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MAPPING THREATS TO THE MEDIA

in Lesotho

By Pascalinah Kabi and Sechaba Mokhethi



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EXECUTIVE SUMMARY

This report presents a comprehensive analysis of the parlous state of the media sector in the Kingdom of Lesotho. Despite the constitutional guarantees enshrined in Section 14(1) of the Constitution, which protects freedom of expression and the reception of information and ideas, the media is currently operating under a suffocating interconnected web of legal and regulatory threats, political capture, economic, digital and societal threats.

The findings reveal that the democratic space for independent journalism is shrinking, driven by a legislative agenda that appears to prioritise national security and state control over media freedom and individual rights and liberties.

The primary threat is legal weaponisation. The *Computer Crime and Cybersecurity Bill* represents a sophisticated attempt to codify censorship under the guise of national security. Specifically, problematic clauses such as Section 26 (Data Espionage) and Section 24 (regarding whistleblowing) threaten to criminalise investigative journalism by penalising the possession and/or publishing of leaked digital information, even if the information is in the public interest. The persistent, perhaps deliberate delay in enacting the Access to and Receipt of Information Bill further obstructs journalists' and the public's access to crucial information.

Beyond the law, political and institutional interference is also a significant factor. The Lesotho Communications Authority (LCA) lacks the functional independence necessary for the autonomous exercise of its regulatory functions.

Its leadership is appointed by the Minister of Communications, Science and Technology, rendering it susceptible to political manipulation rather than serving as an impartial regulator. Political polarisation leads to public officials targeting critical media outlets, demonstrating intolerance for dissenting voices. This regulatory capture is mirrored by economic coercion, where the state—as the largest advertiser—could weaponise its budget to starve critical outlets of advertising revenue. Corporate bodies can also take advantage of the media's heavy

reliance on advertising to punish the critical, independent press. Furthermore, the media has to contend with costly Strategic Lawsuits Against Public Participation (SLAPPs) meant to deplete its financial resources and deter investigations into public and private sector mismanagement.

Besides the looming threat of the *Computer Crime and Cybersecurity Bill*, digital and technological threats have manifested themselves through cyberattacks on investigative outlets like the MNN Centre for Investigative Journalism (MNNCIJ), online harassment and death threats to journalists for their critical reporting.

Most distressingly, when examining societal and extra-legal threats, it is evident that the physical safety of journalists is virtually non-existent. The assassination of radio journalist Ralikonelo Joki in May 2023 and the long-delayed justice for the 2016 shooting of editor Lloyd Mutungamiri, by soldiers from the Lesotho Defence Force, stand as stark testaments to a climate of impunity.

It is also significant that female journalists within Lesotho's patriarchal society and media sector encounter disproportionately higher rates of gender-based violence and online abuse, as well as restricted opportunities for career advancement.

Collectively, these factors place Lesotho in direct contravention of its obligations to ensure free expression under its own Constitution as well as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, threatening media freedom and democracy.

SUMMARY OF KEY FINDINGS:

- **Legislative Overreach:** The *Computer Crime and Cybersecurity Bill*, while necessary for combating cyber threats like the December 2023 Central Bank attack, contains punitive, claw-back clauses (Sections 24, 26, 38, 39) that vaguely define offences, potentially reviving criminal defamation in digital form.
- **Culture of Impunity:** It appears the criminal justice system is failing to protect the press. The investigation into the murder of Ralikonelo Joki has highlighted systemic lapses in police protection for journalists who receive death threats, while the trial for the attempted murder of Lloyd Mutungamiri has dragged on for close to a decade without resolution.
- **Regulatory Capture:** The Lesotho Communications Authority is virtually an arm of the executive. Proposals to transform it into a truly independent body remain unrealised, leaving broadcast licensing and spectrum allocation vulnerable to partisan whims.
- **An Information Void:** Lesotho remains one of the few nations in the Southern African Development Community (SADC) without an operational Access to Information (ATI) law, forcing journalists to rely on leaks rather than legal rights to hold power accountable.
- **Gender-Based Cyber Violence:** Women journalists in Lesotho face a distinct double jeopardy or burden of threats. Beyond professional hazards, they are increasingly subjected to misogynistic online harassment and cyber-stalking, designed to silence their participation in the public sphere.
- **Digital Surveillance:** The expansion of SIM card registration regulations (2021) and the interception capabilities proposed in new cyber laws raise profound concerns regarding the state's capacity for warrantless mass surveillance of journalists' communications.

Addressing these threats demands a comprehensive, multi-pronged approach integrating legal, institutional and societal reforms. Key actions include:

- Immediately passing the Access to and Receipt of Information Bill into law to operationalise the constitutional right to information, strengthening transparency and accountability in governance.
- To remove problematic clauses in the Cybercrime and Computer-Related Crimes Bill, ensuring there is a public interest defence clause and the decriminalisation of digital defamation.
- Repealing sedition and criminal defamation laws to ensure that defamation claims are addressed through civil, not criminal, remedies.
- Strengthening the independence of the LCA by removing political interference in appointments and ensuring fair, transparent regulation.
- Prioritising and finalising court cases related to attacks on journalists to deter future violence and end impunity for crimes against the press.
- Establishing a national journalist protection mechanism to provide rapid response, legal and physical support for at-risk journalists.
- Supporting digital and media literacy initiatives, including a National Digital Journalism Hub, to enhance digital competencies, AI-assisted reporting and counter misinformation.
- Encouraging the international community and development partners to align support with local advocacy efforts, investing in initiatives that protect press freedom as a cornerstone of democratic governance in Lesotho.
- These urgent actions are vital for Lesotho to uphold its constitutional promises, protect journalists, and ensure a robust democratic future. Failure to act risks deepening democratic backsliding and compromising human rights and transparency.

INTRODUCTION

Media freedom is not merely a professional privilege to be handed to journalists by a state out of its generosity; it is the oxygen of any functioning democracy. In the context of Lesotho, a nation characterised by its vibrant but volatile coalition politics, the media has historically performed a crucial normative function: serving as the primary conduit for public discourse and watchdog over a powerful executive.

From the bustling streets of Maseru to the remote highlands of Mokhotlong, newspapers, radio stations and the growing digital platforms serve as the 'public square' where Basotho citizens exercise their democratic rights.

Historically, the media landscape was dominated by state-owned entities such as the Lesotho National Broadcasting Service (LNBS), which often functioned as mouthpieces for the government of the day. However, the liberalisation of the airwaves in the late 1990s birthed a fierce private media sector. Stations like *MoAfrika FM*, *People's Choice FM*, *Harvest FM* and *Tšenolo FM* became critical accountability mechanisms, hosting debates that have shaped election outcomes and exposed public malfeasance. These have been complemented by an independent and vibrant print media, with titles like *Public Eye*, *Lesotho Times* and *The Post* playing a leading role in critical reporting. There has been a recent expansion into the digital realm, resulting in the establishment of important online investigative media outlets like *Uncensored News* and *MNN Centre for Investigative Journalism*, which are playing a significant role in holding power to account.

Social media platforms like Facebook and WhatsApp have democratised information flow, albeit while introducing new challenges of misinformation and cyber-bullying.

Yet, for all the progress, the media currently finds itself under siege. The media sector now operates within a complex, interconnected web of threats that are far more insidious

than simple censorship. While the Constitutional Court's 2018 ruling declaring criminal defamation unconstitutional was rightly hailed as a watershed moment for press freedom, the state has pivoted to new methods of control. The emerging threat landscape is defined by 'lawfare', which entails the use of the law and legal systems to harass and silence the media. Added to this are other potent threats such as economic strangulation and unchecked physical violence against media practitioners.

This report argues that the threats facing Lesotho's media are no longer just professional hazards but are symptomatic of a broader erosion of the rule of law. By analysing the intersecting pressures of the draconian *Computer Crime and Cybersecurity Bill*, the lack of an Access to Information law, and the rising tide of violence exemplified by the Joki and Mutungamiri cases, the report exposes a systematic failure by the state to uphold its social contract with the Fourth Estate. The following analysis dissects these threats to understand not only *how* the media is being silenced, but *why* the preservation of its voice is existential for the future of Lesotho's democracy.

PURPOSE (OBJECTIVES) AND SCOPE OF THE REPORT

This report comprehensively examines how Lesotho's complex historical political dynamics have shaped the media's role in the country's democratic development. Its primary imperative is not simply to catalogue the normative functions of the press, but to rigorously analyse the persistent,

multi-dimensional threats that undermine its capacity to foster democracy. In an era marked by deep-seated political polarisation and rapid digital transformation, this report seeks to provide a holistic understanding of why the space for independent journalism in Lesotho is shrinking and to propose actionable recommendations to remedy the situation.

The specific **objectives** of this report include:

- Providing a detailed analysis of the current environment for media freedom in Lesotho, outlining its multi-layered threats across legal, political, economic, digital and societal domains.
- Demonstrating how the media operates under siege, leading to a shrinking space for independent journalism and impacting democratic participation and public accountability more broadly.
- Analysing the wide-reaching consequences of these threats on media freedom, public trust, democratic participation, international development and human rights in Lesotho.
- Evaluating government and civil society responses to these threats and assessing their effectiveness in protecting and strengthening media freedom in the country.
- Proposing urgent recommendations for comprehensive legal reforms, institutional strengthening, journalist protection mechanisms, and investment in innovation and sustainability to counter escalating threats and ensure the media's future viability.

The **geographic scope** of this report is exclusively Lesotho, focusing on the media landscape and related challenges within the country. The thematic scope spans the entire evolution of media in Lesotho, from its missionary origins in 1863 with newspapers like *Leselinyana la Lesotho* and *Moeletsi oa Basotho*, through periods of deep partisanship and intolerance, severe state control and repression under authoritarian and military regimes, to its subsequent democratic liberalisation post-1993, and up to contemporary digital challenges. The report disaggregates current threats into five key

categories for detailed analysis: legal and regulatory threats, political and institutional, economic and ownership-related, digital and technological, and societal and extra-legal threats (including gender-based violence against female journalists).

