhancing media professionalism in Zimbabwe. However, in these difficult circumstances the Media Complaints Committee continued to execute its mandate.

During the first half of the year the lockdowns and restrictions were frequent curtailing the opening up of the media space and during that period the media activity was miniscule and this had an impact in the number of complaints received by the VMCZ. While the media limited its operations and with most entities 'working from home' it meant there were very few complaints received and adjudicated on.

However, under the circumstances the Media Complaints Committee continued with the work of enhancing media professionalism and media accountability with strict observance of Covid-19 regulations. The committee handled a total of 15 media complaints, filed against various media houses and with varying resolution statuses for the cases lodged with the Media Complaints Committee.

Media credibility remained under question particularly in light of failings in the journalistic process such as lack of verification and fact-checking of information. Neglect of journalistic responsibilities continued to be one of the major factors exacerbating the credibility deficit in the media as well as waning public confidence and trust.

Neglecting to give subjects of critical coverage a right of reply, failure to verify information and credit images, failure to protect minors in coverage are some of the issues journalists are neglecting thus often resulting in inaccurate and unfair reporting and with serious implications for concerned subjects and wider society.

While it is concerning that most of the complaints dealt with concern basic journalism skills, it is heartening that editors were quick to comply and co-operate when called upon to do so, thus demonstrating a commitment to playing their part in maintaining standards. The committee is also pleased with the compliance rate of the media in complying with judgements and decisions of the media complaints committee.

While the committee continues to be committed to facilitating resolution of complaints and helping maintain standards in the industry the successful resolution of complaints is a plus to the media complaints mechanism and is indicative of the robustness of the self-regulatory mechanism. The committee also recognises and applauds the role of the provincial adjudicators for their tireless commitment. The provincial adjudication committees, due to limitations in movements this year, handled several cases without the guidance of the national media complaints committee.

Retired Justice Leslie George Smith

A handwritten signature in black ink, appearing to read 'L. Smith', with a horizontal line underneath the name.

Media Complaints Committee-Chairperson

I. Introduction:

This complaints report captures all the media complaints that the Media Complaints Committee handled in the course of the year. The complaints handled under the year under review and the previous year are fewer compared to cases that were handled in the last four years. Coronavirus and the many lockdown restrictions limited media operations and that explains the few complaints received. This complaints report is the seventh report of comprehensive analysis of media complaints received and adjudicated on by the Media Complaints Committee of the Voluntary Media Council of Zimbabwe (VMCZ).

The first report, which analyses media complaints received from members of the public was published in 2014. Since then successive reports have been published capturing complaints and resolutions of the received complaints. The report gives a broad description of the complaints received and analyses the sections of the code of ethics that are violated. The report also analyses and profiles the complainants, analyses which section of the code is frequently violated, the gender of the complainants, geographic spread of the complaints, media houses complained against, frequency in sections of the code of ethics violated and a summary of the resolution of the committee and an analysis of the compliance rate.

This year a total of 15 official complaints were received by the VMCZ during the period under review. The 15 complaints had varying levels of resolutions with the majority of cases being finalized and resolved. While the majority of cases received by the committee were resolved at the initial stage and did not go into full adjudication, some of the cases went into full adjudication and involved the committee sitting with the complainants and media representatives in resolving the complaints. A small number of media complaints were not fully resolved due to various reasons that slowed down the process of resolving the cases.

Reporting court cases was a new challenge identified in a couple of cases handled by the committee in the year under review. Neglect in verifying facts continued to be an albatross for the media resulting in inaccurate and unfair reporting, issues of accuracy remained the most common mistakes made by the media or the most complained about issue during this period as with previous periods. As a result, and in keeping with past trends, Section 4 of the Code of Ethics, Conduct on Accuracy and Fairness remained the most violated and breached section of the code.

It is also important to note also that complaints received during the period under review also reflected challenges media are grappling with in reporting online and challenges in the online spaces. Also during this period there were complaints around issues of copyright and unauthorized use of images and photographs. Other issues complained of include cyberbullying, invasion of privacy,

As has been the case in preceding years overall, it is worrying that the majority of complaints still being received by the media complaints committee concern basic journalism skills such as verification of accuracy of information before publishing, accurate attribution of information and comments including the falsification of comments. Under the reviewed complaints there are a couple of complainants that denied having made statements attributed to them.

While the year was gloom the media complaints committee this year handled one profile case involving a complaint raised by Norton Legislator, Hon Temba Mliswa. The lodging of the complaint by Hon Mliswa and the handling of the case by the media complaints committee gives credence and credibility to the complaints mechanism and to media self-regulation. The amicable resolution of the case and Hon Mliswa's comments on Twitter also enhanced the VMCZ complaints mechanism. Media self-regulation in Zimbabwe remains work in progress, one clear highlight that continues to be observed is the increasing co-operation with the Media Complaints Committee by media stakeholders across the divide inclusive of 'public' and private media as well as interactions with various stakeholders and complainants such as civil society and private citizens.

While politicians have utilized this platform in the past, what is imperative in the analysis this year is that ordinary citizens were the major utilisers of the media complaints mechanism with civil society also contributing cases. Apart from highlighting in detail the nature of complaints received, the geographic distribution of complaints, the gender disaggregation of complainants, this report also delves into the social stratum of those who complained, revealing increasing diversity from year to year.

The VMCZ seeks to enhance citizen participation in holding media accountable and it is through such interventions that the VMCZ will assert its role in the professionalisation of the media and build public confidence in the news dissemination industry in the country. It is such currency that will strengthen media self-regulation and allow it to compete with other media regulatory frameworks. With government toying around with media co-regulation it is imperative that the VMCZ complaints mechanism is faultless so as to disarm critics of media self-regulation, who always cite lack of teeth as a weakness of media self-regulation.

While the report is a summation of the complaints received, readers and the media will hopefully find value in examining this report and making inputs towards improving the complaints mechanism, data compilation and dissemination for the benefit of the public, the media, media students and academics. This report presents a summary of media complaints (formal and informal) received and adjudicated on by the Media Complaints Committee (MCC) during the period January 2021 to December 2021.

The report also adds to the body of research on media regulation and media accountability processes and will contribute to being a constructive critique on the work of journalists and measure the quality of journalism in Zimbabwe while also acting as quality control and standardization of the profession in the country.

