

# Reporters Without Borders

<http://www.rsf.org/kenya-draconian-bill-06-11-2013,45428.html>

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Africa - Kenya

Draconian bill

## Parliamentary offensive against freedom of information

6 November 2013

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Reporters Without Borders is very worried by parliament's adoption on 31 October of a bill amending the Information and Communication Act that would impose unprecedented curbs on media freedom in Kenya.

"Security must not be used as a pretext for gagging the media," Reporters Without Borders said. "This bill is very disturbing because it grants arbitrary powers to the government. Articles 33, 34 and 35 of the constitution, guaranteeing free speech, media freedom and freedom of information, must be respected.

"We urge President Uhuru Kenyatta to continue to defend the constitution and to reject proposed legislation that would institutionalize censorship. We also urge parliament to abandon its proposed reform of the Media Council, which must retain its independence while respecting media diversity and freedom of information."

Reporters Without Borders also encourages the authorities to create the conditions for a really inclusive and productive dialogue.

The bill passed last week would create a special media court whose members would be appointed by the government and which would have the power to impose very high fines on journalists and news media that failed to respect the media code of conduct.

The bill, which the president has so far refused to sign on the grounds of unconstitutionality, would also impose drastic controls on print and broadcast media funding and programming by limiting advertising and restricting foreign programmes in the local broadcast media.

Following an outcry in the Kenyan media about the bill's adoption, the minister of information and communication announced the creation of a "contact group," including all the media sector representatives concerned, which is to meet in November to discuss the bill and satisfy itself as to its constitutionality.

Meanwhile, just days after the bill's adoption, new bills were presented in parliament that would transform the Media Council, an independent body, into an entity for policing the media.

The council would be able to ban newspapers if their content, including cartoons, was deemed to pose a threat to "national interest," "public order" or "security" without these threats being defined.

It would also supervise newspaper printing, publishing and circulation licences and would have the power to impose sentences of up to two years in prison and fines of 10,000 euros. Any individual in possession of a banned publication could also be sanctioned.

After TV stations broadcast security camera footage showing soldiers apparently looting during the Westgate shopping mall siege, the head of the Kenyan police gave a news conference on 23 October in which he said there were "limitations" to freedom of expression and threatened to arrest journalists.

Two journalists with *Kenya Television Network (KTN)*, **Mohammed Ali** and **John Allan Namu**, and the **Sam Shollei**, owner and CEO of the Standard broadcasting group, received summonses to report to the police the next day, but the police backed down in the face of an outcry from the media and human rights groups.

Kenya is ranked 71st out of 179 countries in [the 2013 Reporters Without Borders press freedom index](#).

*Photo : Simon Maina/AFP/Getty Images*

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