

# Anti-‘insult’ laws campaign

The Declaration of Table Mountain, which calls for the abolition of ‘insult’ and criminal defamation laws throughout Africa and which was launched during the annual congress of the World Association of Newspapers (WAN) in Cape Town on 3 June has been sent to the United Nations, Unesco and the African Union.

All three bodies have been requested to bring the document before their general assemblies and to adopt it as a document specific to Africa where ‘insult’ laws and criminal defamation are the scourge of African journalists.

These laws, which restrict journalists from criticising heads of state for their corruption, malpractice, human rights abuses and other misdemeanours and which protect heads of police and defence forces in some countries as well as other civil servants and foreign

diplomats, are in use in 48 of the 53 countries that make up Africa.

In the first five months of this year until the end of May, 229 editors, journalists, radio presenters, bloggers and those who have online publications or maintain websites were arrested, imprisoned, beaten or harassed under these or similar laws in 27 countries.

South Africa is one of the few countries in Africa that does not have ‘insult’ laws though it does have the common law crime of criminal defamation which, however, it has not used for some 30 years.

International PEN and the Media Institute of Southern

Africa have been quick to endorse the declaration.

The Declaration was the brainchild of Raymond Louw, chairman of the Media Freedom Committee of the SA National Editors’ Forum and the Africa representative of the World Press Freedom Committee.

Louw approached WAN’s Timothy Balding last December, outlined the concept and how it could be furthered and was invited to draw up the Declaration which he did with Professor Guy Berger, head of the School of Journalism and Media Studies at Rhodes University, Grahamstown.

Louw also drew up a list of cases of attacks on journalists in the first five months of this year, which with the declaration have been drawn to the attention of the UN, Unesco and the AU.



## Declaration of Table Mountain

The World Association of Newspapers and the World Editors’ Forum, meeting at the 60<sup>th</sup> World Newspaper Congress and 14<sup>th</sup> World Editors’ Forum Conference in Cape Town, South Africa, from 3 to 6 June 2007:

Note that in country after country the African press is crippled by a panoply of repressive measures, from the jailing and persecution of journalists to the widespread scourge of ‘insult’ laws and criminal defamation which are used, ruthlessly, by government to prevent critical appraisal of their performance and to deprive the public from information about their misdemeanours;

State their conviction that Africa urgently needs a strong, free and independent press to act as a watchdog over public institutions;

Consider that press freedom remains a key to the establishment of good governance and durable economic, political, social and cultural development, prosperity and peace in Africa, and to the fight against corruption, famine, poverty, violent conflict, disease and lack of education;

Reaffirm our responsibility as the global representative organisations of the owners, publishers and editors of the world’s press to conduct ‘aggressive and persistent campaigning against press freedom violation and restrictions’;

Reaffirm our commitment to freedom of the press as a basic human right as well as an indispensable constituent of democracy in every country, including those in Africa;

Note that Article 19 of the Universal Declaration of Human Rights guarantees freedom of expression as a fundamental right, and emphasise that freedom of expression is essential to the realisation of other rights set forth in international human rights instruments;

Recall that those principles have been restated and endorsed in the 2002 Declaration on Principles of Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples’ Rights and the African Union, thus requiring member states of the African Union to uphold and maintain press freedom;

Recall also the 1991 Windhoek Declaration on Promoting

an Independent and Pluralistic African Press;

Observe that despite numerous opportunities for a free press to emerge from national independence, fully-fledged press freedom still does not exist in many African countries and that murder, imprisonment, torture, banning, censorship and legislative edict are the norm in many countries;

Recognise that these crude forms of repression are bolstered by the deliberate exclusion of certain newspapers from state advertising placement, the burden of high import taxes on equipment and newsprint and unfair competition from state-owned media;

Note that despite the adoption of press freedom protocols and the repression of that freedom on a wide scale in Africa, the African Union in instituting its Peer Review Mechanism under the New Partnership for Africa’s Development (Nepad) programme has excluded the fostering of a free and independent press as a key requirement in the assessment of good governance in the countries of the continent; and

Identify the greatest scourge of press freedom on the continent the continued implementation of ‘insult’ laws, which outlaw criticism of politicians and those in authority, and criminal defamation legislation, both of which are used indiscriminately in the vast majority of African states that maintain them and which have as their prime motive the ‘locking up of information’;

### Declare that:

African states must recognise the indivisibility of press freedom and their responsibility to respect their commitments to African and international protocols upholding the freedom, independence and safety of the press; and

To further that aim by, as a matter of urgency, abolishing ‘insult’ and criminal defamation laws which in the five months of this year have caused the harassment, arrest and/or imprisonment of 103 editors, reporters, broadcasters and online journalists in 26 countries;

Call on African governments as a matter of urgency to

review and abolish all other laws that restrict press freedom;

Call on African governments that have jailed journalists for their professional activities to free them immediately and to allow the return to their countries of journalists who have been forced into exile;

Condemn all forms of repression of African media that allows for banning of newspapers and the use of other devices such as levying import duties on newsprint and printing materials and withholding advertising;

Call on African states to promote the highest standards of press freedom in furtherance of the principles proclaimed in Article 19 of the Universal Declaration of Human Rights and other protocols and to provide constitutional guarantees of freedom of the press;

Call on the African Union immediately to include in the criteria for ‘good governance’ in the African Peer Review Mechanism the vital requirement that a country promotes free and independent media;

Call on international institutions to promote progress in press freedom in Africa in the next decade, through such steps as assisting newspapers in the areas of legal defence, skills development and access to capital and equipment;

Welcome moves towards a global fund for African media development and recommends that such an initiative gives priority attention to media legal reform and in particular the campaign to rid the continent of ‘insult’ and criminal defamation laws;

Commit WAN and WEF to expand their existing activities in regard to press freedom and development in Africa in the coming decade.

WAN and WEF make this declaration from Table Mountain at the southern tip of Africa as an earnest appeal to all Africans to recognise that the political and economic progress they seek flourishes in a climate of freedom and where the press is free and independent of governmental, political or economic control.

Cape Town 3 June 2007.