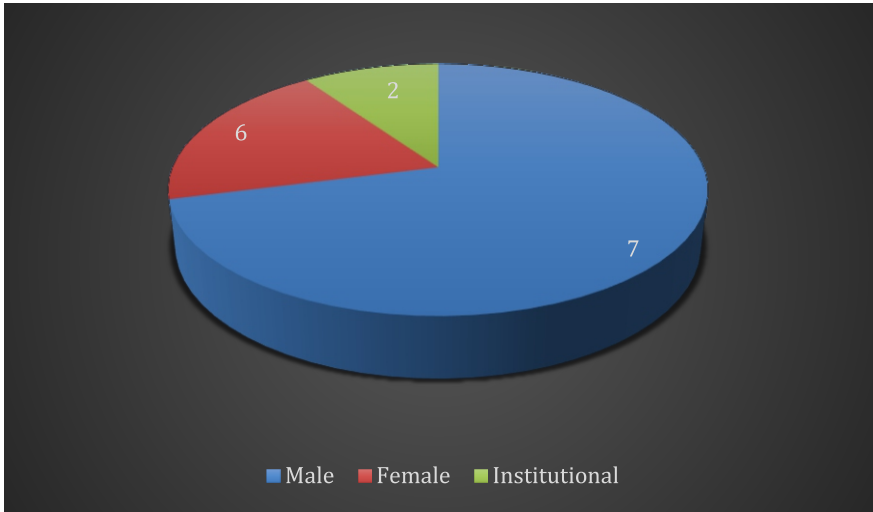
2. Analysis of Complaints Received

This section of the complaints report analyses the complaints received during the period under review with respect to variables such as gender disaggregation, geographic distribution, and profiles of complaints, sections of the code breached, media houses complained against, and an overall analysis of the rulings of the Media Complaints Committee (MCC) and the compliance rate to rulings made by the committee.

2.1 Gender Disaggregation of complainants

As part of efforts to ensure that there is gender parity in the media and its coverage of issues the VMCZ analyses how gender and especially women's issues are covered in the media. VMCZ three years ago mainstreamed gender into the media code of conduct and ethics as a way of promoting a more gender sensitive media and encouraging women to complain, there continues to be a huge gap between males and females lodging complaints. An analysis of complaints received during the period under review, show that out of the 15 formal complaints received, six of the complaints were filed by females as compared to seven by their male counterparts. The remaining two complainants were filed by institutions and are therefore credited in the institutional category. The gender disaggregation of complaints is illustrated in the chart below:

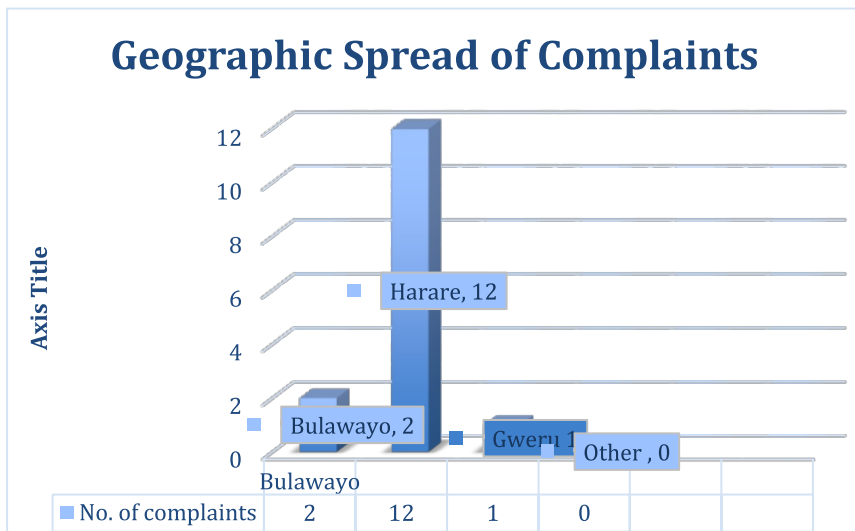
Fig. 1: Gender Disaggregation of Complainants



2.2 Geographic Distribution of Complaints

During the period under review complaints received were more concentrated in Harare compared to other cities and provinces in Zimbabwe. This raises concern over the long held assertion that everything media in Zimbabwe takes place in Harare. In the year under review 12 complaints received were raised from Harare, two from Bulawayo and one from Gweru. The figures clearly show that there is still a huge gap in the spread of complaints around the country and there is a need to take the media complaints mechanism to all corners of the country and making the platform accessible to all communities. What the figures mirror is the urban-centric nature of the Zimbabwean media system, with complaints being concentrated in big cities. Harare continued to be the major source of the majority of complaints, followed by Bulawayo while the city Gweru had one complaint. The geographic spread of complaints is illustrated in Fig. 2 below.

Figure 2: Geographic Spread of Complaints



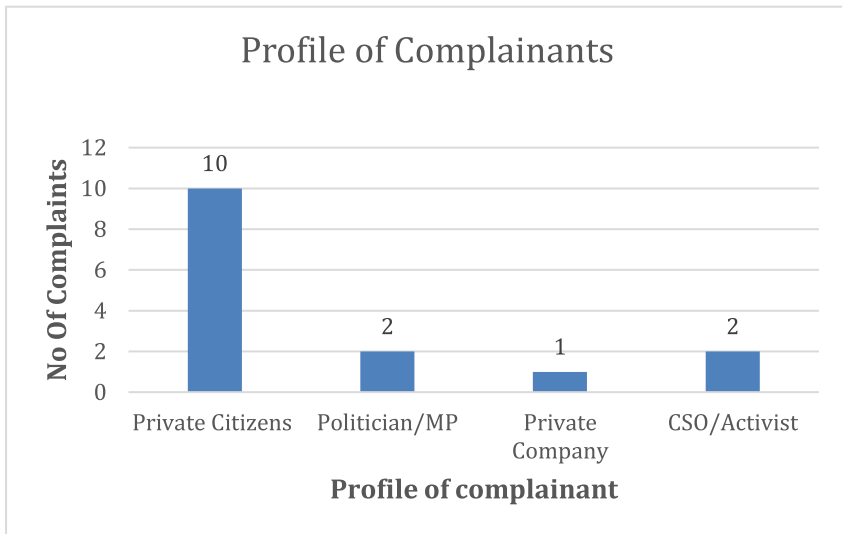
2.3 Profile of complainants

The media complaints received this year were filed mainly by ordinary members of the public. Other complainants included politicians, a civil society organisation and a private company. The wide profile of complainants demonstrates the relevance of the media complaints mechanism to all sectors of society and the importance of an independent and credible system for channeling media grievances especially in a highly polarized society and media environment such as the Zimbabwean situation. The broad spectrum of complainants included a complaint raised by Norton Member of Parliament (MP) Hon Temba Mliswa who lodged a complaint pertaining to his relationship with his former girlfriend, Ms Susan Mutami, while former Gweru deputy mayor Councillor Demo, also raised a complaint relating to an earlier complaint. Ten private citizens lodged complaints, while one civil society representative and one civil society organization also lodged complaints with the Media Complaints Committee. The high number of complaints received from ordinary members of the public reflects a growing and continuing trend of ordinary members filing more complaints than politicians and civil society. The profile of complainants more or less remain the

same despite the fact that there were very few complaints received during the year due to the Covid-19 pandemic.

