



ΠΑΜΙΒΙΑ UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION

DEPARTMENT OF COMMUNICATION AND LANGUAGES

QUALIFICATION: BACHELOR OF COMMUNICATION	
QUALIFICATION CODE: 07BCMM	LEVEL: 7
COURSE CODE: LEC 721S	COURSE: LEGAL AND ETHICAL ISSUES IN COMMUNICATION
SESSION: NOVEMBER/DECEMBER, 2025	PAPER: (THEORY)
DURATION: THREE HOURS	MARKS: 100

SUPPLEMENTARY/SECOND OPPORTUNITY QUESTION PAPER	
EXAMINER(S)	Dr C PEEL
MODERATOR:	Ms. EMILY M. BROWN

INSTRUCTIONS	
<ol style="list-style-type: none">1. Answer THREE questions and note that Question 1 is compulsory.2. Read all the questions carefully before answering them.3. Indicate whether you are a FT, PT, or DE student.4. Write legibly. The examiner shall not award marks for answers he cannot read.	

THIS EXAMINATION QUESTION PAPER CONSISTS OF _5_ PAGES (Including this front page)

QUESTION 1

(Compulsory)

50 MARKS

Attached to this question paper (see **Appendix 1**) is a report about a news crew from Citizen TV in Kenya filming a woman about to give birth on the street, after she was turned away from a hospital during a nationwide strike by health workers. Analyse the circumstances of the case by reading and grasping the details attached, before responding in full to the following questions:

- (a) What were the ethical choices available to the reporter and news crew? (3 marks).
- (b) If you were the reporter on the scene, and were influenced by Francis Kasoma’s principles of Afri-Ethics, explain whether or not your response to the pregnant woman’s predicament might have been different from the actions of the Citizen TV news crew.....(17 marks).
- (c) Which ethical principles did the Citizen TV news crew ultimately use: virtue ethics, utilitarian ethics, or duty ethics? Give elaborate reasons to support your categorisation and cite the scholar(s) who originated the principle(s) you believe the news crew to have chosen(30 marks).

QUESTION 2

25 MARKS

Create a Code of Conduct and Ethics for online content contributors that ensures discipline, fairness, and respect in pursuing the truth and serving the public needs for information, education and entertainment.

QUESTION 3

25 MARKS

In his determination of a defamation lawsuit brought by the former First Lady of Namibia against an opposition politician (*Geingos v Hishoono*), a Windhoek High Court judge, Justice Sibeya, cited Article 8 of the Namibian Constitution, which states that “The dignity of all persons shall be inviolable...” .

The judge reaffirmed that “The Constitution is the law which all other laws, common law and statutory laws, must conform to. The Constitution is, therefore, the point of departure in a quest to protect the fundamental rights and freedoms” (sub-section 44, *Geingos v Hishoono*). Justice Sibeya concluded that:

“It follows from the above Constitutional provision that... where one’s dignity is violated through defamatory statements, the protection provided in the Constitution cannot be sidestepped. The Constitution, in my view, is the starting point to enforce

the guarantee provided for therein, including the guarantee that human dignity shall be inviolable. Damages sustained as a result of the violation of human dignity, including damages arising from defamation, may be awarded to the injured party” (sub-section 45, *Geingos v Hishoono*).

(a) What material factors in the defendant’s (Hishoono’s) content and actions did the court find to have injured the former First Lady’s dignity.....(5 marks)

(b) The Constitution is a country’s Supreme Law. Explain in your own words how Justice Sibeya’s judgement underlines this fact. Explain also how you understand the supreme law to relate to other categories of law in the land. Name and describe those other law categories.....(10 marks)

(c) Identify five elements of defamation which would lead to a lawsuit’s success, and explain how these elements relate to the findings of the court in the *Geingos v Hishoono* case.....(10 marks)

QUESTION 4

25 MARKS

Explain the difference between laws passed by parliament and ethical standards of conduct in effect at institutions or in our personal lives.

QUESTION 5

25 MARKS

With reference to legal and ethical protections of privacy,

(a) Define invasion of privacy, and illustrate your definition with one example...5marks

(b) Describe, with relevant examples, four contexts where recording audio or visual content may constitute an invasion of someone else’s privacy.....8 marks

(c) With reference to the rationale behind its passing into law, discuss how the Kobe Bryant Act in the United States helps to protect the dignity and privacy of injured or deceased accident or health incident victims.....12 marks

End of Examination Question Paper

Total: 100 marks

Appendix 1 follows/.....

In quest for a great story, Citizen TV crew watches a baby die during birth



By Luke Mulunda, On Jan 7, 2017



Ann Mawathe, who reports features for Citizen TV, trailed a woman in labour until she gave birth to a dead baby.

Share

What was supposed to be a human-interest story on the ongoing strike by nurses has left Citizen TV reporter Ann Mawathe with egg all over her face. Ms Mawathe, her camera person and their driver – in search of what would be an award-winning story – gleefully trailed a pregnant woman who had been turned away from Pumwani Hospital to St Mary's Hospital in Lang'ata, 10km away, and watched as she finally delivered but lost the baby.

Kenyans have reacted sharply to the story, aired on Citizen prime time news on Friday January 6th, criticizing the reporter and the TV station of being grossly inhuman. In the story, Ms Mawathe and her team followed the woman, who was in

labour, as she struggled in vain to get medical help at the state-owned Pumwani Hospital. After she was turned away, the Citizen TV crew pursued her in heavy Nairobi traffic, filming every move as she boarded a matatu at Eastleigh area in her desperate search for a hospital with nurses.

Many TV watchers say the least the Citizen TV crew should have done is be compassionate to offer transport to the nearest hospital or even, in a show of good corporate citizenship, book her at the nearest private hospital such as Guru Nanak, MP Shah, Aga Khan or even Nairobi Hospital.

This has raised debate on where to draw the line between being empathetic with a news subject and media ethics that require journalists not to be involved in the activities being covered. On a humanitarian ground, however, Kenyans feel Citizen TV and its crew failed the pregnant woman and her family, as journalism ethics do not bar journalists from saving lives or averting a disaster. Some journalists, though, are known to instigate a situation to result into a hot story.

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Many believe the Citizen TV story ended the way any reporter would have loved: agony and death that give a story the shocking elements and juicy anecdotes. But does it have to take such avoidable death for the media house or reporter to be heard or to stand out for that matter?

Mediamax example

Here is an excellent example of journalists dumping ethics to save a life. On July 23, 2016, a Mediamax Network van ferrying crew to an assignment at Ewang'an Primary School stopped to help a woman who had just delivered herself of a baby in Kajiado. Deep in the recesses of Maasai plains, Josephine Ndanin lay writhing in pain.