DEFINITIONS OF KEY TERMS

To ensure clarity and consistent understanding, this report defines key terms as follows:

Media Freedom: This refers to the constitutional right, as outlined in Section 14 of Lesotho's Constitution, that ensures the liberty of individuals and media organisations to seek, receive, and impart information and ideas through any medium, free from arbitrary interference, censorship or repression.

Journalism: This term denotes the professional practice of collecting, verifying, producing, and disseminating news and information to the public. This practice now encompasses the use of modern digital tools like smartphones, social media, and Artificial Intelligence.

Independent Media: This term signifies media outlets and professionals that operate free from undue political, economic or governmental control over their editorial content. This is primarily characterised by its watchdog reporting and relentless pursuit of investigative stories.

METHODOLOGY AND SOURCES

The methodology is primarily analytical, examining the historical context, normative functions, and evolving threats within Lesotho's complex political landscape. The report relies heavily on existing literature and documented incidents, reflecting a robust evidence-based approach. Sources used include:

- Academic journals detailing the media's role in electoral politics and civil society organisations in Lesotho's democratisation process.

- Reports and publications from reputable media freedom and human rights organisations to provide insights into press freedom violations, harassment, and intimidation faced by journalists.
- Official government documents and legal frameworks.
- Press releases, public statements and news articles from various media outlets within Lesotho and internationally that document specific incidents of threats, harassment, and violence against journalists and media houses.
- Interviews with Lesotho journalists subjected to work-related harassment.

This comprehensive, evidence-based approach informs the report's findings and urgent recommendations for strengthening media freedom in Lesotho.

HISTORY OF THE MEDIA

The history of media in Lesotho is a story of evolution: from missionary presses to digital disruption, shaped by the country's political, social and economic transformations. Though small in geographic and population size, Lesotho has experienced complex political dynamics and media institutions have played a central role in navigating the space between state control and public empowerment. This chapter examines the historical context of media in Lesotho by analysing its normative functions, its contributions to democratic development, the threats it has faced over time and the emerging pressures of political polarisation and digital transformation.

NORMATIVE FUNCTIONS

The media's normative functions, such as **watchdog**, **public sphere** and **accountability**, are grounded in democratic theory, and Lesotho's media landscape reflects both the promise and limitations of these ideals. In theory, the media in Lesotho serves as a watchdog by monitoring those

in power and exposing abuses, particularly concerning corruption, human rights violations, and mismanagement of public funds. While state-owned broadcasters have historically refrained from investigative reporting, private outlets have taken up this role, often at considerable risk. For example, the *Lesotho Times* faced legal threats and advertising boycotts after reporting on corruption involving high-ranking officials.¹

Lesotho's radio, in particular, has been instrumental in fostering a **public sphere** for debate. Stations such as *Harvest FM* and *People's Choice FM* and many other continue to host political discussions that allow ordinary citizens to express opinions on air. This role has expanded with the growth of social media platforms, where WhatsApp and Facebook groups now serve as extensions of the public sphere, despite concerns over misinformation and cyberbullying. Media in Lesotho has contributed to holding those in power to account, though this has often depended on the prevailing political environment. For instance, the media played a crucial role during the 2007 and 2012 elections, broadcasting political party debates and covering election irregularities. However, accountability is not consistently enforced, as political interference, weak legal protections for journalists and a lack of institutional transparency continue to undermine this function.²

HISTORICAL ROLE OF MEDIA IN DEMOCRATIC DEVELOPMENT

The history of media in Lesotho parallels the country's struggle to build and sustain democratic governance. From the colonial era to the post-independence democratic transitions, the media has been both a tool of state power and a platform for resistance.

Lesotho's media history began with **missionary newspapers**, notably *Leselinyana la Lesotho*, founded in 1863 by the Paris Evangelical

1 "Lesotho," *Federal Newswire*, 3 March 2017, reproduced from U.S. Department of State, Bureau of African Affairs, available at <https://thefederalnewswire.com/stories/627202579-lesotho>, accessed 3 June 2025

2 Pherudi, T. (2015). *Freedom of the Press in Lesotho: A Historical Perspective*. Maseru: Morija Printing Works

Missionary Society and *Moeletsi oa Basotho* published by the Catholic Church from 1933. Later joined by *MoAfrika*, the newspapers were deeply partisan in Lesotho's democratic development, aligning with political parties and influencing public discourse. Their coverage, at times, fuelled political intolerance, advocated for unconstitutional changes and hindered the growth of civil debate crucial for democratic consolidation.³

Following the 1970 general elections, Basotho National Party (BNP) suspended the Constitution, ushering in an **undemocratic and authoritarian order** succeeded by **military regimes from 1986 to 1993. During these periods**, media content, particularly on state-owned radio and television, was heavily controlled. For instance, in electoral contexts, state media prominently featured only the leader of the ruling party, necessitating external intervention to ensure equal access for other political entities.⁴ Private media outlets also faced significant **harassment, including "temporary closures and the arrest of prominent journalists"** for broadcasting content deemed politically destabilising or inciting a coup.⁵ This comprehensive control ensured that the information disseminated served the interests of the ruling powers, severely limiting independent reporting and public discourse.

The 1993 democratic transition opened the media space significantly. The 1990s saw a proliferation of **independent newspapers** and **private radio stations**, reflecting broader regional trends of media liberalisation

influenced by structural adjustment programmes and civil society advocacy.⁶ This expansion allowed for pluralism in media narratives, greater scrutiny of power and increased citizen participation in governance processes.

By the early 2000s, community radio also began to flourish in Lesotho, supported by non-governmental organisations and international donors. These outlets played a critical role in promoting local languages, health awareness campaigns (particularly around HIV/AIDS) and coverage of rural development issues. They remain essential in a country where over half the population lives in remote areas.⁷

The liberalisation of Lesotho's media environment has opened the door for donor-supported journalism in the last decade, playing a pivotal role in filling gaps left by fragile local markets. International support has materialised in two main forms: **story grants**, which enable journalists to investigate governance and corruption, and **institutional funding**, underpinning the formation of independent outlets such as the *MNN Centre for Investigative Journalism* founded in 2016 as a nonprofit investigative newsroom⁸ and *Uncensored News* launched in October 2023, which relies on donations from philanthropists and institutions.⁹ Together, these initiatives have diversified Lesotho's media space and advanced watchdog reporting, although they continue to face uncertain funding cycles and long-term viability challenges.

3 Selinyane, N.P. (2008) 'The Media and Electoral Politics in Lesotho Between 1993 and 2007', *Journal of African Elections*, 7(1), pp. 164-173.

4 Shale, S. (2008) 'The Challenge of Political Legitimacy Posed by the 2007 General Election', *Journal of African Elections*, 7(1), pp. 109-123.

5 Kapa, M.A. & Theko, L. (2008) 'The Role and Position of Civil Society Organisations in Lesotho's Democratisation Process', *Journal of African Elections*, 7(1), pp. 124-137.

6 Media Institute of Southern Africa (MISA). (2015). *State of the Media in Lesotho 2014*. Windhoek: MISA.

7 Media Institute of Southern Africa (MISA). (2018). *African Media Barometer Lesotho 2018*. Windhoek: MISA. Available at: <https://library.fes.de/pdf-files/bueros/africa-media/15526.pdf> (Accessed: 30 June 2025).

8 MNN Centre for Investigative Journalism. (2016) About Us. Available at: <https://lescij.org/about-us/> (Accessed: 1 July 2025).

9 Uncensored News. (2023) FAQs – funding model and launch details. Available at: <https://www.uncensored.org.za/faqs/> (Accessed: 1 July 2025).

OVERVIEW OF HISTORICAL THREATS

From independence in 1966, through successive coups and periods of political volatility, Lesotho's media sector has persistently faced repression, intimidation and structural constraints. During the 1970 coup, media suppression was evident as part of the broader authoritarian measures taken by Prime Minister Leabua Jonathan. After suspending the constitution and declaring a state of emergency, Jonathan controlled the flow of information to maintain his grip on power. The coup was marked by the suppression of political activity and dissenting voices were silenced. The media was used to propagate the government's narrative and opposition leaders were imprisoned, effectively stifling any alternative viewpoints.

Military regimes in 1986 and 1991 continued this pattern by banning opposition publications and exerting direct control over state broadcasters. Even after the return to multiparty democracy in the 1990s, threats persisted in the form of police harassment, defamation suits and politically motivated shutdowns. Again in 1998, *Radio Lesotho* was closed during the undeclared coup in 1998, highlighting the breakdown of security and law and order at that time.¹⁰

EMERGING PRESSURES

Beyond the longstanding challenges facing the media in Lesotho, new and evolving pressures are reshaping the operating environment for journalists and media houses. These pressures are not always direct or overt, but they gradually erode the space for independent journalism and free expression. They range from increasing political polarisation that has heightened hostility toward the press, to digital disruptions that expose journalists to online harassment, surveillance and cyberattacks. Collectively, these dynamics create a complex landscape in which the media must navigate both traditional threats and emerging risks, demanding new strategies for resilience and adaptation.

In the current environment, **political polarisation** poses a serious threat to independent journalism. Media in Lesotho continues to be deeply polarised, with increasing instances of public officials targeting media outlets that publish narratives critical of government. This polarisation has manifested in the systematic targeting and harassment of journalists by state agencies in Lesotho. These incidents highlight a trend where government figures seek to delegitimise and intimidate independent or critical media, reinforcing media polarisation by privileging pro-government outlets while marginalising dissenting ones.

¹⁰ Pherudi, M.L. & Barnard, S.L., 1999. Lesotho Coups D'Etat: Political Decay and Erosion of Democracy. Journal, pp.69-85.

CURRENT LANDSCAPE

Lesotho is not immune to the threats targeting the media globally. While the Mountain Kingdom has its own unique domestic challenges, its media practitioners are navigating a hostile environment similar to what other journalists face around the world.