The profile of complainants is illustrated in Fig. 3 below:

Fig. 3: Profile of Complainants



2.4 Media Houses Complained Against

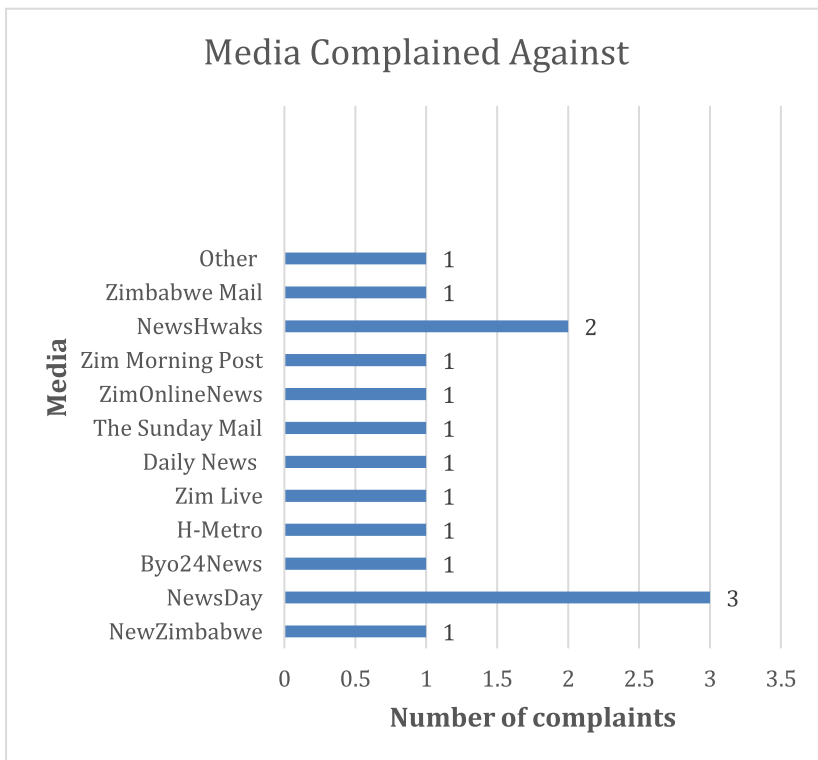
The media complained against in the year under review was varied. Complaints were filed against privately owned media and state-controlled media; against mainstream and online media platforms.

However, while the diversity of media houses complained against demonstrates growing consciousness around the subject of media and ethics across various audiences and platforms and demonstrates strengthened buy-into the media code of conduct and media complaints mechanism, there were no complaints registered against the broadcasting sector. There were no complaints received from radio and television. The media complained against are New Zimbabwe,

NewsDay, ZimLive, Zim Morning Post, NewsHwaks, Sunday Mail, H-Metro, Bulawayo24, Zimbabwe Mail, Daily News and Zimonlinenews. An interesting nature of complaint was raised against a journalist, Blessed Mhlanga over allegations of cyberbullying on Twitter.

The media complained on is reflected in Fig. 4 below:

Fig. 4: Media Houses Complained Against

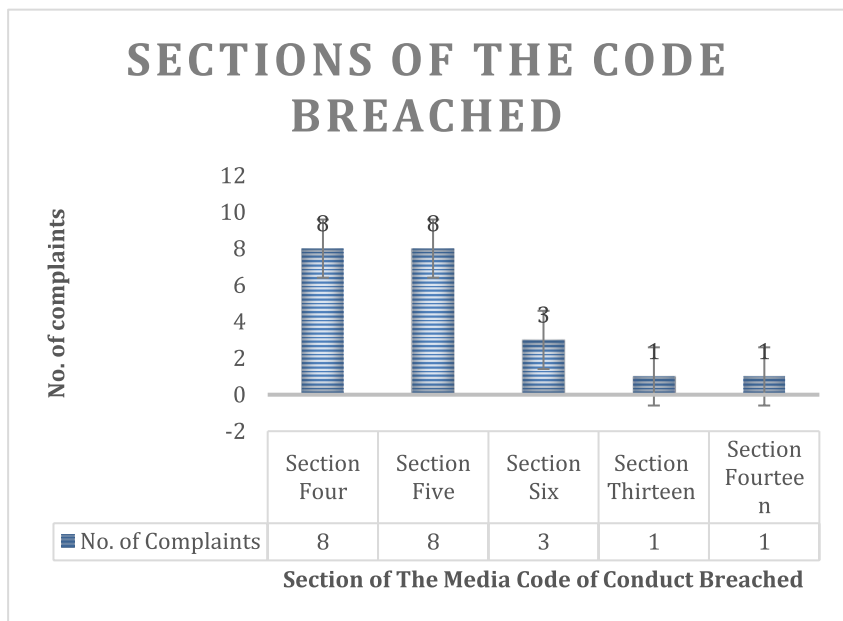


2.5 Sections of the Code Breached

The most violated sections of the code that were recorded in the period under review were; Section 4 on Balanced, Accurate and Fair Reportage; Section 5 on Correction of Inaccuracy or Distortion; Section 6 on Right of Reply; Section 13 and 14 pertaining to Privacy and Intrusion into Grief and Shock and Section 21 of the code that relates to Plagiarism and Copyright issues.

Just like in the previous years, Section 4 and 5 of the code were the most violated with eight complaints filed all complaining against violation of the two sections of the code. It is a cause of concern though that the two sections of the code complained about largely reflect neglect of basic journalistic tenets and principles around coverage of sensitive subjects such as neglect to verify the accuracy and truthfulness of information before publishing and failure to credit source of information and pictures. There was also an increase in violation of Section number 6 of the code relating to Right of Reply, where three of the complaints filed were on this particular section of the code. One complaint was on Section 13 and 14 while one complaint was on General Standards pertaining to cyberbullying. The other section of the code complained on is Section 21 where one complaint was received relating to Plagiarism and Copyright. The violations are reflected in Figure 5 below:

Fig. 5: Sections of the Code Breached

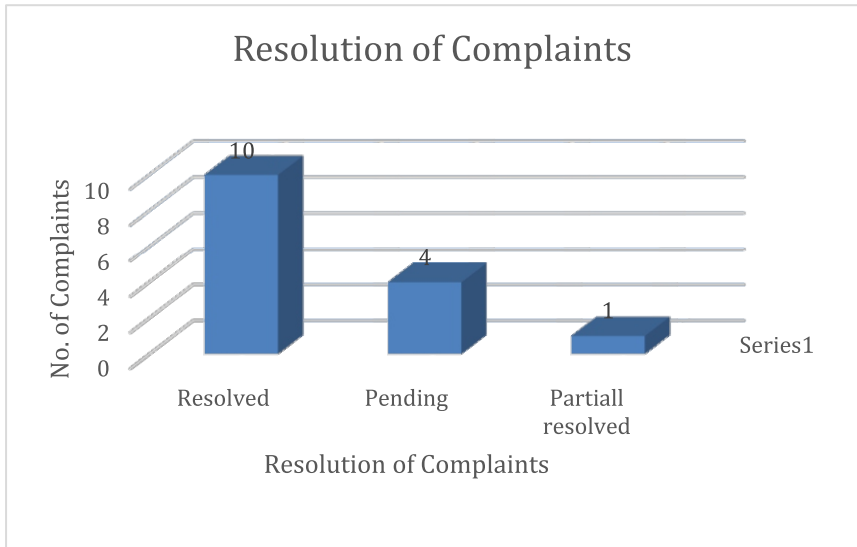


2.6 Resolution of Complaints

During the period under review there were several Covid-19 lockdowns declared by the government and that meant that the holding of media adjudication meetings was limited by the restrictive meeting guidelines put in place by the government. Despite the above challenges the period under review shows, more than ever, the strengthened buy-into the media complaints mechanism by a cross section of media houses within the Zimbabwean media landscape. To a large extent, there was compliance with the media complaints system by media houses inclusive of state-controlled media. The majority of complaints received were resolved amicably without going through the adjudication process while in some cases the Media Complaints Committee sat and helped in resolving the complaints received. However, in some instances, online sites whose editorial responsibilities cannot be tracked continued to pose challenges. The majority of complaints the media was professional enough to quickly offer a solution when cases were presented by the Media Complaints Committee. Out of the 15 complaints received during the year, ten were successfully resolved while four

complaints were still pending and one was at an advanced stage of being resolved. The successful completion rate captured above represents 74 percent of cases recorded while those not completed represent 26 percent. The resolution of complaints is captured in Fig. 6 below:

