

# Press Freedom in Africa slowed down by legislative stalling

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Since 2010, there has been significant institutional progress for press freedom in Africa. The African Commission on Human and Peoples' Rights (ACHPR) passed a resolution in November of that year urging governments to repeal criminal defamation.



Two resolutions followed: the Pan-African Parliament's (PAP) passing of the 'Press Freedom for Development and Governance: Need to Reform' resolution in 2012, and the 'Midrand Declaration' in 2013. Both resolutions condemn violations of media freedom and put safeguards into motion for its protection, including an annual 'media freedom index' in Africa and a decision to collectively recognise WAN-IFRA's Declaration of Table Mountain Campaign to repeal criminal defamation.

Unfortunately, in the last months there have been at least four cases in which African governments have moved in the opposite direction. The introduction of highly restrictive media legislation in Burundi and Somalia and the misuse of criminal defamation and military protection laws in Burkina Faso and Zambia have delivered severe blows to freedom of expression in Africa.

## Adopted amendments

In June, the National Assembly in Burundi adopted amendments to the country's Press Law that will force journalists to reveal their sources and ban publications deemed detrimental to national security and morality. Henry Maina, director of Article19 Eastern Africa, said that passing these amendments would "sweep away hard won gains in an instant", while Reporters Without Borders added Burundi had "gone backwards more than 20 years."

On 11 July, the Somali government followed suit, proposing a draconian draft media law, introducing media licences and prohibiting the dissemination of "falsehood and propaganda against the dignity of a citizen." The National Union of Somali Journalists said that the new legislation could be used to silence public debate in the country, with secretary general, Omar Faruk Osman, commenting that the draft law would "impose a chilling effect on freedom of expression and public debate, all essential for democracy."

On the 16 July in Zambia, police arrested Wilson Pondamali, a freelance journalist, accusing him of contributing to the *Zambian Watchdog*, a website that exposes corruption. This marked a noticeable shift in Zambia's commitment to press freedom, which over the last few years had been relatively strong. More often than not, the government has allowed political satire and criticism to be published in *The Post*, one of Zambia's most-read daily newspapers. But, in the past month authorities have blocked domestic access to the *Zambian Watchdog*, a move that provoked Lloyd Himaambo, the website's editor, to argue "there is no press freedom to talk about in Zambia, now that the government is able to block our website."

## A significant challenge

In Burkina Faso, Lohé Issa Konaté, editor of the newspaper *L'Ouragan*, is serving a 12-month sentence for insulting and defaming a prosecutor. He has additionally been ordered to close his publication for six months and pay damages totalling US\$12,000. Konaté's case has attracted the attention of media watchdog groups, including UK-based Media Legal Defence Initiative (MLDI) which has decided to take it to the African Court of Human Rights, calling for his release on the basis that his sentence violates his right to freedom of expression under Burkina Faso's constitution.

Most worrying for the long-term is that all four states are members of the African Union and the Pan-African Parliament, and as such are encouraged to comply with ACHPR legislation, the PAP resolutions and Article 19 of the Universal Declaration of Human Rights, all of which guarantee the freedom of expression.

Even with such legislative tools available, applying them to uphold press freedom in Africa is proving a significant challenge. WAN-IFRA Press Freedom director, Alison Meston, said: "The Pan African Parliament has recognised the link between a free press and good governance. Sadly however, this has not filtered through to the state level."

## Next steps

In terms of next-steps, an option remains to use the African Court to set a precedent, as the MLDI are currently attempting with Konaté. In order to give the PAP resolutions more traction, NGOs and the African Union must continue to put pressure on PAP members to do more with their own sovereign governments, as well as in the African Court. "We urge all Pan-African Parliamentarians to be bold and vocal in their country parliaments by endorsing the Midrand Declaration, signing the Declaration of Table Mountain, and committing to a free and independent press in their countries," Meston added.

In a parallel development that may yet have repercussions on the African continent, on Friday, 26 July the French parliament lifted an age-old ban on insulting the head of state. Under the amended law, the president will now have to go to court if he or she feels offended and prove there was defamation, in a much more drawn-out and complicated process. Many African nations that were formerly under French-Colonial rule continue to apply versions of French law, including those governing the press. The move is seen as a positive step that could potentially influence African lawmakers.

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