While constitutional protections for freedom of expression theoretically remain in place, the operational reality for journalists in Lesotho is starkly different. The sector is currently grappling with a multifaceted crisis, specifically, a storm of restrictive laws, political intimidation, financial fragility, and technological disruption. These pressures are not isolated silos; they operate in tandem, creating a compounding effect. Regulatory shifts dictate what can be reported, while ownership structures determine who is silenced. Simultaneously, digital threats are reshaping the very infrastructure of news production.

This analysis disaggregates these complex challenges into five categories of threats: legal and regulatory, political and institutional, economic and ownership, digital and technological and societal and extra-legal. By examining each in turn, this report seeks to demonstrate how the media in Lesotho is increasingly operating under siege, often without recourse to institutional support or legal protection. The result is a shrinking space for independent journalism, with implications not just for media workers but for democratic participation and public accountability more broadly.

LEGAL AND REGULATORY THREATS

The Constitutional Mirage

The Constitution of Lesotho is the supreme law of the Kingdom, theoretically invalidating any other law inconsistent with its provisions.

Chapter II of the Constitution enshrines 16 fundamental human rights, including the freedom of expression—a right extended to all citizens and, by extension, media practitioners acting in both public and private capacities. As noted in the *Media Handbook* by the Konrad Adenauer Foundation, this constitutional supremacy should require both state officials and private individuals to uphold these freedoms, providing the bedrock for independent reporting and public accountability.

However, this legal foundation is destabilised by Section 4(1) of the Constitution itself. While guaranteeing freedom of expression, this section allows for limitations to protect the “rights and freedoms of others” or the “public interest”. In practice, this clause has become a loophole for state actors to justify censorship and restrict the flow of information.

The Weaponisation of Secrecy

This conflict between constitutional guarantees and state secrecy was thrown into sharp focus in September 2020. Moeketsi Majoro, the then Prime Minister, announced government intentions to criminalise the possession and publication of secret or confidential documents—a classification he said would remain effective for 30 years.¹¹

“Anybody who is not authorised to be in possession of classified documents is committing an offence. So, when the media gets hold of classified documents, you should know that it is illegal,” Dr Majoro warned

¹¹ Kabi, P. (2020) ‘Govt Moves to Gag Media’, Lesotho Times. Available at: <https://lestimes.com/govt-moves-to-gag-media/> (Accessed: 19 June 2025).

during a media briefing. He contextualised this decision as a response to repeated leaks of government documents on social media, noting that “at times top classified secrets are leaked by your inside sources.” Although Dr Majoro insisted this was “not about media censorship” but to “safeguard the sanctity of the state,” the implications for investigative journalism were chilling. His stance was in direct contradiction to Article 1 of the *Declaration of Principles on Freedom of Expression in Africa*, which Lesotho has signed. The Declaration affirms the right to seek, receive, and impart information through any medium without discrimination.¹²

MISA-Lesotho rightly characterised the then Prime Minister’s pronouncements as “shocking,” particularly as it coincided with efforts to enact the *Access to and Receipt of Information Bill*.¹³ If passed, this Bill would finally operationalise Section 4(1)(j) of the Constitution, transforming abstract rights into a concrete legal mechanism for accessing public information. However, the Bill remains stalled within the Communications Ministry, facilitating a legislative vacuum that enables secrecy especially around the public sector’s operations to trump transparency.

Legislative Overreach: The Computer Crimes and Cyber Security Bill

Complementing the threat of secrecy is the looming **Computer Crimes and Cyber Security Bill**.

This proposed law has been previously rejected by parliament and many Basotho in 2020 and again in 2022 due to its unconstitutional provisions which effectively promote oppressive governance and threaten press freedom, citizens’ right to privacy, and freedom of expression.

While the ostensible aim is to curb cybercrime, the Bill contains six provisions that are inimical to press freedom. These are Sections 24 (data interference), 26 (data espionage), 38 (unsolicited messages), 39 (disclosure of investigation details), 43 (criminal defamation), and 59 (search and seizure).

These six sections could be used to silence dissent, criminalise public interest journalism, and erode the media’s constitutional role as a watchdog. Their vagueness and harsh penalties are incompatible with democratic norms and international standards on freedom of expression.

Lawfare: The Rise of SLAPP Suits

Beyond statutory threats, the media faces ‘lawfare’ in the form of Strategic Lawsuits Against Public Participation (SLAPP). Wealthy individuals and corporations are increasingly weaponising the judicial system not necessarily to win on legal merits, but to exhaust the time, financial resources, and morale of newsrooms.

Two recent cases illustrate this trend:

Mergence Investment Managers vs. Lesotho Tribune (2024): Following the Lesotho Tribune’s investigations into and publication of irregularities in the civil servants’ pension fund, Mergence sued the newspaper. While the High Court rejected demands for immediate retraction, it allowed a M10 million defamation suit to proceed.

Thabiso Moroahae vs. Lesotho Times: After reports linking him to alleged police corruption, Moroahae sued for M20 million and banned the paper from his business outlets.¹⁴ Although his urgent application to stop publication failed, the defamation suit remains unresolved.

12 African Union (2000) Declaration of Principles on Freedom of Expression in Africa. Available at: <https://www.article19.org/data/files/pdfs/publications/africa-declaration-of-principles-on-foe.pdf> (Accessed: 22 June 2025).

13 Kabi, P. (2020) ‘Govt Moves to Gag Media’, Lesotho Times. Available at: <https://lestimes.com/govt-moves-to-gag-media/>, accessed 19 June 2025.

14 CIVICUS Monitor, “Media outlets face lawsuits over published articles,” *CIVICUS Monitor*, 1 August 2024, <https://monitor.civicus.org/explore/media-outlets-face-lawsuits-over-published-articles/> accessed 19 September 2025

These exorbitantly high damages claims serve a singular purpose: to create a chilling effect, discouraging journalists from scrutinising powerful economic actors.

Regulatory Threat: A Politically Compromised Lesotho Communications Authority

The regulatory environment further compounds these legal threats. The Lesotho Communications Authority (LCA), established in June 2000 to regulate the sector (including licensing and spectrum management), faces severe credibility questions regarding its independence from the state.

Critics and observers, including the authors of the *Lesotho National Dialogue and Stabilisation Project: Media Sector Reforms*, argue that the LCA functions effectively as an arm of the government via its parent Ministry of Communications, Science, Technology and Innovation.¹⁵

The Ministry is accused of routinely overstepping its mandate, particularly in spectrum allocation—areas that should fall exclusively under the LCA's purview.

The danger of this lack of independence was made manifest in 2021 when the LCA revoked a private radio, *357 FM*'s broadcasting licence. The revocation occurred shortly after the station's reporter, Lebeso Molati, was arrested for covering stolen firearms at a police station. While the LCA cited non-compliance with a disputes panel directive, the timing suggested retaliation for critical reporting. This incident exemplifies how regulatory mechanisms can be coordinated with law enforcement to intimidate independent media.

The Tenth Amendment (2025): Progress or Paper Tiger?

In an attempt to address these structural weaknesses, the *Tenth Amendment to the Constitution Act, 2025* was enacted to embed media regulation within the supreme law. The Act introduces:

Section 149P: Recognises the media as vital to democracy, protecting sources and editorial independence.

Section 149Q: Establishes the Media Council of Lesotho as an independent regulator.

Section 149R: Creates the Office of the Media Ombudsman to mediate disputes.

While MISA-Lesotho Chairperson Kananelo Boloetse acknowledged this as progress, significant concerns remain. The Act has faced constitutional challenges due to procedural flaws and, crucially, it fails to secure complete independence for the regulator. The LCA remains under ministerial oversight, and appointments to dispute resolution panels are still made by the Minister, leaving the door ajar for continued political interference.

Laws threatening Media Freedom

Successive colonial and post-independence administrations have relied on various laws to control the press and stifle media freedom. These laws have been weaponised against critical reporting, often targeting journalists and media outlets under the guise of defending the state and nation against “subversive” or “seditious” publications among others. These repressive laws have facilitated the arbitrary arrests and intimidation of media practitioners. The laws under discussion are:

15 Matšasa, T., Sithetho, M. & Wekesa, B. (2019) Lesotho National Dialogue and Stabilisation Project: Media Sector Reforms. Available at: <https://www.gov.ls/wp-content/uploads/2019/11/REVISED-MEDIA-SECTOR-REFORMS-REPORT.pdf> (Accessed: 23 June 2025).

The Penal Code Act No. 6 of 2010¹⁶

While the Constitutional Court's 2018 ruling declaring criminal defamation (Section 104) unconstitutional was a watershed moment for media rights in Lesotho, the Penal Code remains a potential trouble spot for journalists due to other lingering provisions. Most notably, **Section 76** codifies the crime of **Sedition**, which criminalises any act, speech, or publication with a "seditious intention".

Specifically, the **Section 76** states that "A person who - (b) utters any seditious words; (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication".¹⁷

Sedition is defined as an intention to bring the King, the Government, or the administration of justice into hatred or contempt.¹⁸ This definition of sedition is broad and vague and problematic for the broadcast and print media as it potentially enables the state to equate or conflate media broadcasts and publications with an intention to bring the King, the Government, or the administration of justice into hatred or contempt. In addition, the definition grants the state a wide latitude to prosecute journalists who air or publish critical investigative pieces.

Furthermore, **Section 79** criminalises "**Offences against the Royal Family,**" making it an offence to commit any act that is calculated to bring the dignity of the Royal Family into disrepute.¹⁹ For a media practitioner, this creates a huge barrier to reporting on any matters involving the monarchy, even those of significant public interest, such as royal expenditure or conduct as this can potentially be viewed as an attempt to bring the royal family into disrepute. The existence of these sections

perpetuates a culture of self-censorship, as the threat of criminal prosecution hangs over any reporter daring to scrutinise the highest echelons of power.

