

AMPLIFYING VOICES

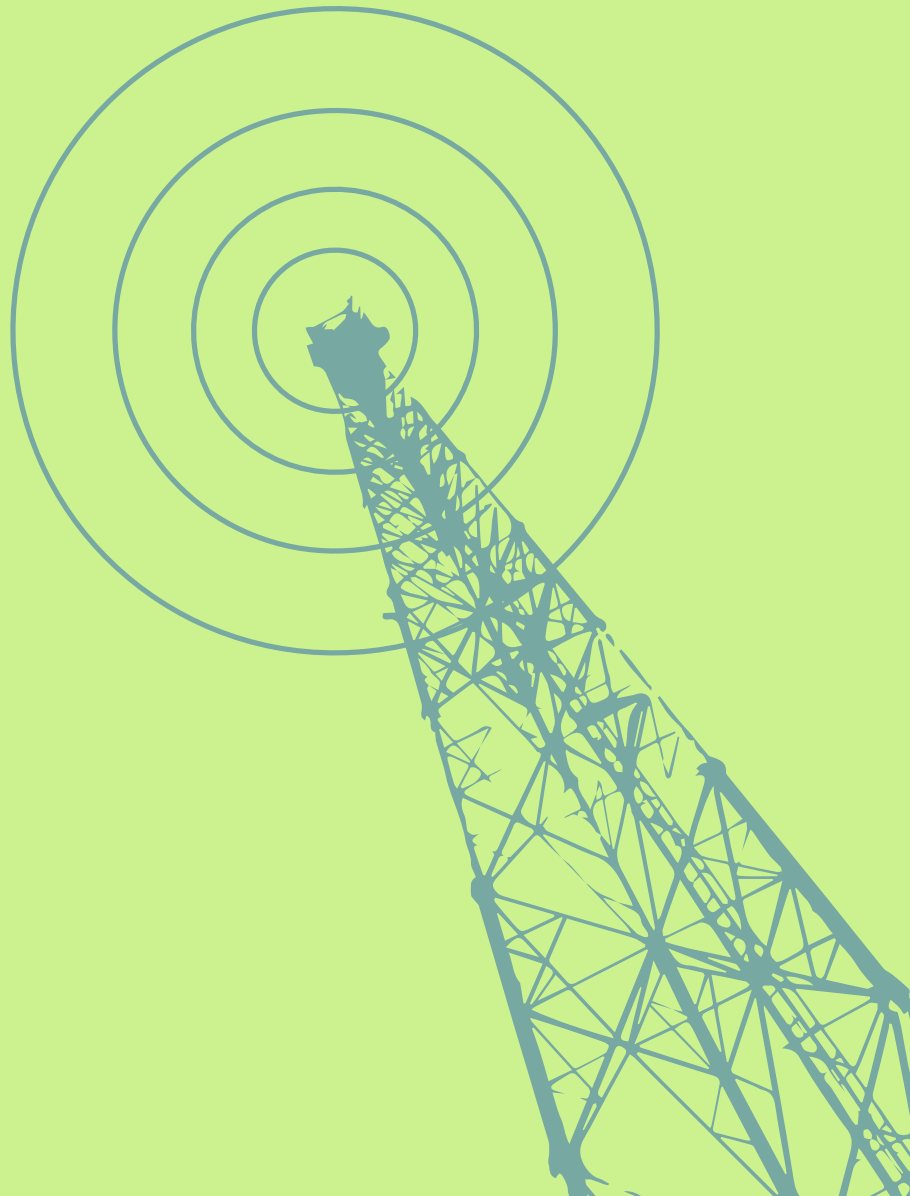
information & expression



THE OPEN SOCIETY INITIATIVE
FOR EASTERN AFRICA



INFORMATION & EXPRESSION



AMPLIFYING VOICES

INFORMATION & EXPRESSION

ISSUE IV | 2013

THE OPEN SOCIETY INITIATIVE FOR EASTERN AFRICA (OSIEA)

executive director BINAIFER NOWROJEE

editors EMMA DAY
JOSHUA LUBANDI
BINAIFER NOWROJEE
UMRA OMAR

creative director ASSEGID GESSESSE
art director and design ISSA ABDUL

authors JACOB AKOL
EMMA DAY
HEATHER DOYLE
JEGGAN GREY-JOHNSON
MAXWELL KADIRI
GASTA KAKAIRE
DAVID MAKALI
BOAZ MUHUMZA
UMRA OMAR
NATHAN ONYANGO
JOANNA OYEDIRAN
RACHEL THOMAS

WEBSITE AND FEEDBACK

www.osiea.org | info@osiea.org

OSIEA PLAYS AN ACTIVE ROLE IN
ENCOURAGING OPEN AND INFORMED
DIALOGUE ABOUT ISSUES OF PUBLIC
IMPORTANCE IN EASTERN AFRICA.

NAIROBI | KAMPALA | DAR ES SALAAM | JUBA

Published by:

OSIEA

PO Box 2193-00202
Nairobi, Kenya
+254 (20) 387-7508

© OSIEA.

Unless otherwise noted, you may republish our content. OSF believes that its mission is advanced when the work product we support and create is made broadly available to the public.

The contents of this publication do not necessarily reflect the views of OSIEA or its management.

EDITORIAL STATEMENT

We live in an age of faster, smaller and smarter technology, where ideas are communicated at high speeds and through diverse platforms. This bridging of individuals, communities and nations has opened and created channels of expression and information across the globe that were unimaginable only a few decades ago. There is no limit as to how far and wide information can go.

Or is there?

In a variety of ways, information and expression remain constrained despite the expansion of the information highway. In some cases, heavy-handed silencing by governments through repressive laws and actions limits what can be seen and heard by the citizens. Government offices in eastern Africa function through a culture of secrecy rather than on the premise that public information should largely be accessible.

In other cases, the media self-censors itself on certain sensitive or volatile issues such as national security or election fraud, succumbing to the silence that fear can elicit.

The information black-out is not restricted to the media. Persons with sensory disabilities have to function in a world with a dearth of sign language, Braille and interpretation services to function fully in

society. Online media and text messaging platforms have untapped potential for marginalized communities to share information, engage and organize.

The Open Society Initiative for Eastern Africa (OSIEA), in partnership with other programs in the Open Society Foundations, is honored to work with a variety of partners who find ways to expand the boundaries of public space and to develop critical thinking.

What better way to build an active citizenry than to provide enough information in an accessible format so that people can engage and make informed judgments on issues that have a bearing on their lives?