Fig. 6: Resolution of Complaints



2.7 Conclusion

The complaints received in the period under review are low compared to the last five year figures and this is understandable so when considering the disruptions caused by Covid-19 restrictions. The limitations in news production witnessed during Covid-19 meant that there was reduced size of newspapers and content produced online and that contributed to fewer complaints being registered. However, in the face of these challenges the period under review demonstrates the robustness and strengthening policy legitimization of the media self-regulatory mechanism as reflected in complaints continuing to be received during such difficult periods.

It is also heartening that legislators as evidenced by the complaint filed by Hon Temba Mliswa, have faith in the complaints mechanism. Historically, politicians, state institutions and government officials were more inclined to resort to litigation and having journalists imprisoned whenever those close to power would have deemed journalists to have fallen foul of ethical standards. Also government and politicians' penchant for supporting statutory regulation and using law enforcement to address matters involving journalists is on record and to have two politicians deciding to utilize the complaints mechanism is commendable and encouraging for proponents of media self-regulation and for promoting media freedom in the country.

The compliance rate by media organisations complained against is encouraging and strengthens advocacy towards media self-regulation. With a compliance rate of close to 90 percent, the media leaves less opportunity for opponents of media self-regulation to manoeuvre and find loopholes against the complaints mechanism.

The strengthening compliance by media houses across the divide inclusive of state-controlled outlets such as The Sunday Mail and H-Metro is indicative of the incremental entrenchment of media self-regulation in Zimbabwe whether in the context of dual or co-regulation, that the state is currently proposing.

A worrying trend that was recorded under complaints received during the year is the unauthorized use of pictures by media houses. This calls for the VMCZ to conduct trainings with media organisations on the dangers of copyright laws and the unauthorized use of pictures and images. Three complaints recorded under the period under review involved unauthorized use and taking of pictures.

Members of the public are certainly playing their part in promoting media professionalism and accountability as reflected in them coming forward with complaints and the vision is to have more complaints as the media complaints mechanism is decentralised to all corners of the country. Media self-regulation is definitely still work in progress but the period under review points to the continued relevance and strengthening of the system, thereby leaving greater

onus on the VMCZ to ensure continued relevance and strengthened robustness going forward.

With the anticipation that co-regulation will be introduced as part of media regulation in the country, as indicated in several government pronouncements, it is imperative that the self-regulation system works and is efficient.

COMPLAINTS REPORT 2021

SUMMARY 2021 Adjudicated Complaints

Case Number One

Parties: Ms Mukwereza v/s ZimLive

Date of Complaint: February 2021

Nature of Complaint

Ms Mukwereza brought to the attention of the VMCZ Media Complaints Committee a complaint over her picture that was used by ZimLive in a story alleging that she was the alleged girlfriend of former Vice President Kembo Mohadi. The story on the Vice President Kembo Mohadi's alleged sexual relations with a named woman carried the picture of Ms Mukwereza implying that she was the alleged girlfriend.

Ms Mukwereza in her complaint states that the picture used in the story was her picture but indicates that she had nothing to do with the story nor did she know Vice President Mohadi on a personal level. Ms Mukwereza in the complaint says the publication of her picture alongside the story has caused her anguish and has strained her relations with her family as she is not in any relationship with Vice President Mohadi. She further indicates that when she contacted Zimlive on the matter the publication responded by sending her a picture of a lady she does not know claiming that it was her.

Ms Mukwereza says she wants ZimLive to set the record straight that she is not involved in any affair with Vice President Mohadi. She says ZimLive went on to use a different picture alleging that the same lady (different from herself) is involved in the alleged sexual affair with President Mohadi. Ms Mukwereza wants ZimLive to clarify that she is not the person referred to in the story and ZimLive should publish and offer an apology to her.

STATUS: Resolved

The Media Complaints Committee of the VMCZ wrote to ZimLive on the matter and on Monday 22 February 2021, ZimLive published an apology on the publication of Ms Mukwereza's picture. Further to that the online publication published the two pictures they had used on Vice President Mohadi story and clarified that Ms Mukwereza is not the person mentioned in their story. The online publication admitted that they had used a wrong picture and used the two pictures to show the correct picture to the story against the wrong picture that they had initially used.

Case Number Two

Parties: Temba Mliswa v/s The Zimbabwe Morning Post

Date of Complaint: February 2021

Nature of Complaint

Hon Temba Mliswa lodged a complaint with the Media Complaints Committee over an article carried by The Zim Morning Post on 1 February 2021 headlined by Zim Morning Post on 01 February, 2021 headlined "A three-month relationship made in hell: Philanthropist in messy breakup with Temba Mliswa". Hon Mliswa says the article posted is libelous and complains that he was not afforded the right of reply when the article was published. Hon Mliswa says the article is one sided and breaches journalism ethics which calls for a right of reply to all parties in a story. He says the story lacked factual information and wants Zim Morning Post to retract the story and offer an apology.

Procedures: Full Adjudication of the Matter

The matter went to a full adjudication after Zim Morning Post defended its story as being factual. At the adjudication meeting Hon Mliswa outlined inaccurate issues identified in the story. Key among those was the fact that he was not given a right of reply when serious allegations were raised against him. Hon Mliswa also cited issues that he felt were inaccurate. Hon Mliswa indicated that claims that he owned a flat in Avondale were untrue as he did not own any property in Avondale. Hon Mliswa indicated that he also entitled to a right of reply on the allegations raised against him in the article. Zimbabwe Morning Post conceded that there was a need to give Hon Mliswa a right of reply but indicated that he was not available when the news website contacted him. The Media Complaints Committee argued that with allegations raised the Zim Morning Post should have held onto their story until they had got a comment and a response from Hon Mliswa.

STATUS: Resolved

The Committee ruled that Hon Mliswa was entitled to a right of reply. In deliberations after both side presentations, Zim Morning Post conceded that there was a need to give Hon Mliswa a right of reply before publication of the story.

Zim Morning Post offered to publish an apology and give Hon Mliswa a right of reply in their next edition. The website also indicated that they would remove the story from their website and social and online media platforms. Hon Mliswa after careful considerations indicated that he would be happy with an apology and the removal of the story from all online platforms. He preferred not to accept the right of reply offer.