The Internal Security (General) Act No. 24 of 1984²⁰

Although it does not specifically mention the media, this Act is one of the most draconian threats to press freedom in Lesotho. It grants the authorities sweeping powers to clamp down on activities deemed "subversive." Among other things, the definition of subversive acts- according to the Act- includes "supporting, propagating or advocating any act or thing prejudicial to public order, the security of Lesotho or the administration of justice; (or) inciting to violence or other disorder or crime, or counselling defiance or disobedience to the law or lawful authority..."²¹

The Act empowers authorities to detain individuals without trial for subversive and there are possibilities that journalists could be caught up in the dragnet as broadcast or published content that is critical or the government could be labelled as subversive by the state.

Another pernicious threat to the media lies in the Act's broad powers of search, seizure, and interrogation. Under the guise of investigating "subversive activity," security agencies could compel journalists to reveal their confidential sources, thereby stripping away the journalist's privilege—a cornerstone of a free press. The mere existence of this legislation serves as a Damocles' sword, potentially discouraging whistleblowers from coming forward and intimidating journalists who might otherwise investigate sensitive security or political matters.

16 <https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/Lesotho-Penal-Code.pdf> accessed on 29 January 2026

17 Ibid

18 Ibid

19 Ibid

20 <https://ihl-databases.icrc.org/en/national-practice/internal-security-general-act-act-no-24-1984> accessed on 29 January 2026

21 Ibid

The Official Secrets Act No. 11 of 196722

Enacted shortly after independence from Britain, the Official Secrets Act is a major statutory barrier to the free flow of information in Lesotho. The Act is fundamentally antithetical to the principles of transparency and accountability. It criminalises the receipt and disclosure of “official information” by civil servants and, by extension, it creates liability for journalists who publish such information.

The Act does not require the information to be classified in the interest of national security; rather, it applies a blanket ban on the unauthorised disclosure of *any* government document or information. This effectively criminalises investigative journalism that relies on leaks or insider information to expose corruption or maladministration. By threatening both the source (the civil servant) and the publisher (the journalist) with criminal sanctions, the Official Secrets Act ensures that the inner workings of the government remain opaque, rendering the media’s watchdog function virtually impossible to perform regarding state affairs.

Section 4 is another problematic provision as it makes it an offence for any person to communicate any information regarding a prohibited place or information that is otherwise in contravention of the Act.²³ This broad provision could be used to prohibit and penalise journalists who publish any story about particular places or activities at those places.

Criminal Procedure and Evidence Act, 198124

Section 65 of the Act empowers magistrates and public prosecutors to “compel the attendance of any person at a preparatory examination to give evidence or to produce a book or other document”.²⁵

Section 66 further provides that anyone who fails to appear before the magistrate or public prosecutor “without offering a just excuse” after being summoned to do so can be fined or jailed. Further, in terms of section 68 of the same Act, anyone who attends a preparatory examination in response to a subpoena “but refuses to answer questions or to produce any required document without offering a ‘just excuse’ for such refusal, can be sentenced to 24 successive periods of imprisonment for eight days at a time until the person consents to do what is required of him”.²⁶

While this Act and its provisions is not specifically aimed at the media, it is nonetheless a threat to the profession because it could be weaponised against journalists to compel them to reveal their sources and evidence.

Printing and Publishing Act, 196727

Section 10(1) of the Act criminalises the importation, printing, publishing, sale, distribution and reproduction of a statement which poses a danger to, among other things, “public safety” and “public order”.²⁸

22 https://www.kas.de/c/document_library/get_file?uuid=1ea79a4e-81ae-54f4-accb-ffd6c9e217b6&groupId=285576 accessed on 28 January 2026

23 <https://internews.org/wp-content/uploads/2023/11/ARISA-IEA-CHAPTER-8-Lesotho.pdf> accessed on 28 January 2026

24 https://www.kas.de/c/document_library/get_file?uuid=1ea79a4e-81ae-54f4-accb-ffd6c9e217b6&groupId=285576 accessed on 29 January 2026

25 Ibid

26 Ibid

27 <https://docs.un.org/en/CCPR/C/LSO/2> accessed on 29 January 2026

28 Ibid

The wording of the Act is broad and the definitions of “public safety” and “public order” can be highly subjective. In the hands of a repressive government, these provisions could be weaponised to punish media outlets and journalists who publish stories that are deemed unfavourable to the state.

POLITICAL AND INSTITUTIONAL THREATS

Political and institutional threats to the media sector appear to be on the rise. There are several documented cases of government officials resorting to repressive tactics and intimidation against journalists and media outlets which subject them into scrutiny.

A recent case is that of Mohalenyane Phakela, editor of the *Lesotho Times* and *Sunday Express*. On 29 August 2025, he was arrested and detained by the Directorate on Corruption and Economic Offences (DCEO). The agency accused him of impersonating one of its officials to obtain confidential information used in a story exposing corruption within the Lesotho Correctional Service (LCS). The article implicated LCS Commissioner Mating Nkakala in the alleged theft of three plasma televisions donated to the prison service by Maseru Toyota in 2022. At the time, the matter was still under DCEO investigation and Phakela’s reporting appeared to rattle the agency.

“They accused me of impersonating a DCEO officer when I sourced information from Maseru Toyota. I showed them proof that I used my *Lesotho Times* email address, but the lead investigator, a man named Senooe, insisted I needed to be taught a lesson. He said I was stealing confidential DCEO information and that he would lock me up so I would learn the DCEO is not a playground,” Phakela said in a recent interview with *Intelwatch*.

On 8 September, more than a week after Phakela’s arrest, he was summoned to a meeting with the DCEO director-general, Adv. Brigadier Mantso Sello. The message was blunt: the case was over. The agency

admitted it had no evidence that Phakela had impersonated anyone. A few days later, the DCEO issued a public statement confirming its position, saying that while there had been “reasonable suspicion,” further investigation had revealed no evidence of an offence. For Phakela, the statement offered no relief. “I felt disrespected,” he said. “They didn’t even apologise for the trauma, humiliation, and deprivation of my liberty,” Phakela said.

In a separate case, former investigative journalist Matiisetso Mosala faced a lawsuit after uncovering and reporting on corruption within a government-run agricultural project in 2023, which had attracted millions of US dollars in donor funding.

“I was investigating the alleged corruption within Smallholder Agriculture Development Project when the director discovered I was investigating her by talking to various sources. She began looking into me, tracing my movements to try to kill the story,” Mosala later told *Intelwatch*.

She said the director eventually located and accessed her Facebook profile. Mosala explained that she had listed a certain weekly newspaper as her employer on her Facebook account, but this information was outdated, as she no longer worked there. The director under investigation then contacted both the company’s Managing Director and the newspaper’s editor, demanding that Mosala stop pursuing the story. When that failed, the director took a screenshot of Mosala’s Facebook profile.

“My Facebook profile included a picture of me with my closest family members and my address. It was circulated in different WhatsApp media groups, with requests for information about my whereabouts. It may also have been shared in other groups. That is when I realised I had to change my identity on social media platforms, removing pictures and activating privacy settings on all of them to ensure my safety and that of my family,” Mosala said.

These are not isolated incidents. Much earlier, in October 2010, then opposition leader Thomas Thabane threatened to shoot journalist Caswell Tlali. The incident occurred after Tlali sought comment from Thabane about a criminal case involving one of his close family members. Thabane allegedly said, “I will not allow you to write this story ... I will shoot you ... I am going to tell the commissioner of police that I will shoot you.” Tlali, believing the threats were credible, raised concerns about his safety.²⁹ This illustrates the direct threats from political leaders to suppress journalistic inquiry into matters of public interest.

In 2016, investigative journalist Keiso Mohloboli fled the country after publishing an exposé detailing a controversial settlement between the Lesotho government and then army commander, Lieutenant General Tlali Kamoli. Her reporting was based on confidential documents relating to negotiations between the two parties. Mohloboli had access that clearly unsettled the administration at the time. On the same day her story was published, Mohloboli was summoned for police interrogation, signalling the government’s disapproval of her having accessed and reported on sensitive information.³⁰

In 2018, freelance investigative journalist Pascalinah Kabi, was labelled a “spy” in a threatening letter from the Lesotho Defence Force. This followed her publication of two investigative stories based on a confidential report written by former soldiers and addressed to the army commander, Lieutenant General Mojalefa Letsoela. The army’s direct response to Kabi was widely seen as a tactic to intimidate and discourage

her from conducting further investigations into military affairs.³¹

That same year in August 2018, *MoAfrika FM* was accused by the government of incitement to violence following several instances in July where the station aired critical commentary about government officials. Examples included criticism of Prime Minister Thomas Thabane’s *per diems*, a diplomatic dispute with South Africa, and a procurement controversy tied to King Letsie III’s birthday celebrations. The Broadcasting Dispute Resolution Panel (BDRP), upon a complaint from the Ministry of Communication, summoned *MoAfrika FM*.³² While the station’s management argued that the coverage did not amount to incitement, the action raised fears that this was a form of political pressure to suppress critical commentary. On 14 November 2021, Lebeso Molati, a presenter with *357 FM*, was also arrested by police over his reporting on missing guns from Mafeteng Police Station. Authorities allegedly tried to suffocate him (“tubing”) during interrogation to force him to reveal his sources. No formal charge was filed immediately.

Additionally, state officials have lashed out at journalists and media houses perceived to be aligned with opposition voices. In March 2025, the Principal Secretary in the Ministry of Energy publicly threatened to sue the *Lesotho Tribune* and *Lesotho Times* for reportage that contradicted the official government stance. Similarly, on 27 March 2025, Deputy Prime Minister Nthomeng Majara sent away a *MoAfrika FM* journalist during a press briefing, reflecting the state’s tense relationship with media outlets. The reporter, Liteboho Hlakane, had asked whether a particular

29 “Political Opposition Leader Threatens to Shoot Journalist,” *IFEX / Media Institute of Southern Africa (MISA) Lesotho*, 21 October 2010, , <https://ifex.org/political-opposition-leader-threatens-to-shoot-journalist/>, accessed July 11,

30 news24 (2016) ‘Lesotho Times journalist flees to SA amid fears for her safety’, 19 June. Available at: <https://www.news24.com/lesotho-times-journalist-flees-to-sa-amid-fears-for-her-safety-20160719-2> (Accessed: 20 June 2025).