Binaifer Nowrojee

Binaifer Nowrojee
Executive Director



TABLE OF

4 Editorial Statement

8 Taking Radio out
of the Studio

12 When Innovation
Meets Governance

16 The Information
Blackout: Persons with
Sensory Disabilities

20 Growing Online
Media in Sudan

24 Debate Creates
Active Citizens

26 Journalists in the
Line of Fire

CONTENTS

Seeking Dialogue through
Art and Culture

30

The Error in
Counter-terror

34

Sex Workers on the
SMS Frontline

38

The Silent Mantra of
Responsible Journalism

42

From State-run Media
to Independent Public
Broadcasting

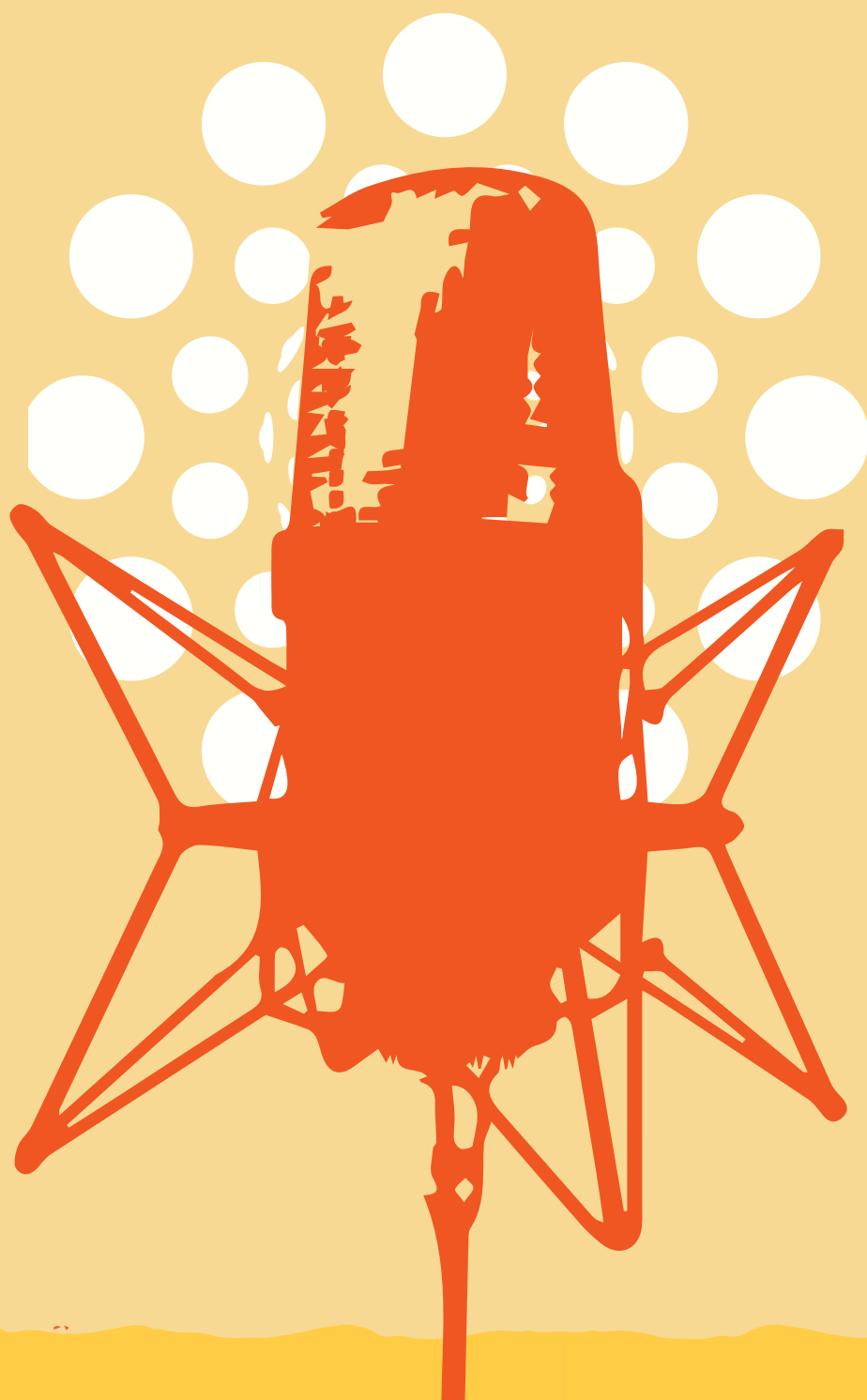
46

Africa has the
Right to Know

48

Demystifying the Media

50



taking **radio** out of the **studio**

BY EMMA DAY



IN REMOTE AREAS, RADIO
BECOMES A WAY FOR
COMMUNITIES TO SHARE
THEIR STRUGGLES AND
CALL FOR CHANGE

Northern Uganda is one of the most challenging places to reach local populations, especially women, through traditional forms of media, according to the communications organization Panos Eastern Africa. After two decades of war, the whole region is massively under-resourced, with very poor infrastructure. Families struggle to access water, food, transport, and shelter, let alone TV and newspapers. Most people rely on radio for their news. In Uganda, 80 percent of radio stations are owned by ruling party politicians or businessmen affiliated to the ruling party.

During the war, most of the population of northern Uganda was displaced due to violence or moved to settlement camps created by the government to protect them from the rebel Lord's Resistance Army (LRA). As men were conscripted to fight with or against the LRA, a large number of households became female-headed. Women became the breadwinners and family providers. When the war ended, families began to return to their land and to rebuild their lives, but with the fabric of their society having been destroyed, things could not go back to the way they were before.



WOMEN WERE LEFT OUT OF THE DEBATES, BUT NOW THEY HAVE FOUND THEIR VOICE

As a result of the trauma and the feeling of disempowerment due to lack of employment options, large numbers of men have turned to alcohol, becoming violent towards their wives and children, and squandering family resources. Several initiatives are underway in northern Uganda to facilitate resettlement.

Previously my husband would sell land without consulting me. He would sell our land and spend the money on drinking. But when we joined the women's group we were educated about our land rights and the need to discuss this with our partners. Recently when he wanted to sell more land, we sat down and determined the cost together with our children and used the money to send all of them to school. I now feel that as a woman I have the right to be heard and our relationship has now improved, we even go to church together.

- Agoro Santina
FOKAPAWA Women's Group

A vibrant local media in the form of community radio has emerged in the region,

which boasts over ten radio stations. These radio stations, broadcasting in the regional Luo language, have promoted public debates on human rights, transparency and accountability in governance, and domestic relations. Radio announcements have been instrumental in re-uniting trafficked women and children with their families.

Panos Eastern Africa has been working in partnership with rural radio stations to bring radio to the more remote communities that have for years been cut off from the rest of the country and isolated from most forms of media. Panos has been working in partnership with rural radio stations to reach the unheard remote voices of Karamoja, which is a predominantly pastoralist community in north-eastern Uganda. Through the project, Panos trained local journalists, provided them with a motorcycle to travel to the villages, and audio recorders. For the first time radio got out of the studio. Before, women were left out of the debates, but now they have found their voice and radio has finally broken out of the studio into the rural areas. The audiences are now demanding that these programs continue because they are such a useful resource.

Panos radio presenters go out to Karamoja to debate issues of concern to local people, including land use, domestic violence, defilement, and access to water and land. They encourage women to participate in the debates fully, and to raise issues

that are of concern to them. The debates are recorded, and then brought back to the studio to be broadcast on the radio. Alongside the broadcasts, Panos invites local leaders to respond to questions live on air and to participate in a studio debate with call-ins from the public. Panos says, "Through the community dialogues women have raised issues, they have had men listen to them, they've captured the attention of policy makers and this has created changes".

One of those success stories involved a health centre in the Pader district of northern Uganda. The health centre was never open because the allocated health worker preferred to stay in town than to come out to Pader and treat patients. On one occasion, a heavily pregnant woman came to the health centre and found there was nobody there to help her, and ended up dying from preventable complications. The local radio station, Luo FM, picked up the story and debated the plight of women and the poor state of health care in the area. The debate was aired on local radio, and local leaders were brought to the radio station to answer for the terrible state of the health service. As a result, the health worker was replaced.

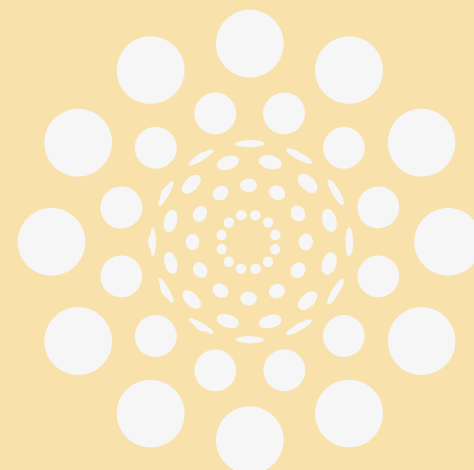
Through another debate in Kitgum aired on Mighty Fire FM, women managed to claim their economic rights, by debating with men. The government provides a revolving fund in the markets to support

both men and women in Kitgum, but the men never included the women in this fund. The radio debate created a platform for the women to convince the men that they should be included in the revolving fund, which is now equally accessible to both men and women. This success has served to empower the women to recognise their right to be included in making decisions that affect them.

"It's been exciting to see the changes that you make by creating a platform for people to discuss. Sometimes the changes are slow, but you see women standing up and speaking and being more confident to speak out about their issues, but also for men to sit down and listen and dialogue and discuss together with women, for communities to come together and dialogue. It's been a very rewarding process."