Case Number Three

Parties: Theo Tsokota v/s New Zimbabwe

Date of Complaint: February 2021

Nature of Complaint

Mr. Theo Tsokota lodged a complaint on behalf of the Munawa family against 263chat and its journalist Mr Munashe Chokodza. Mr Tsokota says Mr Chokodza took pictures of the burial of their relative without permission at Zororo Memorial Park in Harare. Mr Tsokota further states that Mr Chokodza was rude when he was asked to stop taking pictures at the burial of Gogol Celia Munawa, who died due to COVID complications. It was during the proceedings that Mr Chokodza, without permission, started taking pictures. Mr Tsokota says the family felt that this was disrespectful and violated the family's right of privacy. He said Mr Chokodza was approached and was asked to stop taking pictures but he rudely refused to stop and instead told the family that he had permission from the owners of Zororo Memorial Park. However, according to Mr Tsokotsa the reporter failed to disclose the name of the person who granted him the permission to take pictures of funeral proceedings without the consent of the deceased's relatives. Mr Tskotsa says Mr Chokodza, fully aware that the family had objected to the taking of the pictures, proceeded to publish them through 263chat's website <https://263chat.com/in-pictures-covid-19-burials-increase/> and Facebook <https://www.facebook.com/263Chat/posts/3024849370951152> and YouTube <https://m.youtube.com/watch?v=ymUzh7btCZU>.

Mr Tsokotsa says comments to the published pictures by 263Chat's online readers further pained the family. He said the Munawa family fully embraces journalism and believes that journalists should be allowed to do their work but he believes they should do so professionally and ethically. This he says will prevent the emergence of an acrimonious relationship between journalists and citizens and will instead foster media credibility and trustworthiness. the family therefore requests for an apology from 263chat and Munashe Chokodza and the removal of the said pictures on 263chat website and its social media platforms. In addition, the family wants 263Chat to encourage its journalists to act professionally and ethically and discourage journalists like Munashe Chokodza from getting news at any cost and assist him with basic journalism etiquette.

taking pictures.²⁶³Chat also removed the pictures from their website and Facebook page and also pulled down the YouTube link containing the pictures and further apologised over the misunderstanding.

Case Number Four

Parties: Mr Jahalamajaha Nkomazi v/s Blessed Mhlanga

Date of Complaint: February, 2021

Nature of Complaint

Mr Jahalamajaha Nkomazi raised a complaint with the Media Complaints Committee against NewsDay reporter Mr Blessed Mhlanga over what he claimed was cyber bullying by Mr Mhlanga. Mr Nkomazi says he is complaining about the conduct of Mr Blessed Mhlanga on Twitter where he goes by the handle @bbmhlanga. Mr Nkomazi says his complaint is specific to the 4th of February 2021, where a female twitter user by the name of @Mbotovimbai posted a picture of herself. Mr Nkomazi says the female looked poised and well dressed with a caption that read "Dear future husband, your wife is cute". Mr Nkomazi says the woman was merely enjoying herself online.

He said the post attracted many positive responses. He says unfortunately the post also attracted some sexist and misogynistic responses and sys Mr Mhlanga joined in the misogynistic and sexist banter by posting a meme whose text read "When they say they are ready to settle. Wegama system acho unowaziva" which was accompanied by a picture of a worn out tyre. This meme, according to Mr Nkomazi, implied that judging from how she looked in the picture she posted, she was not worthy of settling down because she has been around with a lot of men.

Mr Nkomazi says if Mr Mhlanga had been an ordinary twitter troll, it would have still been harmful and deplorable but not have had much of an impact. However, Mr Nkomazi says Mr Mhlanga is a senior journalist at a major media house and actually identifies himself as such on his profile and also has a followership of over 40000 on Twitter.

Mr Nkomazi says the effect of Mr Mhlanga's conduct was to malign @Mbotovimbai by using gendered and sexualized content against her. He says his actions were harmful to @Mbotovimbai and perpetuate negative gender stereotypes which are harmful to women as a whole. He further adds that his conduct was beneath his stature as a Senior Journalist and have the effect of bringing the journalistic profession as well as his media house into disrepute.

Mr Nkomazi said he filed the complaint in the hope that VMCZ will censure Mr Mhlanga. He says he hopes Mr Mhlanga will issue an apology to Ms @Mbotovimbai on the same forum in which he committed the transgression. Mr Nkomazi says he hopes that the media profession as a whole and Alpha Media will use the complaint to come up with social media policies that govern the online conduct of their journalists.

STATUS: Resolved

The matter was raised with the Alpha Media Holdings (AMH) editor in chief Mr Wisdom Mdzungairi, who is also the editor of NewsDay. Mr Mdzungairi indicated the Media Complaints Committee that AMH has a social media policy for all its staffers and said AMH will deal with the matter internal using internal policies and procedures. Mr Mdzungairi later notified the Media Complaints Committee that the matter was addressed through the AMH internal policies and the message was communicated to the complainant.

Case Number Five

Parties: Tafadzwa Nyikadzino v/s NewsHawks

Date of Complaint: March 2021

Nature of Complaint

Mr Tafadzwa Nyikadzino lodged a complaint of copyright infringement against Newshawks. Mr Nyikadzino alleged that the online website used a picture that he (Nyikadzino) captured at the launch of the "House of Cheneso" clothing boutique at Zanu PF Headquarter of President Mnangagwa handing over a 20 dollar note to a youth, without crediting the picture to him or seeking authority to use the picture.

Mr Nyikadzino alleges that the picture used by NewsHawks belongs to his company, Conical Tower Productions and when the picture was taken they had super imposed the company's signature tag on it. He however said NewsHawks cropped out the tag and used the picture as if it was their picture.

Mr Nyikadzino says he wants NewsHawks to pay for using the picture without their permission. He said Conical Tower Production would want to get value out of their work.

STATUS: Resolved

The Media Complaints Committee wrote to NewsHawks editor, Dumisani Muleya, over the copyright infringement. Muleya indicated that NewsHawks will engage Mr Nyikadzino and Conical Tower Productions to resolve the matter. The parties after engaging agreed on a fee and NewsHawks paid an undisclosed amount to Conical Towers Productions for use of the picture and the matter was amicably resolved.

Case Number Six

Parties: Mrs Mhaka versus Daily News

Date of Complaint: March, 2021

Nature of Complaint

The Media Complaints Committee received a complaint from Mrs Mhaka over a picture published in the Daily News of 7 January, 2021, in the letters section.

Mrs Mhaka says the published picture is that of her late father who died early last year. Mrs Mhaka says they are aggrieved as a family as they have no recollection of sharing the picture nor giving any consent for use of the picture. Mrs Mhaka says other family members are feeling that her immediate family is using their deceased father for financial gain through the nature of the content of the accompanying story.

Mrs Mhaka feels the publication of the picture of their dead father without consent came as a shock and caused grief as their father was not a prominent public figure but a private individual. Mrs Mhaka says the family wants an explanation on how the Daily News came to use the picture and where they sourced it as there was no credit of the source. Mrs Mhaka says the family also wants the Daily News to apologise for using the picture of her dead father without the family consent.