31 Committee to Protect Journalists (CPJ) (2018) ‘Lesotho military spokesman threatens investigative journalist’, 21 December. Available at: <https://cpj.org/2018/12/lesotho-military-spokesman-threatens-investigative/> (Accessed: 20 June 2025).

32 Committee to Protect Journalists, “Lesotho Authorities Accuse MoAfrika FM of Incitement for Critical Reports,” *Committee to Protect Journalists*, 15 August 2018, <https://cpj.org/2018/08/lesotho-authorities-accuse-moafrika-fm-of-incitement/>, accessed 11 July 2025

event was organised by the “caucus ea basali” (Women’s Caucus). In response, Deputy Prime Minister Majara criticised Hlakane for using the term “basali” (Women), suggesting that the wording implied a negative attitude toward women. She also recommended a media training to help journalists choose their words more carefully.³³ In June 2025, activist Tšolo Thakeli was arrested after publishing a Facebook video questioning Prime Minister Samuel Matekane about youth unemployment. Before he could be charged with sedition, Thakeli was warned against mentioning the Prime Minister again by the Commissioner of police, illustrating the state’s growing intolerance of dissent.³⁴

The harassments of journalists is exacerbated by the lack of an Access to and Receipt of Information Act in Lesotho. The lack of such a legal framework guaranteeing access to information not only undermines press freedom but also places journalists at significant personal and professional risk for fulfilling their watchdog role.

SELF-INFLICTED HARM: MEDIA POLARISATION

Compounding the challenges to media independence in Lesotho is the increasing politicisation of media platforms themselves. A notable concern is the use of media outlets to disseminate political propaganda—either in support of affiliated parties or in opposition to political rivals. For example, in 2020, the

owner of *MoAfrika FM* was appointed Political Advisor to Mathibeli Mokhothu, leader of the Democratic Congress and then Deputy Prime Minister.³⁵ This appointment reinforced public perceptions that the station was aligned with a specific political agenda.

These developments underscore how media ownership and control in Lesotho remain vulnerable to political manipulation, further highlighting the urgent need for comprehensive media sector reforms.

ECONOMIC AND OWNERSHIP-RELATED THREATS

A central threat to editorial independence in Lesotho is the heavy reliance of most newspapers and radio stations on government advertising revenue. The country has over 11 newspapers and 27 radio stations for a population of 2.4 million³⁶, yet only two broadcasters, *Radio Lesotho* and *Ultimate FM*, are state-owned. Outside of these and the donor-supported *MNN Centre for Investigative Journalism*, private outlets depend almost entirely on advertising to survive in a small and highly constrained media market. This dependence gives the government disproportionate leverage, as seen in a 2018 Afrobarometer study, which found that state authorities have strategically withheld or redirected advertising to punish critical reporting. In such an environment, revenue is not just a financial issue but a mechanism of control, leaving independent

33 MISA Lesotho (2025) Recent attacks on media by public officials. Available at: <https://lesotho.misa.org/2025/03/29/recent-attacks-on-media-by-public-officials/> (Accessed: 2 July 2025).

34 Kaamil Ahmed, “Lesotho Activist Arrested After Video on Unemployment Rates Angers Prime Minister,” *The Guardian*, 30 June 2025, , <https://www.theguardian.com/global-development/2025/jun/30/tsolo-thakeli-sam-maketane-lesotho-activist-unemployment-video>, accessed 14 July 2025

35 Public Eye (2020) ‘Deputy Prime Minister Mathibeli Mokhothu has appointed Sebonomoea Ratabane Ramainoane as his political advisor’, 13 June. Available at: <https://www.facebook.com/publiceyedaily/posts/deputy-prime-minister-mathibeli-mokhothu-has-appointed-sebonomoea-ratabane-ramai/3023476364411234/> (Accessed at: 19 June 2025).

36 MISA-Lesotho (2024), Celebrating 100 years of Radio, February 2024. Available at: <https://lesotho.misa.org/2024/02/13/celebrating-100-years-of-radio/#:~:text=Today%2C%20there%20are%2027%20radio%20stations%20licensed%20by,cohesion.%20Social%20cohesion%20is%20a%20springboard%20for%20good> (Accessed at: 22 June 2025).

and diverse journalism perpetually vulnerable to political interference.³⁷ The study further notes that despite a reduction in political tensions in recent years, many media practitioners still do not feel fully free to exercise their right to freedom of expression. This fear is partly driven by the threat of losing critical advertising revenue in a small market that cannot sustain all existing media outlets.

Political ownership of media outlets is also an emerging threat to press freedom and editorial independence. When politicians or ruling party members establish or acquire media platforms, the risk of these outlets becoming vehicles for partisan messaging rather than independent journalism increases sharply. For instance, in June 2020, Malichaba Lekhoaba, founder and owner of the private radio station *Harvest FM*, formed her own political party, United for Change, two years ahead of Lesotho's 2022 general elections.³⁸ Although *Harvest FM* has not publicly faced accusations of political bias, there is no telling what will happen in future. The LCA also raised concerns about Lekhoaba's foray into politics as its regulations prohibit politicians from owning radio stations.³⁹ *Harvest FM* continued operating while Lekhoaba stepped down as manager, although she remained a shareholder.

In 2025, *Lekope FM*, a private radio station owned by the governing Revolution for Prosperity (RFP) party members was launched. The station's establishment was widely interpreted as a direct response to perceived opposition bias in existing media and as an effort to ensure the RFP has a dedicated platform ahead of the 2028 general elections.

DIGITAL AND TECHNOLOGICAL THREATS

Digital transformation is reshaping Lesotho's media at an unprecedented pace. With over 1.5 million mobile phone subscriptions in a population of 2.2 million, and increasing internet penetration, platforms like Facebook and WhatsApp are now primary news sources, especially for the youth.⁴⁰ This shift has created opportunities for **citizen journalism**, broader participation and real-time news sharing. However, it has also presented **challenges** that include **misinformation and disinformation**, particularly during elections or national crises; **digital surveillance** and poor cyber protection laws that place journalists at risk.

Journalists in Lesotho are also increasingly recognising the urgent need to enhance their digital capabilities. In September 2025, MISA Lesotho Chairperson Kananelo Boloetse recounted his experience of having his social media accounts hacked in April 2024. He received an email which stated: "Hi Kananelo, this is to let you know that the email address engstrom.abdul@mail.ru was just added to your Facebook account." Thereafter, he says he lost access to his Facebook account. A similar incident occurred with his X (Twitter) account before it was also hacked.

Boloetse said he was unable to work in the aftermath of the cyber attacks as he attempted to regain access to his social media accounts. He eventually regained control after being assisted by MISA-Lesotho national director, Lekhetho Ntsukunyane, to report the hackings to Facebook and X support teams.

37 *African Media Barometer: Lesotho 2018*, Friedrich-Ebert-Stiftung, "Lesotho," <https://collections.fes.de/publikationen/periodical/titleinfo/454057>, accessed 29 June 2025

38 The Post (2020), 'A new political party unveiled', 7 June. Available at: <https://www.facebook.com/thepost.co.ls/posts/a-new-political-party-unveiled-the-harvest-fm-station-manager-malichaba-lekhoaba/907930539675518/> (Accessed at: 19 June 2025).

39 Koeshe, Nthatua (2020), 'Harvest FM owner forms political party', 17 June. Available at: <https://lestimes.com/harvest-fm-owner-forms-political-party/> (Accessed at: 19 June 2025).

40 Lesotho Communications Authority. (2023). Communications Sector Performance Report 2022/23. Maseru: LCA. Available at: <https://www.lca.org.ls>.

Boloetse's experience highlights a broader challenge faced by journalists in Lesotho. As Dr Clifford Molefe noted during a MISA Lesotho-led discussion in February 2025, many practitioners lag behind in using smartphones, social media, and AI for journalistic purposes, underscoring a gap between conventional reporting and modern digital demands. Consequently, calls have been made for the establishment of a **digital journalism hub** to serve as a practical training centre, enabling journalists to develop hands-on skills in digital content creation, investigative reporting and AI-assisted storytelling.⁴¹

In 2022, the *MNNCIJ* reported an attempted cyberattack targeting its email systems—believed to be a retaliation for its investigative reporting. In a public statement issued on 30 March 2022, *MNNCIJ* stated: “The security alert shows that our passwords were used in an attempt to access our email account — mnncij.lesotho@gmail.com — without authorisation, but the attempt was blocked by security layers put in place to secure our emails”.⁴²

The organisation linked the attempted breach to a high-profile investigation it had published, exposing former Prime Minister Pakalitha Mosisili's alleged efforts to secure re-election in 2017. According to the investigation, Mosisili had instructed the Ministry of Finance to bypass standard procedures and urgently process a M1,3 billion (equivalent to R1, 3 billion) loan from China to construct a 91km road in his home constituency of Tsoelike, which he also represented in Parliament.

A follow-up piece by *MNNCIJ* uncovered widespread human rights violations associated with the road project, implemented by a Chinese contractor. After several unsuccessful attempts to secure an

interview with Mosisili—including requests for facilitation by senior Democratic Congress party members and a direct WhatsApp message—*MNNCIJ* founding member and investigative journalist Billy Ntaote placed a final call to Mosisili's cell phone to give him his right of reply.