- Lucy Atim
formerly of Panos Eastern Africa

Emma Day is a freelance human rights lawyer





WHEN INNOVATION MEETS GOVERNANCE

BY EMMA DAY



GETTING EAST AFRICANS TO DISCUSS CURRENT AFFAIRS IS NOT DIFFICULT WHEN A TELEVISION SHOW MAKES IT HIGHLY ENTERTAINING AND ACCESSIBLE

In Tanzania millions of ordinary people travel to work by minibus, or 'daladala'. Every day a special minibus pulls up at a bus stop and picks up a random group of passengers to give them a free ride to work. The *Minibuzz* is equipped with film crew and lively presenters who invite the passengers to engage in debates on current affairs on their journey to work. The passengers laugh, argue and have fun, while they vigorously debate, and their morning discussions are aired on the nightly television show at 6:00pm.

During a *Minibuzz* debate on the drafting of Tanzania's new constitution, Daniel the show's producer, asks, "What is the constitution in the first place?" A male passenger answers, "It is the mother of all laws governing the country. It governs everything." The passengers agree that the constitution is very difficult for the average person to contribute to or even to understand.

One man proclaims: "In short we know nothing about it. Apart from the politicians and a few elites in society . . . all of your problems, corruption, embezzlement, you name it, all of these are caused by the shortcomings in our current constitution . .

. But in some countries it is a different case. Ministers tend to be answerable because their constitution demands so!"

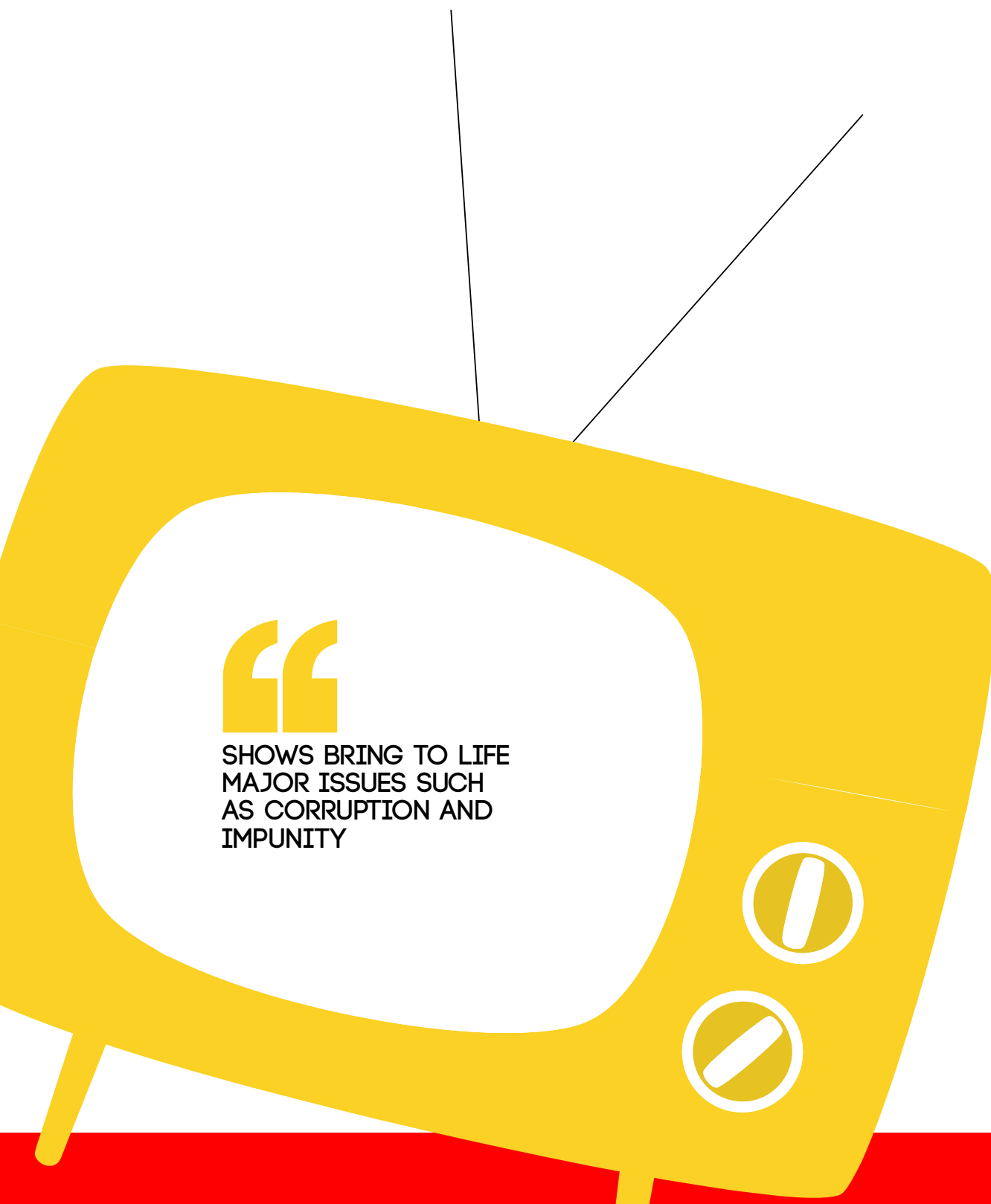
Daniel asks a female passenger for her thoughts on the matter. She says, "If the government is listening..." ... "Of course they are!" interjects Daniel. The woman goes on, "They should involve civil society vehemently as they do in political campaigns. Not all can access newspapers. Not all can access radio or television . . . They should use the same zeal as they use during elections!"

Daniel is right to say the government is listening. *Minibuzz* has caught the attention of policy makers, and the presenters were invited to parliament to meet with ministers due to the success of the show and its ability to give a voice to ordinary citizens.

In Kenya, the film company Medeva produced *Agenda Kenya*, an award-winning talk show, which was the country's first ever audience-based political talk show. Panelists have included numerous commentators, experts and high-ranking government officials, among others.

“

SHOWS BRING TO LIFE
MAJOR ISSUES SUCH
AS CORRUPTION AND
IMPUNITY



At the time that Medeva started, it was felt that there was a need to empower local journalists to participate in their own governance debates. Medeva has so far trained 400 journalists from Kenya and Uganda on radio and TV production skills, with a focus on promoting open governance and relevant regional content. In the wake of devolution, the plan now is to expand into more rural areas, so that people will be able to hold their county governments accountable as well. Some 1.5 million viewers tune in each week to watch the popular program.

The Mohammed Amin film and television training school in Kenya pioneered and aired a dynamic student-led television talk show where human rights and social issues were discussed with live audiences, hosts, experts and affected citizens.

This talk show was conceived and developed by three second-year students in 2005. Students filmed short documentaries on pressing social issues that were then debated before a studio audience on an incredible 300 square meter set depicting a downtown Nairobi street corner that became the trademark of the show.

Over a five-year period, 58 episodes were produced by film students and aired on prime time Kenyan television. Topics included albinism, alternative leadership, child abuse, labor rights, renewable energy, rethinking formal education and sex worker rights.

The HATUA TV talk show was an excellent capacity building vehicle for the growing

television industry in East Africa; training in human rights for future television professionals; and an instrument for social change and dialogue in the country. By season four, it had moved into prime-time television, reaching an estimated two million viewers in East Africa. The sessions saw a total of some two thousand panelists from all sectors of society come together and openly discuss their rights, their experiences and their solutions to the problems that face them in modern day Kenya before audiences of over one hundred. They all walked away from each of the studio sessions buzzing about the content of the show.

Also in Kenya, on the XYZ Show (which just won the Best Television Series in Africa award at the African Magic Viewer's Choice Awards), skillfully crafted puppets bring to life ingenious caricatures of Kenyan politicians. Through the use of humor and puppetry the show manages to reach a level of criticism of government that may not be possible through a more serious approach. The show has been aired on Citizen TV and is also broadcast on several radio stations and in Nairobi buses on Roma LCD screens.