STATUS: Resolved

The matter was referred to the Daily News who indicated that the picture was initially used by them in an earlier story that they published and was now in their archives and they did not feel there was a need to consult on a picture that they used previously without any complaint. The Daily News offered an apology and their condolence wishes to Mrs Mhaka and explained that there was no malice in their use of the picture. The Media Complaints Committee noted the nature of the complaint and as part of professional development recommended a training on the use of pictures and images for the membership

Case Number Seven

Parties: Dr Rita Nyampinga Vs Newsday

Date of complaint: May 2021

Nature of Complaint

The Media Complaints Committee received a complaint from Dr Rita Nyampinga, Director of Femprist, over an article carried by The NewsDay on 31st of May 2021 headlined: "Female prisoners face hardships inside ". Dr Nyampinga says the article published is inaccurate and distorts facts. She says the article especially the introduction has a lot of misquoted facts and statements that she did not give and breaches journalism ethics which calls for a retraction or correction of a story if found to be untrue or has caused harm to one's reputation.

Dr Nyampinga says the newspaper did not quote issues factually, especially what was said in reference to living conditions of the inmates. She feels that the newspaper has an obligation to inform its readers on factual news and since then her organization has been blacklisted by prison authorities.

Dr Nyamapinga wants NewsDay to retract the story based on reasons given above.

STATUS: Pending

The VMCZ Media Complaints Committee wrote to NewsDay over the matter and the newspaper's editor indicated that as part of their own procedures they would first want to engage the complainant as part of resolving the matter without going for adjudication and the position was communicated to the complainant who indicated her willingness to resolve the matter. As part of the Media Complaints Committee procedures if the complainant does not get satisfaction from the NewsDay then they can escalate the complaint to the committee for adjudication. At the time of compiling this report the complainant had not yet reported an impasse on the matter.

Case Number Eight

Parties: Mr Fofo v/s Sunday Mail

Date of Complaint: May 2021

Nature of Complaint

The Media Complaints Committee received a complaint from Mr Fofo over an article carried by the Sunday Mail where he is quoted in the story. Mr Fofo is aggrieved as he says he never gave the comments that are attributed to him. Mr Fofo said the comments that he made were quoted out of context and had a different meaning against what the quotes were intended for. Mr Fofo wants the Sunday Mail to retract the statements that he says are misleading. Mr Fofo says the quoted statements are misrepresentations and falsehoods which border on defamation.

STATUS: Resolved

The Media Complaints Committee referred the complaint to the Sunday Mail. The Sunday Mail Editor, Victoria Ruzvidzo, engaged the complainant on the matter and the newspaper produced evidence of the statements made by Mr Fofo from the reporters' notebook and both parties agreed that the statements made by Mr Fofo were correctly captured by the reporter but the context they were used in was not favourable to Mr Fofo. The parties as a result of the evidence presented agreed that the reporter had captured Mr Fofo's comments accurately.

Case Number Nine

Parties: Zimbabwe Election Support Network (ZESN) v/s Zimbabwe Mail

Date of Complaint: June 2021

Nature of Complaint

ZESN filed a complaint over a story carried by *Zimbabwe Mail* on 16 June 2021 headlined, “**US shakes Zimbabwean civic society groups as it gears up to depose Mnangagwa.**” The article alleges that ZESN was blacklisted by USAID over abuse of donor funds. The article alleges that ZESN and other civil society organisations abused funds from USAID and as result have been blacklisted by the donor agency. ZESN in its complaint says the article is malicious and false as the organization has not been blacklisted by USAID and has no record of abusing donor funds. ZESN says the article is bent on raising alarm and causing despondency. ZESN wants Zimbabwe Mail to retract the story as it is false

The Media Complaints Committee wrote to Zimbabwe Mail and the online publication did not respond to communication from VMCZ sent on its contact details. The Zimbabwe Mail is not a subscribing member of the VMCZ and its operations are not bound by the VMCZ code of ethics and hence it was difficult to establish contact with Zimbabwe Mail. The VMCZ will however continue to engage and find ways that the online publication can be part of the VMCZ procedures.

STATUS: Resolved

As a result of failure to get communication and contact with the Zimbabwe Mail, the VMCZ Media Complaints Committee wrote to USAID enquiring on the relationship status between ZESN and the American donor agency. USAID in response indicated that ZESN was not in any way blacklisted by USAID. The organization indicated that it had stringent measures to ensure accountability of American taxpayers funds. The clarification by USAID helped in clarifying that ZESN was not blacklisted by USAID.

Case Number Ten

Parties: Tanya Haden Tebb v/s Zimonlinenews

Date of Complaint: July 2021

Nature of Complaint

Ms Tanya Haden Tebb filed a complaint with the Media Complaints Committee over a story published by Zimonlinenews on 8 May 2021 headlined, “Drop High Court Suit and I Will Drop Criminal Charges Against You: Harare Woman Tells Estranged Boyfriend.”

Ms Tebb in her complaint argues that the article in question is not accurate and contains falsehoods. Ms Tebb argues that the integrity of the journalist may be compromised and the story is not balanced. Ms Tebb says she contacted Patrick Simbarashe, the editor of Zimonlinenews via Facebook page, to ask that the matter be set right. She says Mr Simbarashe promised to investigate the matter. She says Mr Simbarashe never got back to her with the result of his investigation into the matter nor was the story corrected or removed from the online platforms. Ms Tebb says she wants the true story to be published and printed. She also says she wants the online publication to also update the case to include the conviction of her abused on charges of domestic violence.

STATUS: Pending

The matter was referred to the Media Complaints Committee who in their analysis of the matter noted that the story published by Zimonlinenews was published from court papers and as a result there was no need for the online publication to seek Ms Tebb's comment on the matter. However, Ms Tebb questioned the headline of the story as she claims she never uttered words attributed to her in the headline. The Committee held a briefing with Ms Tebb who indicated that she wanted her side of the story to be covered by the media also. She indicated that she had information that her abuser had paid off journalists so that they do not write any story covering her side of the story. The committee then said Ms Tebb should avail her response to the original application filed by her boyfriend so that it can be availed to the media so that her side of the story can be covered from her opposing affidavit to her former boyfriend's application. She indicated to avail the documents so that the media can pick the story from the court documents

Case Number Eleven.

Parties: Tian Ze Tobacco Company versus NewsHawks

Date of Complaint: September 2021

Nature of Complaint:

The Media Complaints Committee received a complaint from Tian Ze over an article carried by the NewsHawks on 10 September, 2021, headlined "Contract Tobacco farmers in Zim drowning in debt". Tian Ze in the complaint say it is aggrieved as the article is centred on misrepresentations and falsehoods which borders on defamation. Tian Ze tobacco Company says the article alleges that they gave seeds, fertiliser, chemicals and training to a contracted farmer by the name of John Ruvanga. The company says they never contracted a farmer by that name. The company highlights the following as falsehoods identified in the story:

- The company does not contract small hectarage like the ones mentioned in the article and that is does not have farmers in Mwami area.
- The company does not have any court order against the farmer by the name John Ruvanga
- Tian Ze Tobacco Company did not attach nor confiscate under a court order John Ruvanga's tractor, water pump or any of his equipment.
- The company does not contract more than 20 000 farmers in Zimbabwe
- The company never contracted a farmer by the name Tawanda Muchenje based in Karoi district in 2015.

- Tian Ze Tobacco Company denies as per the article that it seeks to expand its influence through the tobacco for equipment programme and that it is not true that it agreed to increase its exports from Zimbabwe by US \$ 100 million.