Halfway through Ntaote's explanation, Mosisili interrupted him, saying: “Ntaote, hold it right there. Let me stop you right there because I do not like being disrespected. Do you hear me? I am saying I do not like being disrespected. Stop bothering me, young man. Stop making such silly accusations against me.” (Add reference)

The recorded telephonic exchange was subsequently shared on *MNNCIJ*'s online platforms, including Facebook. Following the publication of the audio, Ntaote became the target of online harassment, cyberbullying, and even death threats, particularly from Mosisili's political followers.

In 2019, investigative journalist Pascalinah Kabi became the target of a coordinated character assassination campaign on Facebook. The attack was orchestrated by a group of politicians angered by her investigative reports for her former employers, *Lesotho Times* and *Sunday Express*. It was even falsely claimed that she was being “used by rivals” within the then-ruling All Basotho Convention (ABC) party. After failed attempts to have her fired or disciplined, a dedicated Facebook page was created with the sole purpose of discrediting her.

The page posted her photos alongside false claims, including statements suggesting that anyone wishing to appear on the *Lesotho Times* front page had to pay her M5,000 (approximately US\$288). In some cases, the page paired Kabi's photos with images of politicians from rival factions within the ABC,

41 Lebakae, Lerato (2025), 'Of basic journalism, social media and AI', 28 February. Available at: <https://lesotho.misa.org/2025/02/28/of-basic-journalism-social-media-and-ai/> (Accessed at: 14 July 2025).

42 MNN Centre for Investigative Journalism (2022), 'MNN Centre for Investigative Journalism under attack', 30 March. Available at: <https://lescij.org/2022/03/30/mnn-centre-for-investigative-journalism-under-attack/> (Accessed at: 24 June 2025).

reinforcing false narratives that she was corrupt or acting for political gain.

Although the campaign was relatively short-lived, it left a lasting emotional impact: Kabi spent weeks fearing for her job, constantly wondering whether her employer might believe the posts and take action against her. Despite repeated attempts, her efforts to have Meta remove the page were unsuccessful, highlighting both the vulnerability of journalists to online attacks and the limited recourse available for victims of digital defamation in Lesotho.

Journalists in Lesotho are also subjected to arbitrary digital surveillance and monitoring. The state's intelligence arm, the National Security Service, has been accused of tapping phones of journalists and political commentators critical of the government. Although such operations are rarely admitted publicly, leaked communications and anecdotal reports suggest that journalists working for private media outlets are under increasing scrutiny, particularly in the run-up to elections.⁴³

These events underscore the increasingly hostile digital environment faced by journalists in Lesotho, especially those engaged in accountability and investigative journalism.

SOCIETAL AND EXTRA-LEGAL THREATS

Lesotho remains a deeply patriarchal society where women continue to be treated as second-class citizens despite significant legal efforts aimed at closing the gender gap. Female journalists in Lesotho are not exempt from these societal dynamics; they frequently face gender-based violence both online and offline. Radio presenter Lerato Seleso has faced harassment both online and offline. In December 2024, she said that she often felt treated differently simply because

of her gender. Recalling one incident, Seleso explained how she followed up on a story tip from a source on Facebook:

“When I arrived at the source’s place for an interview, he insisted we conduct it in a secluded area. He also made inappropriate comments and gave me lustful looks I did not appreciate. He said things like, ‘you look better in person.’ While some might consider that a compliment, his attempts to isolate me in a place where I didn’t feel safe made me walk away without a story. My safety came first.”

At the time, Seleso was working for *Meloli Airwaves Media*, a Facebook-based publication where she conducted video interviews. She also experienced harassment online, with some men intruding into her personal Facebook account and posting unsettling comments. Although the harassment has not escalated further, she admitted that remarks about her work sometimes make her feel unsafe—so much so that she has, at times, felt afraid to pursue future story leads.

In another case, a female journalist who spoke to *Intelwatch* on condition of anonymity for fear of reprisals, recounted her experience of sexual violence at the hands of a male supervisor when she had joined a private radio station as part of her mandatory media studies internship.

“We were in the studio when the male supervisor touched my thighs, explicitly sexualising me without my consent. I felt disgusted by that gesture and did not hide my feelings from him. I reported the matter to a senior staff member, who was also a man, but instead of taking action, he laughed it off. From that day, I began to hate radio and journalism in general. It took me years to recover because, during that time, I left the industry I had loved and studied to work in.”

43 **Freedom House** (2025) Lesotho: Freedom in the World 2025. Available at: <https://freedomhouse.org/country/lesotho/freedom-world/2025> (Accessed: 1 July 2025).

Veteran journalist ‘Marafaele Mohloboli has also been a victim of workplace gender-based violence. In 2018, while covering a political event, politician Mootsi Lehata allegedly groped her buttocks and commented that she was “fit,” – a commonly used word in Lesotho to sexually describe the body of a woman or girl. Mohloboli reported the incident to the police, but the case was dismissed for lack of witnesses—after a male editor, who she said witnessed the incident, declined to make a statement against Lehata, citing a conflict of interest.

Addressing a capacity-building workshop on gender sensitive reporting for Lesotho journalists in June 2024, MISA-Lesotho national director Lekhetho Ntsukunyane, expressed concern over the gender-based violence faced by female journalists in Lesotho.

“At MISA Lesotho, we are highly concerned (about GBV against female journalists) at the workplace. Our female counterparts in the media sector are harassed by their male bosses and their male sources of information in the field,” Ntsukunyane said.

In December 2025, the non-governmental organisation *Paballo-ea-Bophelo* organised a training workshop for 20 female journalists in Lesotho. During the event, ‘Marafaele Mohloboli reflected:

“We live in a time when journalism plays a pivotal role in shaping the future of our societies, holding power to account, and shining a light on the truth. However,

for many women journalists, the pursuit of truth is fraught with dangers. They face not only the common risks of the profession, such as physical violence, harassment, and censorship, but also unique gender-based challenges including online abuse and sexual violence.”⁴⁴

NO WAY UP: LIMITED OPPORTUNITIES FOR FEMALE LEADERS IN THE MEDIA

Beyond the violence faced by female journalists, very few women occupy senior leadership roles in newsrooms or hold ownership stakes in media outlets. Of the 27 radio stations operating in Lesotho, only one private station—*Harvest FM*—is owned by a woman, ‘Malichaba Lekhoaba. Other prominent female media leaders include Pascalinah Kabi, co-founder and Managing Editor of *Uncensored News*; Lerato Matheka, Managing Editor of *Newsday*; Tinti Thai of *Public Eye* and the Tsita sisters who own the *BAM Group*.

Since most media institutions are male-dominated, women journalists are less likely to occupy decision-making positions, leaving them vulnerable to harassment and unequal treatment. This imbalance is not just a reflection of inequality, it directly undermines women’s safety, restricts their editorial influence and reinforces a systemic environment where gender-based threats persist unchecked, making the media sector a genuinely high-risk space for female journalists.

44 Malataliana, L. (2022) ‘Too sexy for my newsroom’, *Public Eye*, 13 December. Available at: <https://publiceyenews.com/2025/01/03/too-sexy-for-my-newsroom/> (Accessed: 26 June 2025).

IMPACT ANALYSIS

The threats facing media in Lesotho are not isolated incidents but interconnected pressures that collectively erode freedom of expression and weaken democratic governance.

From restrictive laws and political interference to economic manipulation and digital surveillance, these challenges shape how journalists operate, what information reaches the public, and how citizens participate in civic life. The media's ability to function as a watchdog is compromised, public access to accurate information is curtailed and citizens' capacity to participate meaningfully in governance is weakened. Without intervention, these pressures risk entrenching authoritarian tendencies under the guise of democracy, eroding trust in institutions and undermining Lesotho's democratic foundations.

SHRINKING MEDIA FREEDOM

Despite constitutional guarantees, Lesotho's journalists face a hostile environment marked by legal intimidation, arbitrary shutdowns and surveillance. This environment curtails press freedom and erodes journalists' capacity to inform the public. The proposed Cybercrime law casts a dark shadow as it seeks to criminalise investigative work by imposing severe penalties on accessing or sharing digital information without a clear

public interest defence.⁴⁵ Existing laws creates a chilling effect, with reporters practicing self-censorship to avoid legal consequences. Cases such as that of Keiso Mohloboli, who fled the country after being interrogated for publishing a story based on leaked documents, demonstrate how the law can be used to intimidate the press.⁴⁶ Similarly, Pascalinah Kabi received threats from the military after reporting on internal army documents,⁴⁷ while Matiisetso Mosala was sued for exposing donor fund abuse.⁴⁸ These are not isolated incidents but form part of a broader pattern where legal instruments are selectively enforced to suppress independent journalism.

EROSION OF PUBLIC TRUST

Media repression leads to public scepticism toward state narratives and media independence. Although the Lesotho Communications Authority (LCA) is mandated to operate independently, government interference in its activities and political appointments within media outlets has heightened perceptions of media politicisation.⁴⁹

45 Mosala, M., Thamae, N. & Kabi, P. (2023) Unpacking Potential Threats to Investigative Journalism under Cybersecurity Laws, 22 August. Available at: https://drive.google.com/file/d/1gR_zL6vhyBYriKtqVcBkN8T_OME9jHSj/view (Accessed: 17 June 2025).

46 news24 (2016) 'Lesotho Times journalist flees to SA amid fears for her safety', 19 June. Available at: <https://www.news24.com/lesotho-times-journalist-flees-to-sa-amid-fears-for-her-safety-20160719-2> (Accessed: 20 June 2025).

47 Committee to Protect Journalists (CPJ) (2018) 'Lesotho military spokesman threatens investigative journalist', 21 December. Available at: <https://cpj.org/2018/12/lesotho-military-spokesman-threatens-investigative/> (Accessed: 20 June 2025).

48 Moshoeshe, M. (2025) 'Press Freedom Under Siege', May. Available at: <https://drive.google.com/file/d/1esCTpdu2qosYdq2NbB0BAGUpY15PsZSs/view> (Accessed: 20 June 2025).