The XYZ Show was launched in 2009 as a partnership between co-producers Gado, an editorial cartoonist and illustrator with the Nation Media Group, and Marie Lora-Mungai, a broadcast journalist, writer and producer, following a similar French spoof newscast. Gado saw the potential for using the same concept in Kenya, to address with humor "the rampant corruption and mismanagement of the country." Local TV

stations were reluctant to fund the show, and so the production company established a not-for-profit company that receives donor funding. The XYZ Show has purportedly now reached cult status, with an audience of more than seven million on TV, radio, buses and the internet.

The hallmark of all these innovative television programs is their ability to carry a serious message, yet also remain highly engaging, entertaining and accessible to the mass population of TV viewers. These shows bring to life major issues such as corruption and impunity by grabbing the attention of a section of the population who would likely flick the channel when faced with a dry political debate. They use innovative formats and give voice to the concerns of ordinary citizens.

Emma Day is a freelance human rights lawyer

THE

INFORMATION

RI ACKNO IT

PERSONS WITH SENSORY DISABILITIES

BY BOAZ MUHUMUZA



THE VISUALLY IMPAIRED,
DEAF AND DEAF-BLIND
LIVE IN AN INFORMATION
BLACKOUT BECAUSE THE
MEANS AND MODES OF
COMMUNICATION DO NOT
ACCOMMODATE THEIR
FORM OF DISABILITY

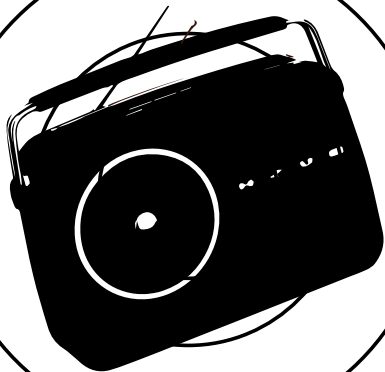
For persons with sensory disabilities, information is a lifeline. Without information that is properly communicated in an accessible format, a blind or deaf person cannot freely interact, socialize or access public services. Persons with sensory disabilities (like the visually impaired, deaf persons, and the deaf-blind) live in an information blackout. Each of these groups faces particular challenges solely because the means and modes of communication do not accommodate their form of disability.

The deaf access information and express themselves through sign language. Although many countries officially recognize sign language, few governments promote its use in public life. This directly impacts the daily lives

of the deaf at times touching the core of their survival, such as accessing services. An individual that is able to hear can enter and communicate with a health service provider at any time to access treatment. A deaf person must hire an interpreter to facilitate communication between the patient and the health worker. In the absence of an interpreter, which is often the case, deaf patients struggle to access public services. Even in the presence of an interpreter, there are many other conditions that limit the ability of deaf people to freely express themselves. With most television stations and other media outlets ignoring the use of sign language in news broadcasts, the deaf are left in the dark about breaking news or current affairs.

“

THE DISABILITY LIES
WITHIN OUR SOCIETIES
THAT DO NOT SEEK TO
INCLUDE THE DIVERSITY
OF THOSE THAT ARE
DIFFERENTLY-ABLED
(DIFFABLED)



The needs of the visually impaired are quite the opposite. With the advances in information technology, the world is now very visual. Phones and computers are now controlled by the blink of an eye. Though these are positive developments, they often leave out the visually impaired. Internet and phones are becoming the major source of information, while acting as platforms for social expression. Visually impaired persons have found it difficult to move at the same pace with others in this field. Most computers and phones have no in-built screen reading software that can provide information in audio format to visually impaired persons. Screen reading software is costly and can only be installed on certain phones and computers. Traditional means of accessing information are no better. Most official documents that are accessible to the public are in print. This requires a visually impaired person to hire a person to read aloud documents sometimes as basic as a medical prescription.

Deaf-blind persons use tactile communication where information is passed on by touching in certain ways the body of an individual. Many governments have not advanced the learning and teaching of tactile language. There are no or very few

teachers trained to teach tactile communication in East Africa. As a result, deaf-blind persons are not able to acquire formal education. They remain cut off from the world, unable to communicate even with those closest to them.

The United Nations Convention on Rights of Persons with Disabilities (CRPD), ratified by most countries, obliges states to ensure that persons with disabilities access information through the promotion of alternative means of communication such as Braille, sign language, plain language, and tactile among others. Basic sign language should be included in the professional training of public service providers, such as teachers, health workers, and police officers, to enable them to communicate with deaf clients. Governments should also provide interpreters to support the deaf in accessing public services. Printed information should be provided in accessible formats to visually impaired persons such as large print, Braille or soft copy. Major players in the production of phones and computers need to ensure that all electronic equipment is routinely installed with screen reading and magnifying capability to enable visually impaired persons use them. Governments should also pro-

mote the learning and teaching of Braille, sign language and tactile language to the respective disability communities to enable them to access information.

International law is clear that access to information and freedom of expression are rights that allow all citizens to demand information from their governments and openly express their views in relation to state affairs. Ultimately, the disability lies within our societies that do not seek to include the diversity of those that are differently-abled (differently-abled).

Boaz Muhumuza is the disability rights program officer with the Open Society Initiative for Eastern Africa (OSIEA)



GROWING ONLINE MEDIA IN SUDAN

BY JOANNA OYEDIRAN

In response to increased media censorship and an economic crisis in the print media, Sudanese are developing creative solutions to share information, debate the country's future and campaign for change. Sudan has a surprisingly high level of internet penetration, with, according to International Telecommunications Union estimates, 10 percent of the population having access to the internet. In addition, large numbers are also accessing the internet through mobile phones.

There is increased interest in blogging, with a significant proportion of blogs being produced by the Sudanese diaspora. The latest wave of media harassment and newspaper closures has renewed interest in setting up online newspapers. These websites can avoid the pre-publi-

cation censorship to which print newspapers are frequently subjected.

In 2012, *al-Taghyeer* became Sudan's newest online newspaper, joining *Sudan Nile*, *Sudan Tribune*, *Al-Rakoba* and *Hurriyat Sudan*. The National Security and Intelligence Services (NISS) had banned newspaper editors from publishing articles by many of *al-Taghyeer's* writers, including its chief editor.

Online news sites are often classified as being elitist but are probably no more so than print editions. Newspaper distribution networks only extend beyond Khartoum to a few urban centers due to financial and logistical challenges. The circulation of the largest daily *Al-Intibaha* is believed to be 60,000.



ONLINE TOOLS PROVIDE NEW OPPORTUNITIES FOR ACTIVISTS TO CAMPAIGN IN A HIGHLY REPRESSIVE ENVIRONMENT



NSIS HAD ESTABLISHED A “CYBERJIHAD” UNIT TO MONITOR THE INTERNET AND HARASS ACTIVISTS

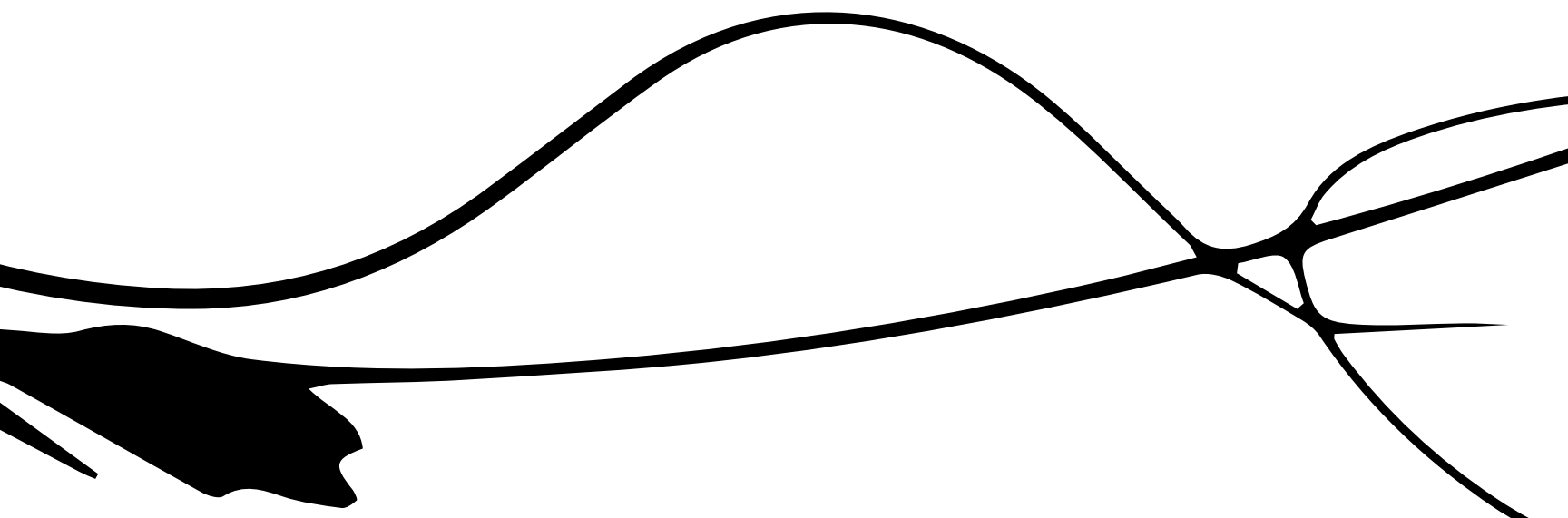
In response to these developments, the Sudanese government has tried to plug what has become a significant gap in its efforts to control citizens' access to information.