Tian Ze Tobacco wants Newshawk to corrective action in the form of a Matter of fact and an apology to Tian Ze Tobacco and also to undertake that such deliberate misrepresentation will not recur in future.

STATUS: Pending

The Media Complaints Committee wrote to the NewsHawks over the complaint and the editor indicated they are open to engage with Tian Ze Tobacco Company. Several email communication has been sent to Tian Ze Tobacco Company on the email they provided when launching the complaint but there has been no response and a physical letter delivered at the premises has not been responded to and the name and address of the legal representative who signed the complaint letter is not given.

VMCZ has sent further communication to Tian Ze Tobacco company and awaits their response. NewsHawks Editor, Dumisani Muleya has indicated his willingness to engage Tian Ze Tobacco Company once they respond to communication sent to their office.

Case Number Twelve

Parties: Litchel Mandiveyi v/s H-Metro

Date of complaint: September 2021

Nature of Complaint

Ms Litchel Mandiveyi lodged a complaint with the VMCZ Media Complaints Committee against H-Metro over an article carried by the newspaper on 20 September 2021 headlined, "Businessman sues wife." Ms Mandiveyi says the reporter who penned the article quotes her ex-husband who is based on South Africa and mentions that efforts to get in touch with her were fruitless. She says nobody contacted her or made an effort to contact her and neither did they contact her lawyer whose contact details are on the summons. She says she is saddened by the story with the link below as she says she would have gladly taken the offer to respond and give a comment of her side of the story.

https://www.hmetro.co.zw/businessman-sues-ex-wife/?fbclid=IwAR2Z785Vc3eafyG - lmU3jq8F2_8S-Vj4A4cLv5ldl8D_qi0wpMQcVYZePk

She wants H-Metro to provide proof and phone records to show that they made an attempt to contact her. Ms Mandiveyi feels the story is part of machinations to tarnish her image and feels she did not get a right to reply or defend herself.

VMCZ contacted H-Metro and the newspaper editor argued that the story is based on court documents and therefore there was no need to contact Ms Madiveyi on the matter. H-Metro however committed to publish her side of the story once she submits her opposing affidavit, which they said will be guaranteed space in H Metro.

Case Number Thirteen

Parties: Councillor Demo v/s Bulawayo24

Date of Complaint: October 2021, (Original Complaint 2013)

Nature of Complaint

Clr Demo briefed the committee that the complaint that he raised initially in 2013 and involving The Chronicle still haunts him. The MCC then after consulting The Chronicle ruled that The Chronicle had covered the incident (suicide matter) and allegations against Clr Demo, where Demo was given an opportunity to respond to the allegations, an opportunity he took and gave his side of the story. However, the complaint against Bulawayo 24 was not completed since Bulawayo24 was not a member of the VMCZ and had at that time not responded to queries sent by the VMCZ on the complaint raised by Clr Demo. As a result, the case could not be resolved without the cooperation of Bulawayo 24.

Clr Demo indicated that he was still worried about the uncorrected story as he revealed that whenever an internet search is done against his name the search results always come up with

the offending article. Clr Demo pleaded with the committee to assist him in having the article deleted from the internet or to have Bulawayo 24 retract the story.

STATUS: Resolved

The Midlands Provincial Media Complaints Committee after a full adjudication of the matter resolved that without the cooperation of Bulawayo 24 the committee will enlist the services of other VMCZ members to give an opportunity and a right of reply for Clr demo to give his side on the matter. The sun Newspaper offered to give Clr demo an opportunity to present his side of the story and the process was left to Clr demo to approach The sun newspaper whenever he was ready for the interview. Clr Demo indicated that once he was ready he would engage The Sun Newspaper to give his side of the story.

Case Number Fourteen

Parties: Mr Addington Chinake v/s NewsDay

Date of Complaint: November, 2021

Nature of Complaint

The Media Complaints Committee received a complaint from Mr Addington Chinake over a story published in the NewsDay of 17 November, 2021 under the headline “Judges hear their own appeal.” The story states that the lawyer representing three Supreme Court judges cited as appellants in matter before the courts, Mr Addington Chinake, caused the postponement of the matter as he failed to appear in court. Mr Chinake says the claims are false as he appeared in court in person to represent the three judges. He says the statement by NewsDay is patently false and is a deliberate falsehood and the newspaper is peddling lies. He says the statement is damaging to his reputation and wants NewsDay to withdraw the false statement, publish a retraction to the false statement in the paper’s next edition and apologise with equal prominence.

STATUS: Resolved

Newsday apologized in the paper stating their error in the mix up of names and unreservedly apologies to Chinake.

Case Number Fifteen

Parties: Mr Mpofu versus NewsDay

Date of Complaint: November, 2021

Nature of Complaint

Mr E Mpofu lodged a complaint with the Media Complaints Committee over allegations that involve alleged revealing of sources by journalists. In his complaint Mr Mpofu says he was forced to resign by his employer after the employer advised him that they had got information from NewsDay that he (Mpofu) leaked information on company operations. Mr Mpofu says his employer at the hearing accused him of leaking a Telone document and wrote a letter to NewsDay accusing Telone management of mismanagement of company resources.

Mr Mpofu says he knows no one from NewsDay and has never at any time had any interaction with any journalist from the newspaper and any other newspaper for that matter. Mr Mpofu wants NewsDay and the reporter concerned to give evidence that he supplied the information and evidence that he contacted the said reporter who mentioned his name.

While his case is more of a labour matter between employer and employee, the alleged involvement of NewsDay and its reporter in a case that clearly involves breach of journalism ethics- through divulging sources, interests the committee in the matter.

STATUS: Pending

NewsDay editor and Alpha Media Holdings (AMH) editor in chief, Mr Wisdom Mdzungairi, was engaged on the matter and he explicitly stated that NewsDay does not support unethical behavior and indicated that revealing of sources is not tolerated in journalism and within AMH. Mr Mdzungairi indicated that NewsDay has an interest in the case and will want names of the said journalists, once these are revealed by Telone. The Bulawayo Media Complaints Committee convened a hearing to gather details on the matter. Mr Mpofu outlined the key elements in his complaint and says he was informed by Telone that the journalist named him as the person who supplied information to the journalist. Mr Mpofu said he wanted the journalist to openly declare that it is him as he feels he is falsely accused. The committee after hearing from Mr Mpofu resolved that more documents pertaining to the matter should be availed especially the part where management mentions NewsDay and statements that the NewsDay journalist named Mr Mpofu as the source of the story. The committee asked Mr Mpofu to request for documents pertaining to the hearing and minutes of the hearing. Once the documents are availed and there is a clear mention of NewsDay then the committee will write to NewsDay seeking their position on the matter. The committee unequivocally stressed that the allegations as captured pose a threat to journalism and the sanctity for the protection of sources, a principle enshrined in the constitution.



Retired Justice George Smith

Retired Justice George Smith (Chair – Media Complaints Committee) Retired Justice Smith is a legal consultant. He holds BA and LIB degrees from the University of Cape Town. He was appointed Attorney General of Southern Rhodesia in 1964. In 1974, he was appointed director of Legal Drafting and in 1977 he became Solicitor general. Ret. Justice Smith was awarded the Independence Commemorative Decoration and Commander of the Legion of Merit in 1971. In 1979 he became the secretary to the Prime Minister (Muzorewa) and Cabinet of Zimbabwe/Rhodesia. In 1980, he became the secretary to the Prime Minister (former President Mugabe) and Cabinet of Zimbabwe. He has also worked as a judge in the High Court of Zimbabwe.