49 Matšasa, T., Sithetho, M. & Wekesa, B. (2019) Lesotho National Dialogue and Stabilisation Project: Media Sector Reforms. Available at: <https://www.gov.ls/wp-content/uploads/2019/11/REVISED-MEDIA-SECTOR-REFORMS-REPORT.pdf> (Accessed: 23 June 2025).

Ownership patterns exacerbate the issue. Politicians or their allies now control several influential media outlets. For instance, Harvest FM's founder 'Malichaba Lekhoaba launched a political party in 2020, prompting concern over partisan journalism.⁵⁰ Similarly, Lekope FM, owned by members of the ruling RFP party, was launched ahead of the 2028 elections to provide a friendly platform for the government. This entanglement of political and media interests undermines the impartiality of reporting and deepens mistrust among audiences.

SUPPRESSION OF DEMOCRATIC PARTICIPATION

Repressing the media weakens public discourse and democratic engagement. Without a free media to hold leaders accountable, civic space shrinks and public discourse becomes muted. Citizens lose access to balanced information and are discouraged from participating in policy debates or electoral processes. This breakdown in information flow undermines democratic institutions, further isolating the electorate from governance processes.

The harassment of journalists and closure of independent media outlets also poses a direct threat to democratic participation. Such actions limit access to independent information, foster fear and self-censorship among media professionals and citizens, and weaken public oversight of state institutions. When journalists and media outlets are constrained, electoral processes risk being skewed and citizens cannot make informed decisions. Over time, the suppression of dissent consolidates power in the executive, undermines constitutional checks and balances and erodes trust in democratic institutions. This pushes Lesotho toward a democratic façade in which civic voices are systematically marginalised.

OBSTRUCTION OF DEVELOPMENT, TRANSPARENCY AND ACCOUNTABILITY

A free and independent media is vital for monitoring public spending, especially in donor-supported sectors. In Lesotho, journalists exposing misuse of development funds are often met with lawsuits or economic pressure. These SLAPP suits are intended not to win, but to wear down journalists through legal and financial attrition. They obstruct critical reporting on corruption, mismanagement and other governance failures, especially in sectors funded by international development partners.

VIOLATION OF HUMAN RIGHTS AND GENDER EQUITY

The failure to protect journalists has serious human rights implications. Surveillance, digital harassment and arbitrary arrests violate fundamental rights to privacy, expression and information. Female journalists face additional risks due to a combination of structural, cultural and institutional factors. Women in the media endure sexual harassment, threats of violence, and limited career advancement opportunities.⁵¹ These risks are compounded by the underrepresentation of women in media ownership and senior editorial roles. This not only affects female journalists but has profound implications for the entire media sector. This is because when women are excluded from decision-making roles, the diversity of perspectives in newsrooms is diminished, often resulting in coverage that overlooks issues affecting women and other marginalised communities. The persistent risk of harassment and limited career advancement can lead female journalists to self-censor or avoid sensitive reporting, weakening the media's ability to hold power to account. Over time, unsafe and unequal

50 Koeshe, Nthatuoa (2020), 'Harvest FM owner forms political party', 17 June. Available at: <https://lestimes.com/harvest-fm-owner-forms-political-party/> (Accessed at: 19 June 2025).

51 Malataliana, L. (2022) 'Too sexy for my newsroom', Public Eye, 13 December. Available at: <https://publiceyenews.com/2025/01/03/too-sexy-for-my-newsroom/> (Accessed: 26 June 2025).

work environments contribute to a talent drain, as skilled women leave the industry, depriving the sector of experienced voices. This patriarchal structure of newsroom culture restricts women's full participation, violating Lesotho's obligations under instruments like the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights.

UNDERMINING INTERNATIONAL PRESS FREEDOM COMMITMENTS

Lesotho's media repression contradicts its international obligations, including the Declaration of Principles on Freedom of Expression in Africa, which guarantees the right to seek, receive and impart information through any media.⁵² The criminalisation of possession and publication of classified government documents, with proposed 30-year gag clauses⁵³, is a direct violation of these commitments. Such restrictions not only close off public scrutiny but also isolate Lesotho

from regional norms on open governance. The cyber harassment of the MNNCIJ illustrates a broader pattern of attacks on the media. Following its reporting on a politically sensitive infrastructure project, MNNCIJ faced an attempted cyberattack and its co-founder received death threats.⁵⁴ These incidents are indicative of a hostile environment for media that actively undermines international standards for press freedom and protection of journalists.

The cumulative impact of legal, political, economic, digital and societal threats to the media in Lesotho is profound. These challenges restrict journalistic freedom, reduce public access to critical information and weaken democratic institutions. Moreover, they compromise international development efforts and human rights obligations, placing Lesotho at odds with its constitutional promises and global commitments. Without urgent legal and institutional reforms, the country risks descending further into media repression and democratic backsliding.

RESPONSES

ADVOCACY AND THE LEGISLATIVE PUSH

Civil society, led predominantly by the Lesotho Chapter of the Media Institute of Southern Africa (MISA-Lesotho), has long served as the primary bulwark against the erosion of press freedom in the Kingdom. This role has evolved from reactive condemnation of harassment to sophisticated legislative lobbying and policy advocacy. A defining example of this strategic engagement was

the concerted campaign by MISA-Lesotho, the MNN Centre for Investigative Journalism (MNNCIJ), and the Transformation Resource Centre (TRC) against the draconian *Computer Crimes and Cyber Security Bill*.

The Bill, which threatened to criminalise whistleblowing and authorise state surveillance, was indeed withdrawn following intense pressure on the government in 2022. However, this success was short-lived. By 2024, the Bill resurfaced in the National

52 African Union (2000) Declaration of Principles on Freedom of Expression in Africa. Available at: <https://www.article19.org/data/files/pdfs/publications/africa-declaration-of-principles-on-foe.pdf> (Accessed: 22 June 2025).

53 Kabi, P. (2020) 'Govt Moves to Gag Media', Lesotho Times. Available at: <https://lestimes.com/govt-moves-to-gag-media/> (Accessed: 19 June 2025).

54 MNN Centre for Investigative Journalism (2022), 'MNN Centre for Investigative Journalism under attack', 30 March. Available at: <https://lescij.org/2022/03/30/mnn-centre-for-investigative-journalism-under-attack/> (Accessed at: 24 June 2025).

Assembly largely unchanged. On the hand, successive governments have been dragging their feet over the passage of the long-promised *Access to Information (ATI) Bill*. This legislative dissonance—where repressive laws are fast-tracked while enabling legislation stalls—remains a critical failure in the state’s response to media needs. Consequently, advocacy has had to pivot from celebrating the 2023 withdrawal to urgently combating the Bill’s 2024 reintroduction, arguing that genuine cybersecurity must not come at the cost of civil liberties.

Furthermore, the response to structural deficiencies has recently crystallised in the *Tenth Amendment to the Constitution Bill, 2024*. This proposed legislation aims to establish a Media Council and a Media Ombudsman—independent bodies designed to mediate disputes and regulate the industry without government interference. If enacted, this would represent the most significant structural response to the media’s crisis of self-regulation and external accountability to date.

COMBATING IMPUNITY AND ‘LAWFARE’

The justice system’s response to violence against journalists remains characterised by inertia, fostering a culture of impunity. The state’s reaction to the brutal May 2023 assassination of radio journalist Ralikonelo Joki was illustrative of this systemic flaw. Rather than addressing the root causes of safety for communicators, the government imposed a draconian curfew restricted movement between 22:00 and 04:00. While framed as a measure to curb gun violence, this securitised response restricted the very civil liberties journalists rely upon, without offering a long-term strategy for their protection.

Judicial delays further compound the threat. The attempted murder trial regarding the 2016 shooting of *Lesotho Times* editor Lloyd Mutungamiri has dragged on for nearly a decade. This slow pace of justice could send the wrong signals that perpetrators of violence and kills will not be held accountable for their crimes.

Moreover, a new and sophisticated threat has emerged in the form of Strategic Lawsuits Against Public Participation (SLAPPs). In 2024, media houses such as *Newsday* the *Lesotho Times*, and *Lesotho Tribune* faced crippling defamation suits from private entities and individuals—some seeking damages as high as M20 million. This shift from physical intimidation to economic strangulation via the courts represents a form of ‘lawfare’ that requires a new tier of response: specialised legal defence funds and statutory reforms to protect journalists from vexatious litigation, areas where current interventions remain insufficient.

CAPACITY BUILDING

Recognising that legislative and judicial protections are often delayed, media stakeholders have increasingly turned to technological and educational solutions to build sector resilience. MISA-Lesotho, with support from UNESCO, has operationalised a Media and Information Literacy (MIL) programme designed to equip both journalists and the public with the skills and competencies to identify misinformation and navigate the digital sphere ethically.

Complementing this is the push for digital modernisation. Dr Clifford Molefe, a former police officer turned academic, has advocated for the establishment of a dedicated digital journalism hub. This proposed facility aims to bridge the significant skills gap in the sector, offering training in digital security tools, data journalism, and the ethical application of Artificial Intelligence (AI). In an era where digital surveillance is a statutory possibility under the proposed cyber laws, equipping journalists with encryption skills and digital literacy is no longer optional but a survival imperative.

Furthermore, resilience is being fostered through thematic partnerships. In 2025, for instance, World Vision Lesotho collaborated with the media sector to train journalists on reporting child labour and trafficking. Such initiatives not only improve content quality but also embed the media within broader human rights networks, thereby strengthening their societal relevance and protection.

RECOMMENDATIONS

To counter the escalating threats to media freedom in Lesotho, a multi-pronged approach is urgently required: one that integrates legal reform, institutional strengthening, journalist protection mechanisms and investment in innovation and sustainability. To this end, the following recommendations are suggested and these are intended for policymakers, civil society organisations, media development partners, regulatory bodies and newsrooms:

ENACTMENT OF THE ACCESS TO AND RECEIPT OF INFORMATION BILL

Lesotho must urgently pass the long-stalled Access to and Receipt of Information Bill, which would operationalise Section 4(1)(j) of the Constitution and align the country with regional and international norms on transparency and accountability. The law should establish:

- Clear timelines for responses to information requests.
- An independent oversight mechanism.
- Penalties for officials who obstruct lawful information access.