In 2010, it emerged that NSIS had established a “cyberjihad” unit to monitor the internet and harass activists. During street demonstrations in June and July 2012, it became clear that NSIS was deliberately targeting people who were trying to publish information about what was happening – journalists, bloggers or activists. For example, in June 2012, the Sudanese government detained citizen journalist Maha El-Sanusi, and Salma al-Wardany, an Egyptian reporter working for Bloomberg. Salma al-Wardany was subsequently deported.

The National Telecommunications Commission also blocked several news and discussion websites. Hurriyat Sudan remains blocked intermittently until now but it has maintained some of its readers in Sudan by encouraging them to access the site through proxy sites and publishing its content on Facebook and Twitter. Blocking access to Twitter and Facebook, the latter being particularly popular with Sudanese, would probably be a step too far.

In 2012 the Sudanese authorities used the full force of the law against a well-known video blogger, Nagla Sidahmed and political activist Jalila Khamis following a published online video interview on the impact of the ongoing conflict in South Kordofan. NISS detained Jalila and persistently harassed Nagla, forcing her to flee Sudan with her family.

Jalila languished in legal detention for eight months without charge; three months were spent in solitary confinement. In a concerted attempt to get Jalila's case referred to court, activists launched a call for solidarity on Twitter and Facebook. She was finally formally charged, albeit with a whole series of crimes, two carrying the death penalty. The prosecution's main evidence against her was her video testimony. It has also built a case against



Nagla, who is now in exile. Full coverage of Jalila's trial was shared with hundreds of people on Twitter. The court found Jalila guilty of execution of a criminal conspiracy but ordered her immediate release describing the 10 months she spent in prison as sufficient punishment.

Beyond campaigning, the internet is also being used for fundraising. In 2013, Sudanese successfully raised funds on Kickstarter, an internet fundraising site, to make a film *Our Sudan* designed to inspire young Sudanese to think differently about themselves and their future.

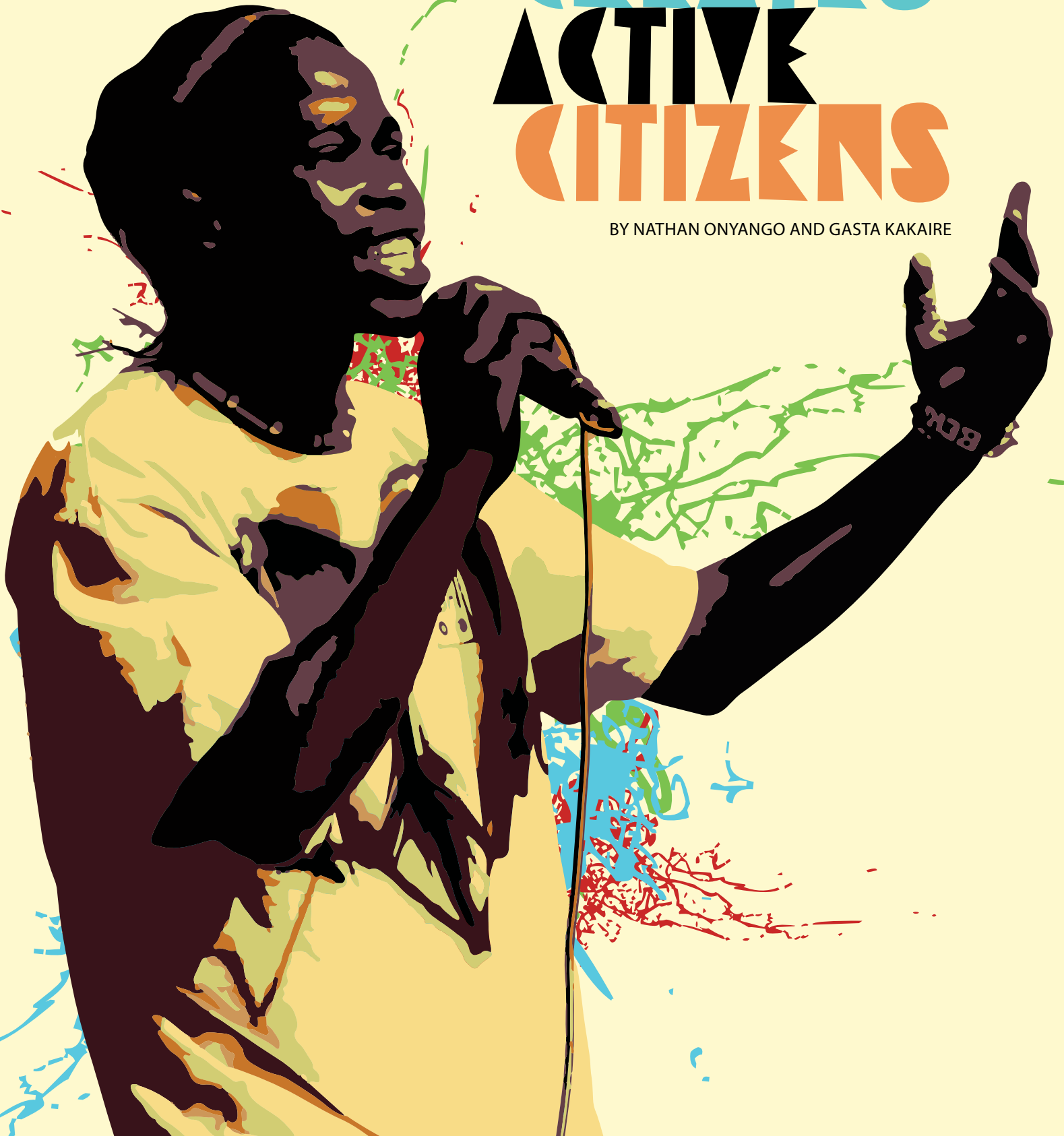
Use of online tools clearly provides new opportunities for activists to share information and campaign, particularly in a highly repressive environment. However, the Sudanese illustrate how the internet also provides opportunities for repressive governments to use these tools against activists. It is now clear that the Sudanese government engages in internet surveillance of activists. A number of demonstrators detained in mid-2012 also reported being pressured by National Security agents to give up passwords to their Facebook and email accounts.

It would be a mistake to think that Sudan has gone completely digital. In many places in Sudan the printed word or even word of mouth remains the best way to disseminate information. However, online media and campaigning tools provide an additional opportunity, to be stored with pen, paper and microphone, in the toolkits of media professionals, bloggers and activists.

