

Resolution on press freedom in Kenya

2009/2510(RSP) - 15/01/2009 - Text adopted by Parliament, single reading

Following a debate which took place during the sitting of the same date, the European Parliament adopted a resolution on press freedom in Kenya. The resolution had been tabled for consideration in plenary by the EPP-ED, PES, ALDE, UEN, Greens/ALE and GUE/NGL groups. Parliament regrets the signing on 2 January 2009 of the Kenya Communications (Amendment) Bill 2008 by President Kibaki, who neglected to take widely reported reservations about it into consideration at the time of its signature. It notes that the 2008 Act, as it stands, disregards the rights to freedom of expression and press freedom as enshrined in the Universal Declaration of Human Rights and echoed in other international conventions which Kenya has signed and ratified, including the African Charter on Human and Peoples' Rights. The two main problematic sections are Sections 88 and 46. The former gives the Information Minister considerable powers to raid media organisations that are deemed to be a threat to national security and to dismantle their broadcasting equipment. Section 46 gives the State the power to regulate contents to be aired and published by electronic and print media respectively.

Parliament welcomes, however, President Kibaki's recent move to revise the Act and his gesture to consider amendments to the legislation proposed by members of the media. It reiterates its commitment to press freedom and the fundamental rights of freedom of expression, information and association, stressing that access to information representing a plurality of opinion is essential for the empowerment of citizens.

Members call on the Kenyan Government to initiate stakeholder consultations in order to build a consensus on how to better regulate the communications industry without interfering with press freedom. They ask President Kibaki and Prime Minister Odinga to do their utmost to guarantee that any updated version of the new media Act will be compatible with the principles of freedom of expression and information.

Parliament recalls that a year ago, following flawed presidential elections in Kenya, street demonstrations led to riots and ethnic clashes that spread across the country, killing more than 1 000 people and leaving another 350 000 homeless. It underlines the need to address the culture of impunity in Kenya in order to bring those responsible for the post-election violence a year ago to justice. It calls for the setting-up of an independent commission, consisting of local and international legal experts, to carry out investigations and prosecutions. Members note that President Kibaki and Prime Minister Odinga have agreed in theory to create such a commission, but that it has yet to be formed.