A notable regional benchmark is South Africa's Promotion of Access to Information Act (PAIA) of 2000 recognised as the most advanced access to information law on the continent. PAIA enforces Section 32 of the South African Constitution and grants both public and private individuals the right to access information held by government and private entities when necessary to exercise or defend their rights.⁵⁵ The law has established standards for proactive disclosure, set clear response timelines and offers accessible

appeals procedures through the South African Human Rights Commission.

REVIEW AND AMEND THE CYBERSECURITY BILL

The proposed Computer Crimes and Cyber Security law contains multiple clauses that threaten investigative journalism and digital safety. Parliament should remove or amend problematic sections, specifically Sections 24, 26, 38, 39, 43, and 59, and consult media practitioners, digital rights experts and civil society before re-tabling the Bill. The legislation must:

- Include a public interest defence for publishing confidential information.
- Strengthen judicial oversight for digital surveillance and seizure powers.
- Decriminalise digital defamation in line with the African Court on Human and Peoples' Rights' ruling in *Konaté v. Burkina Faso* (2014), which held that criminal defamation laws violate Article 9 of the African Charter on Human and Peoples' Rights.⁵⁶

REPEAL SEDITION AND CRIMINAL DEFAMATION LAWS

Lesotho must be careful not to reinstate criminal defamation through the passage of the Computer Crimes and Cyber Security Bill, particularly Section 43, which seeks to criminalise defamation. This attempt directly contradicts the May 2018 Constitutional Court ruling in favour of *Lesotho Times* publisher Basildon Peta, which declared criminal defamation provisions (Sections 101, 102, and 104 of the Penal Code) unconstitutional. The court held that criminal sanctions for defamation violate the right to freedom of

55 Republic of South Africa. (2000). Promotion of Access to Information Act (PAIA). Government Gazette. Retrieved from <https://www.justice.gov.za/legislation/acts/2000-002.pdf> [Accessed 15 Jul. 2025].

56 African Court on Human and Peoples' Rights. (2014). Judgment in the matter of Lohe Issa Konaté v. Burkina Faso (Application No. 004/2013). Retrieved from <https://www.african-court.org/cpmt/details-case/0042013> [Accessed 15 Jul. 2025].

expression and contribute to self-censorship, endorsing civil defamation as a less restrictive and more appropriate remedy.

Alternatively, Lesotho should ensure that its defamation laws are harmonised with international human rights obligations, encouraging civil remedies over criminal sanctions. Doing so would reduce the misuse of legal threats as tools of media suppression and align the country's legal framework with its constitutional and international commitments to protect freedom of expression.

CREATE A LEGAL FRAMEWORK TO PROTECT WHISTLEBLOWERS AND JOURNALISTS' SOURCES

The absence of whistleblower protections undermines accountability journalism. Parliament should introduce legislation that:

- Protects the identity and safety of whistleblowers.
- Penalises retaliation against them.
- Provides immunity for journalists who report in the public interest.

South Africa's Protected Disclosures Act offers strong protections for "good-faith" whistleblowers in both public and private sectors, safeguarding them against unfair dismissal, occupational penalties and certain retaliatory acts. It allows disclosures directly to the media in limited situations. For instance, when internal mechanisms are ineffective or disclosure is necessary to prevent harm.⁵⁷

STRENGTHENING INDEPENDENT AND ACCOUNTABLE MEDIA INSTITUTIONS

Restructure the Lesotho Communications Authority (LCA)

The LCA must be reformed to guarantee regulatory independence. This includes:

- Amending the Communications Act to remove ministerial interference in appointments.
- Establishing a merit-based, transparent board selection process.
- Making the LCA directly accountable to Parliament.

Reform state media governance

State-owned outlets must be transformed into public service media governed by independent boards and editorial charters. Reforms should ensure:

- Guaranteed editorial independence.
- Equitable coverage of political parties and civic groups.
- Public consultation mechanisms to guide programming.

Develop an independent Media Council

An independent Media Council should be established to:

- Resolve complaints and promote ethical journalism.
- Include representation from media workers, civil society and academia.
- Enforce a code of conduct and support self-regulation.

⁵⁷ Just Share, 2022. Whistleblower protection in South Africa: Where to from here? [pdf] Cape Town: Just Share. Available at: https://justshare.org.za/wp-content/uploads/2022/11/Just-Share-Whistleblower-protection-in-South-Africa-Report_May-2022.pdf [Accessed 15 Jul. 2025].

ENHANCING JOURNALISTS' SAFETY AND PROTECTION

Establish a national journalist protection mechanism

To respond to threats, a protection framework should include:

- A rapid response unit for at-risk journalists.
- Legal and physical support resources.
- Regular reporting on violations of media freedom.

Develop gender-sensitive safety protocols

Newsrooms and media organisations should:

- Adopt anti-harassment and safety policies.
- Provide resources for gender-based violence survivors.
- Promote female leadership in media.

Securing financial viability and editorial independence

To ensure media independence:

- A donor-supported fund should offer grants and innovation support.
- Encourage revenue models such as subscriptions, memberships and crowdfunding.

Promote transparency in government advertising

To avoid economic coercion:

- Mandate that all state advertising allocations be publicly disclosed.
- Prohibit advertising boycotts based on editorial content.

Building digital resilience and innovation

A hub should be created to:

- Train journalists on mobile journalism, Artificial Intelligence-assisted reporting and data journalism.
- Serve students, rural reporters and citizen journalists.
- Provide shared digital tools and security resources.

Promote ethical and inclusive use of technology

National training programmes should:

Build skills in digital security and misinformation detection.

- Promote inclusive participation of women and people with disabilities.

INTRODUCE DIGITAL RIGHTS PROTECTIONS

Amend cyber laws to include digital privacy and freedom of expression.

- Prohibit surveillance without judicial oversight.
- Create remedies for online threats and harassment.

Integrate Media and Information Literacy (MIL) into education

The Ministry of Education should:

- Introduce MIL into school curricula.
- Train teachers on digital and media literacy.
- Promote youth-focused civic media content.

Launch public awareness campaigns

Media houses and civil society organisations should raise awareness about:

- The role of the press in democracy.
- The importance of independent journalism.
- How to identify and report disinformation.

CONCLUSION

Lesotho's media sector continues to operate under a complex, interlinked web of legal, political, economic, digital and societal threats that collectively undermine its ability to promote democracy and accountability.

Despite the clear provisions of Section 4(1)(j) of the 1993 Constitution, which theoretically guarantees freedom of expression, the reality on the ground is a stark departure from these democratic ideals. As this report has shown, the sector is besieged by a complex, web of legal, political, economic, digital, and societal threats that collectively erode its capacity to foster accountability. Rather than enjoying constitutional protection, journalists are frequently subjected to intimidation, censorship, surveillance, and harassment simply for fulfilling their watchdog role.

Central to the shrinking civic space is the systematic weaponisation of the law. The findings of this report highlight a disturbing trend of legal intimidation. Things could worsen if the Cybercrime and Computer-Related Crimes Bill is enacted in its current form. This proposed law threatens to criminalise investigative journalism through broadly defined provisions and severe penalties. Compounding this restrictive environment is the protracted delay in enacting the Access to and Receipt of Information Bill. This legislative vacuum denies both the press and the public their constitutional right to information, forcing a dangerous reliance on whistleblowers who lack legal protection.

Additionally, the integrity of the media ecosystem is being undermined by the erosion of public trust in both media and state institutions. This decay is driven by the politicisation of media ownership, strategic litigation against outlets, and state interference in regulatory bodies such as the Lesotho Communications Authority. Journalists who dare to expose corruption or public sector mismanagement face Strategic Lawsuits Against Public Participation (SLAPP), designed specifically

to drain media houses of their financial and human resources. Additionally, female journalists are faced with a dual burden of gender-based violence and discrimination that severely limits their participation in leadership and reporting.

The threat landscape has evolved beyond physical intimidation to include digital warfare. Surveillance and cyberattacks targeting investigative outlets, such as the MNNCIJ, are escalating, in clear violation of Lesotho's regional and international human rights obligations. Simultaneously, the rise of unregulated Facebook news pages presents a nuanced challenge. While these platforms shape public discourse, they often operate outside professional ethical standards, posing significant risks to media credibility and public trust. This global trend underscores an urgent need for frameworks that balance the freedom of expression with accountability in the digital sphere.

Yet, amidst these systemic challenges, the Lesotho media sector has demonstrated commendable resilience. The robust advocacy efforts of civil society organisations such as MISA-Lesotho, the MNNCIJ, and the TRC have been instrumental in stalling restrictive laws and enhancing digital security. It is particularly encouraging to witness a growing cohort of practitioners—including an increasing number of young female reporters—stepping forward to condemn atrocities and claim their space in the sector as owners of media publications. This refusal to be silenced suggests that the future of the media is in the hands of capable leaders committed to the public good.

Ultimately, advocacy and resilience, while vital, are insufficient without structural

transformation. Lesotho stands at a critical crossroads. The path forward requires more than mere rhetoric; it demands the immediate repeal of restrictive laws and the enactment of protective frameworks, including the Access to and Receipt of Information Bill. The government must be pressured to desist from using the law as a stick to beat the press and instead prioritise the establishment of an enabling environment that safeguards media independence. Furthermore, the culture of impunity must end; the slow pace of justice in cases involving attacks on journalists must be addressed with urgency to deter future violations.

Failure to act will not only accelerate Lesotho's democratic backsliding but also risk isolating the nation from the international community by compromising human rights and transparency norms. A free, diverse, and independent media is not a luxury but a prerequisite for democratic renewal and effective governance. The choices made now by policymakers and civil society will determine whether the media can reclaim its rightful place as the cornerstone of democracy in Lesotho.



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