Joanna Oyediran is the Sudan/South Sudan program manager at the Open Society Initiative for Eastern Africa (OSIEA)

DEBATE CREATES ACTIVE CITIZENS

BY NATHAN ONYANGO AND GASTA KAKAIRE





HOW CAN YOU TEACH YOUNG PEOPLE TO DEVELOP CRITICAL THINKING AND BUILD TOLERANCE FOR DIFFERING VIEWS? GET THEM DEBATING

Every year, teams from Uganda join hundreds of students from around the world to inspire informed discussions through global debate tournaments organized by the International Debate Education Association (IDEA). During these exciting events, students deliberate on pertinent and often contested issues such as the rights of marginalized groups, internet access, the banning of violent video games, electoral processes in Africa, and the oil curse, among others.

Effort to popularize debate in Ugandan schools became more serious with the creation of the National Debate Council (NDC) three years ago. Supported by the Open Society Initiative for Eastern Africa (OSIEA), NDC secured commitments from a number of educational institutions and organized the inaugural National Debate Championship held at the Uganda Parliament in 2010.

Although debate was previously taking place in Ugandan schools, it did not follow any rigorous format or clear rules. Crucial

debate elements such as argumentation and reasoning were neglected. NDC teaches the Karl Popper format that challenges students to develop critical thinking and tolerance for differing views by debating relevant but deeply divisive propositions. Grouped in teams of three, debaters carry out research on either side of an issue with the aim of identifying core elements of controversy, emphasizing tolerance for differing views, and appreciating the value of teamwork. At university level, NDC has introduced the more complex British parliamentary format which involves two teams proposing an argument and two others opposing.

"Before Karl Popper, we were just playing not debating," attested Onesmus, a student of Mbarara High School.

As a result, over 300 schools across the country have been trained in debating techniques and many others have adopted the Karl Popper format. More than 3,000 young people have participated in the regional debate competitions, debate camps and the national schools debate championships. Through direct mentoring, 300 young people have received training in debating techniques and they have been recruited as judges and trainers at different NDC events. Others have been recruited to serve as interns, volunteers or staff at the NDC secretariat. NDC facilitates trainings for teachers, trainers and coaches as well as building debate clubs in schools and universities. Technical support and training is also offered by NDC to organizations carrying out debate in the form of judging and tabulation training. Over 20 universities in the country carry out debates using the British parliamentary format.

One of NDC's core values is that debate is for everyone and they have made a deliberate effort to take debate to all classes and groups of society. To promote participation of female students in debates, NDC has reached out to more girls' schools, recruiting young females into debate clubs and teams. This has increased female participation to 30 percent. In 2011, girls from Sacred Heart Girls' School, Gulu won in the national championship.

Although debates were traditionally concentrated in urban centers, NDC has reached out to schools in rural areas by recruiting more students, setting up debate clubs, and carrying out joint activities. As a result, 60 percent of the students who attend NDC debate championships come from rural schools. NDC also works with community-based organizations to set up community debates to enable the public to discuss current affairs and to demand accountability from local leaders. Over 100 radio and TV shows have been generated to document the community debates.

The debating skills taught by NDC give young people a voice. Our young people learn to see both sides of an issue, to respect different views, and to engage in dialogue. Through debate, NDC is creating a new breed of young people who are confident, articulate, thoughtful and engaged. What better way to build an active citizenry that can examine all sides of an argument before making an informed judgment about issues of national importance.

Gasta Kakaire is the executive director of the National Debate Council Uganda and Nathan Onyango is a volunteer debate trainer.



JOURNALISTS IN THE LINE OF FIRE

By Emma Day



BRAVE JOURNALISTS
IN EASTERN AFRICA
PAY A HIGH PRICE FOR
DELIVERING ACCURATE
NEWS TO CITIZENS

Dr. Stephen Ulimboka, chair of the Medical Association of Tanzania was abducted, badly beaten, and left for dead in the midst of a doctors' strike in 2012. Although the government denied involvement, newspaper coverage by Tanzania's most hard-hitting weekly *Mwanahalisi* implicated an intelligence security officer as the sole person who communicated with Mr Ulimboka prior to the assault. The news article came after two previously published stories that accused the deputy national security chief of plotting to eliminate government critics and an interview with Dr. Ulimboka from his hospital bed in which he alleged intelligence service involvement in his attack.

In the face of such bold allegations, the Tanzanian government could have taken *Mwanahalisi* to court and sued the pub-

lisher for libel. Instead, the government moved swiftly, banning *Mwanahalisi* in August 2012. The government accused the paper of publishing seditious articles that 'created and spread fear in society' and violated 'ethical standards.' The ban resulted in demands to review the draconian Newspaper Act (1976) which gives the Minister of Information unlimited power to ban or deregister any outlet without notice or reason.

Mwanahalisi was previously targeted with a 90-day ban in 2008 after exposing a government corruption scandal that forced the then prime minister to resign. Soon after, the *Mwanahalisi* premises were broken into and the managing director was almost blinded after an acid attack and another staff member suffered machete wounds.



In neighbouring Uganda, press freedom is becoming more elusive as the environment under which journalists operate is becoming more risky and the space continues to shrink. Attacks on journalists occur with impunity according to statistics from the Human Rights Network for Journalists-Uganda (HRNJ-Uganda). In 2010, over 58 journalists were subjected to different forms of violence, in 2011 (an election year) there were over 107 such cases, and in 2012 over 87 violent incidents were reported.

In May 2013 the Ugandan government arbitrarily closed down four privately owned media houses for almost two weeks, including two radios (KFM and Dembe FM) and two dailies (the Daily Monitor and Red Pepper) following a leaked military memo indicating that anyone opposed to Museveni's son succeeding him would risk being killed.

HRNJ-Uganda promotes and defends the rights of journalists in Uganda, and offers solidarity and safety mechanisms for journalists at risk. HRNJ-Uganda's national coordinator Geoffrey Ssebagala was awarded the 2013 European Union Human Rights Defender Award for his work. While working as a radio journalist at Radio Sapientia, Geoffrey faced continual pressure from the government in response to his radio reports on corruption, extra judicial killings, and governance issues among others. By 2008 Geoffrey was regularly summoned to reveal his sources and to answer allegations of incitement before the police media crimes department, where he was inter-

“

DARING TO PROTECT PRESS FREEDOM AND TO DEFEND THE RIGHT TO REPORT THE NEWS WITHOUT REPRISAL

rogated and pressurised to stop reporting on politically controversial issues. During that year the pressure began to escalate and several attempts by unknown assailants were made to abduct Geoffrey. On the third attempt, Geoffrey was knocked off a motorcycle by attackers, who attempted to kidnap him as he fell to the ground, but luckily Geoffrey managed to raise enough noise so that passers-by intervened. The attackers made off with his phone and laptop, and Geoffrey's wife received phone calls threatening her husband's life. Geoffrey was forced to flee to Nairobi where he worked in exile for a period.

Uganda has a number of highly restrictive media laws. The Anti-Terrorism Act imposes the death penalty on any journalist found to be reporting on proscribed terrorist groups. The new Regulation of Interception of Communications Act allows the government to tap phones and intercept any form of communication including faxes, emails and letters. More recently there has been a trend of using non-media related laws to put pressure on journalists, using charges of criminal defamation under the Penal Code, which carries a prison sentence, or civil defamation which carries the threat of massive damages claims. In Uganda there have been numerous instances of police brutality against journalists covering demonstrations or other-

wise publicizing opinions that challenge government, and nothing has been done to prosecute the perpetrators. HRNJ currently has filed over 15 legal cases challenging cases of rights violations against journalists and of government actions that threaten the enjoyment of freedom of expression and press freedom.

In newly independent South Sudan, press freedom is being tested. The South Sudan National Legislative Assembly in the second quarter of 2013 proposed three media bills; The Media Authority bill, the Public Broadcasting Corporation bill and the Right of Access to Information bill. The bills await the President's assent before they are passed into law. In South Sudan there are red lines which the media cross at their peril, particularly given that rule of law institutions are weak and powerful government officials and the military act with impunity. South Sudan dropped 13 places in the Reporters without Borders 2013 World Press Freedom Index – to 124th out of 179 countries ranked – due to the heavy handedness by the security forces in dealing with journalists, and after the murder of Isaiah Abraham, a well-known political commentator.