He is the former chairman of the Southern Africa HIV and AIDS Information Dissemination Service



Cris Chinaka

Cris Chinaka (Vice Chairperson) has over two decades of work at Reuters International News Service where he was the agency's chief correspondent in Zimbabwe since 1995. He has over 30-years' experience in journalism and is one of Reuters' most experienced reporters in Africa. Cris is involved in journalism mentoring projects in Zimbabwe and the region. He has been a board member of the VMCZ since its formation in 2007 and has served on its training committee since. He also chairs the board of trustees of the Media Centre (of Zimbabwe) and the board of trustees of The Source, an independent business and financial news agency project in Zimbabwe.



Precious Chakasikwa

Precious Chakasikwa - Legal Practitioner and partner at Kantor and Immerman. She holds a Bachelor of Laws degree from the University of Zimbabwe and a higher national diploma in Marketing. Ms Chakasikwa Chairs the Population Services International Zimbabwe (PSI Zim) Board and is Vice Chair of Zimbabwe Lawyers for Human Rights. She is a member of the Women's University in Africa Steering committee, Board member at the National Aids Council and a trustee at the Law Society of Zimbabwe Compensation Fund. Ms Chakasikwa is a member of the Law Society of Zimbabwe, Zimbabwe Lawyers for Human Rights and the Estate Administrators Association Zimbabwe.

Annexure B: NATIONAL AND PROVINCIAL ADJUDICATION COMMITTEES & CONTACT DETAILS

Provincial Adjudication Committees

Gweru

Z.E. Mugari:	0772 385 317
E. Mutsvedu:	0775 400 419
R. Chidawanyika:	0772 563 923

Mutare

D. Tandiri:	0773 567 971
E. Ziyera:	0772 486 483
P. Madzikanganwa	0773525650

Harare

Retired Justice G.L. Smith:	(04) 790 103
P. Chakasikwa:	0712 420 332
C. Chinaka:	0712 600 488

Kwekwe

C. Mafuruse:	0772 496 564
H. Masaninga:	0774 380 271
P. Chitsa:	0775 419 919

Masvingo

Rev. S. Chimbuya:	0778 156 111
P. Shumba:	0772 742 200

Bulawayo

A. Phiri	0775 945 611
S. Nsimbi	0772144163
M. Mpofo	0772458863

Hwange

B. Dube	0772145218
J. Change	0782363519
J. Sibanda	

Marondera

T. Mafukidze	0772396071
T. Chengeta	0773809229
E. Vhikitaru	0779888101

Gwanda

S. Masilela	0773786469
M. Ncube	0779037829
L. Mpofo	0772857781

Chinhoyi

J. Mafukidze	0772396071
C. Mataruse	0718292109
A. Chipanera	0786659515

Bindura

E. Pasipamire	0772724142
Rev A. Ndogo	0772218191

3. Media Complaints Procedure:

3.1 Functions of Media Complaints Committee

The Media Complaints Committee (MCC) is guided by a desire to promote and protect a set of common

professional standards of conduct for media practitioners, media institutions, media owners and publishers, and to provide all parties, including members of the public, with an adequate opportunity to obtain a redress where there has been a violation of the Code.

The MCC will consider a complaint by any individual and/or institution concerning possible breach/es of the Code by any media practitioner, media institution, media owner or publisher in Zimbabwe, whether a member of the Voluntary Media Council of Zimbabwe or not.

3.2 Independence of Media Complaints Committee

The MCC is independently constituted and will carry out its mandate and functions with complete impartiality. Media practitioners, media institutions, media owners and publishers have voluntarily bound themselves to the Code in their desire to ensure voluntary regulation of the media profession.

The authority of the MCC rests in the willingness of media practitioners, media institutions, media owners and publishers to cooperate fully with the MCC and to accept and respect its adjudications, irrespective of the outcome thereof. Where a media practitioner, media institution, media owner or publisher has agreed to be bound by the Code and has submitted to the disciplinary jurisdiction of the Committee, the adjudication of the MCC will be final and binding.

3.3 Informal Nature of Procedure of Media Complaints Committee

The MCC places a strong emphasis on the speedy, cost-effective and informal resolution of complaints, wherever possible. Preliminary Requirements in Complaints Procedure. Where a complainant alleges that there has been violation/s of the Code, and the complaint cannot reasonably be said to be frivolous and vexatious, s/he is first encouraged to take reasonable steps to resolve the matter amicably with the media practitioner, media institution, media owner or publisher concerned by writing a letter of complaint and/or speaking to the media practitioner, head of the media. Media institution, media owner or publisher concerned is to

request an explanation and/or clarification and/or correction of the alleged violation of the Code. Where such action is unsuccessful in resolving the complaint, the complainant may then approach the MCC for assistance.

3.4 Lodging a Complaint

Within thirty (30) days of the date of the alleged violation of the Code, the complainant must complete the Complaint Form, clearly and succinctly stating the following:

1. the name of the complainant;
2. her/his/its full contact details;
3. the name of the media practitioner, media institution, media owner or publisher against whom the complaint is directed;
4. the date/s of publication and/or broadcast;
5. the page number of the publication, together with the edition (in the case of a major metropolitan newspapers), or the time of broadcast;
6. the main points of complaint;
7. the provision/s of the Code which is/are alleged to have been violated.

The complainant must make a cutting or a clear photocopy or a recording (where available) of the material which is alleged to have breached the Code and enclose this with the Complaint Form.

The complainant must send the complaint to the Executive Director by post, facsimile or electronic mail. Even when not provided initially, the complainant will be required to complete the Complaint Form, so that the MCC has a clear understanding of what the complainant sees as the main areas of concern.

A complainant who makes a complaint more than thirty (30) days after the initial publication or broadcast must explain the delay, and give reasons why the complaint is one of those rare, special cases where the thirty-day guideline should be waived. In these circumstances, the Executive Director will have discretion as to whether to accept or reject the complaint.

3.5 Lodging of complaints by legal practitioner

As the procedure is designed to be a speedy, inexpensive and informal means of redress for violations of the Code, the MCC will not accept the direct involvement of a legal practitioner in the complaints procedure and a legal practitioner will not be entitled to appear before the Complaints MCC to represent his or her client.

Where a complaint has been lodged by a legal practitioner acting on behalf of a client, the Executive Director will request that the legal practitioner ensures that the correspondence is passed on to the complainant and that the latter be responsible for dealing with the matter. The only exception will be where the legal practitioner is representing the interests of a child who is alleging breaches of the code.

The logo for the Voluntary Media Council of Zimbabwe (VMCZ) features the acronym 'VMCZ' in a bold, serif font. The letters are filled with a dark red color and have a bright yellow outline. The letters are slightly shadowed, giving them a three-dimensional appearance.

VMCZ

VOLUNTARY MEDIA COUNCIL OF ZIMBABWE