Isaiah Abraham a South Sudanese newspaper columnist was murdered outside his house in Juba in 2012, a move many believe was due to his critique of the government's mismanagement of public affairs. In 2012, the national security service called on all chief editors of newspapers

to censor any reporting related to a confidential government list of 75 high-ranking officials who were suspected of corruption and were allegedly requested by the President to refund the monies they stole. Most media houses have imposed self-censorship to avoid controversy with the government, they have resorted to airing what locally is referred to as "soft content," which include events coverage, announcements and music. This self-censorship comes at the price of depriving the public of important information, and denying the media the right to demand accountability from the government.

Outspoken and independent journalists in Eastern Africa pay a high price for espousing the principle of the public's right to know. They are singled out for punishment by their governments for daring to protect press freedom and to defend the right to report the news without reprisal. Yet despite the risks, they continue to exhibit great courage and tenacity in continuing to report the news.

Emma Day is a freelance human rights lawyer







SEEKING DIALOGUE THROUGH ART AND CULTURE

BY UMRA OMAR

"GIVE ME A THEATRE AND I'LL GIVE YOU A NATION"

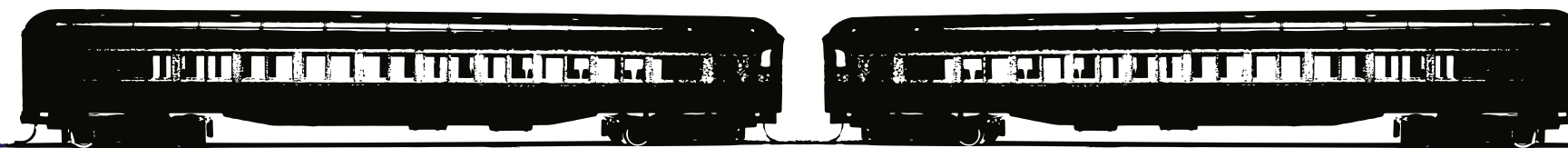
Following a 98.8 percent vote for secession in the January 2011 referendum, South Sudan gained independence from Sudan on July 9, 2011, ending two decades of conflict and destruction. Throughout the country, the mood was jubilant as world dignitaries arrived in Juba to witness the birth of a new nation. In his first address, the new President of South Sudan Salva Kiir Mayardit pledged to foster unity and fight corruption.

However, the fragility of the new state has been underscored by outbreaks of violence within South Sudan and the continued border tensions with Sudan. There is also strong resentment against the diaspora returnees as well as economic migrants from neighboring coun-

tries who are seen to be taking jobs away from the South Sudanese who remained in the country through the war.

Building national identity and cohesion is a task that requires more than a declaration of independence. There are a number of efforts underway in South Sudan to use culture to promote a shared national identity.

The Maya Cultural Organization uses performance art and as a tool to educate communities on governance issues such as corruption and accountability. The organization's director, artist Joseph Nemaya commands a jovial crowd at his performances and his lyrics speak to the realities of the need to come together and build a nation without corruption. Only six months before independence, the South Sudan Theater Company





THE MOST POWERFUL
TOOL IN THE WORLD IS
A CAMERA



(SSTC) performed their first production to great acclaim at the World Shakespeare Festival. The world's youngest nation performed Shakespeare's *Cymbeline* translated to Juba Arabic, a pidgin Arabic that is not usually written. The performance illustrates the possibility of co-existence with a previously hostile power and concludes powerfully with the cast proudly singing South Sudan's national anthem.

Joseph Abuk, one of the directors of *Cymbeline*, stressed the role of culture in building a national identity by uniting ethnic groups, raising self-esteem and helping to define South Sudanese at a time of political change when new constructions of citizenship and belonging are underway. Abuk says, "Drama is perhaps the most influential way of reaching people's feelings. You can talk about issues in a joking way, people might laugh and think that these are just mischievous performers, but in the end they go home with the messages. Ethnicity is not a factor nor is a political affiliation." Co-founder Derik Uya Alfred adds, "There is an old saying—give me a theater and I will give you a nation."

In Kenya, before the March 2013 presidential elections, the "Kibera Walls for Peace" public art project was founded by young people to celebrate diversity and encourage unity among ethnic and political groups following ethnic violence in the aftermath of the contested 2007 presidential elections. The project centered on Kibera, a Nairobi slum that was one of the major hotspots of this tragedy. The Kibera Hamlets partnered with American mural artist Joel Bergner for a six-week workshop series conducted with 30 youth on peace building. Each student painted a board to express their identity. Giggles and ideas were exchanged from one painting to another as discussions on diversity and peace filled up the small backyard.

In 2007, during the post election violence many people suffered, especially the children. They did not go to school and many became homeless. We have decided to paint peace wall murals so that we have a peaceful 2013 elections. These paintings are for creating unity among us as we live together. We did not choose our tribes but we can choose to live like brothers and sisters.

— Kibera Hamlets Student

Collaborating with local graffiti artists took this initiative from the static walls of Kibera blazing out to the streets that run along the train tracks. The Rift Valley Railway granted permission to have a 10-car commuter train spray-painted with peace messages.

"What we're doing with the train here is now part of civic education and a way to advertise peace," says Uhuru B, a 27-year-old graffiti artist. Fellow artist Swift9 adds: "Because people have never seen anything like this they'll definitely have to look at it. And they'll have to think about it during voting time." Kibera Walls for Peace grabbed the attention of international media houses like National Public Radio (NPR), CNN and Reuters.

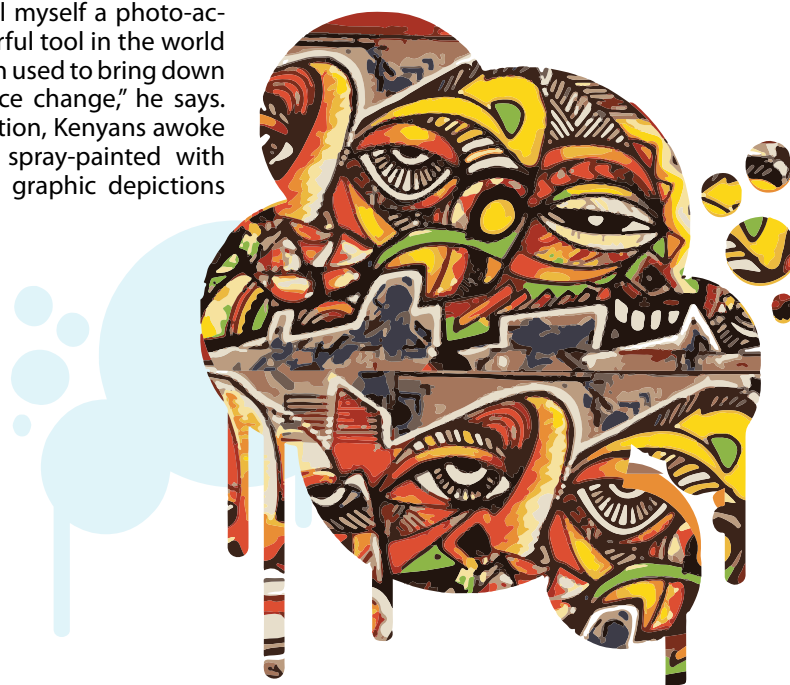
Award winning photojournalist Boniface Mwangi is recognized under the banner *Kenya ni Kwetu* (Kenya is Ours) and founder of *Picha Mtaani*. "I call myself a photo-activist. The most powerful tool in the world is a camera. It has been used to bring down dictators and influence change," he says. Prior to the 2013 election, Kenyans awoke to find public walls spray-painted with Mwangi's compelling graphic depictions

of Kenya's politicians as vultures, calling on the public to think carefully about their vote. "My voice, my vote, our future" read the messaging (which resulted in Mwangi being summoned by the police for defacing public property). The work of Boniface Mwangi continues to catalyze discussions on a range of political discourse, from impunity to corruption in Kenya.

In a region such as Eastern Africa where diversity is often politically manipulated to exclude and discriminate, there is a need to build counter-narratives to promote inclusion. Art triggers both the intellect and the emotional, establishing a powerful platform for advocacy. Information is passed on through easily accessible and captivating avenues.

Such work is being undertaken throughout Eastern Africa by talented artists, actors, cartoonists and musicians whose messages on governance, rule of law and social inclusion are skillfully incorporated into platforms that we all connect with—art, dance, song, and drama.

Umra Omar is a freelance writer





1 2 3 4 5 6 7 8 9 0

THE ERROR IN COUNTER- TERROR

BY EMMA DAY



THE “WAR ON TERROR” IS BEING INVOKED TO COVER UP SERIOUS ABUSES IN EAST AFRICA, INCLUDING TORTURE, RENDITIONS, DISAPPEARANCES, AND KILLINGS

On July 11, 2010, as people in Kampala gathered to watch the final 2010 FIFA World Cup football match on television, seventy people lost their lives in the bombings claimed by the Somali Al Shabaab group. Regional and international governments framed the attack as part of the global ‘war on terror’ and this was used to justify secretive and unlawful responses.

The Open Society Justice Initiative (OSJI) produced a report looking in detail at the response to the Kyadondo Rugby Club bombing in Kampala, *entitled Counterterrorism and Human Rights Abuses in Kenya and Uganda: the World Cup Bombing and Beyond*. The report details the treatment of over 12 men suspected of being involved

in the bombings, most of whom were Kenyans arrested and detained in Kenya, allegedly exposed to physical abuse by the authorities, and then rendered to Uganda in secret without due regard for the law.

Under Kenyan law suspects may be transferred to another country for trial under the 1968 Extradition Act, which sets out a strict procedure to be followed, including issuing an arrest warrant, followed by a court hearing where the suspect is afforded legal representation, prior to the extradition. The Kenya suspects in the Kampala bombings were not extradited to Uganda, but instead they were subjected to rendition—an act that Kenyan judges have deemed unconstitutional.

“

**OVERLY BROAD AND
VAGUE NATIONAL
SECURITY STANDARDS
ALLOW FOR THE COVER UP
OF ILLEGAL ACTIVITIES
BY GOVERNMENTS AND
PREVENT THE ABILITY
OF VICTIMS TO ACCESS
JUSTICE**

Rendition is a major human rights concern because it often involves the transfer of detainees from one state to another in secret without regard for due process. Suspects are often arrested in secret, their families are not informed, they have no access to a lawyer to challenge the allegations made against them, and they may be sent to states where they risk torture.

The unlawful rendition of the bombing suspects in the region has left many in Kenya's Muslim and Somali communities feeling that their communities are being targeted by Kenya's security forces, including the Anti-Terrorism Police Unit (ATPU) which operates under a high level of secrecy, and is believed by many to be responsible for recent disappearances and killings in minority communities.

In the report, Kenyans for Peace with Truth and Justice (KPTJ) are quoted as saying that if the ATPU is in fact responsible for these human rights abuses it exposes their *“grave contempt for their own investigative process, the prosecution process and the courts”*. Civil society groups from minority communities

in Kenya agree that where terrorist suspects are brought to justice through courts of law, following due process and with respect for their human rights, there is more respect, trust, and cooperation from these communities and this helps to reduce extremism and the growth of terrorist groups.

In Uganda, the Kampala bombing suspects allege torture and mistreatment at the hands of Ugandan security officials, including solitary confinement, beatings, forced nudity, denial of food and water, and denial of legal representation. Many of the suspects also claim that United States (US) Federal Bureau of Investigations (FBI) agents carried out abuses and that United Kingdom (UK) intelligence officials were also involved in the investigation.

In Uganda, human rights monitors and lawyers representing terror suspects have also been treated as criminals, such as Al-Amin Kimathi and Mbugua Mureithi who were abducted and detained by Ugandan security forces because they were monitoring and providing legal assistance to the Kampala bombings suspects.

The UK and US backed ‘war on terror’ has provided a new justification for secrecy on the grounds of national security in Eastern Africa and has provided justification for far reaching limitations on the right to information on the basis of national security. The tacit approval and police funding by US and UK governments of the use of rendition, and of restrictive freedom of in-

formation (FOI) laws which suppress civil society, is likely to alienate minority communities and exacerbate the problem of extremism rather than strengthen national security.

After the Kampala bombings the Ugandan government passed the Interception of Communications Bill which allows government tapping of phones, emails, and faxes. Civil society groups are concerned that Museveni's government is using public concerns about terrorism as cover for draconian laws that squash anyone opposing the government including civil society and human rights lawyers.

Because of the common blanket use of national security clauses by governments to decline often legitimate freedom of information claims, OSJI has been working on a set of principles, the National Security and Right to Information Principles, which propose guidelines to flesh out the grounds on which governments can invoke the national security defence, with the aim of ensuring the fullest possible public access to information on national security issues worldwide.

In May 2012, the Open Society Initiative for Eastern Africa (OSIEA) and OSJI collaborated to convene a two-day Eastern Africa consultation on the principles, with a view to gaining insight from civil society and governments in the region on how the principles fit into Eastern Africa's legal and political context. There was lively debate

between ministers from South Sudan, Sudan, Kenya, Uganda, Rwanda, Ethiopia, and Tanzania, as well as a range of civil society organisations, lawyers, and police representatives from the region. Input from the participants was taken back by OSJI for incorporation into the final version.

Legitimate and well-defined national security interests are valid grounds for governments to withhold information. However, this has to be balanced with the need for democratic participation and the scrutiny of state action through access to public information. Overly broad and vague national security standards allow for the cover up of illegal activities and prevent the ability of victims to access justice.

Since 2001, when the "war on terror" was launched, national security has been invoked to cover up serious abuses including torture, disappearances, and killings. Such information should not be shielded from public scrutiny under the veil of state security. The National Security and Right to Information Principles provide a defined framework for when governments can invoke the national security defence to block public information.

Emma Day is a freelance human rights lawyer



SEX WORKERS

ON THE SMS

FRONTLINE

By Heather Doyle and Rachel Thomas

Sex workers in towns and cities across Kenya report high levels of sexual and physical violence, and other rights violations, particularly from police and other security agents. Such abuses increase vulnerability to HIV infection and other health risks.

In 2003, an estimated 75 percent of the sex workers in Kisumu, Kenya, were HIV positive. Keeping Alive Societies' Hope (KASH), a nongovernmental organization operating in western Kenya, quickly realized that the high levels of police violence and lack of redress for abuse meant that the usual condom promotion and health education classes to prevent HIV infection in the sex worker community were not sufficient.

The response time to assist a sex worker facing a potentially violent situation or arrest is critical to saving lives and protecting personal safety. Recognizing this, KASH introduced an emergency mobile phone alert system called "Frontline SMS."

“

FOR A COMMUNITY THAT HAS LONG BEEN EXCLUDED AND STIGMATIZED, CELLPHONE TECHNOLOGY IS PLAYING A CRITICAL ROLE IN HELPING SEX WORKERS TO CLAIM THEIR RIGHTS IN KENYA



**TELEPHONE TEXT
MESSAGING HAS
CONTRIBUTED TO A
DRAMATIC REDUCTION
IN RIGHTS VIOLATIONS
AGAINST SEX WORKERS**

Frontline SMS links sex workers in Kisumu to paralegals and others groups of people who can offer expeditious support. Quicker response time through text messaging has led to a dramatic reduction in abuses against sex workers.

KASH has also built a constructive dialogue with the police. KASH collaborates with the Nyanza Provincial Police in western Kenya to train police officers on a quarterly basis on the rights of sex workers. More than 600 officers have been trained. As part of this initiative, 10 sex workers and 10 police officers were trained as peer educators and developed a data collection system to document abuses. This has fostered innumerable positive interactions between sex workers and the police. Also, KASH trains sex workers as paralegals with in-depth knowledge on human rights and national laws to protect fellow sex workers facing violations or seeking legal aid on issues such as requesting a bond-release from detention.

Working together, the paralegals and the police peer educators established the “Frontline SMS” system to report and monitor human rights abuses, send out vital human rights information, and build the network of individuals connected to KASH’s work.

KASH sends out two short text messages every week to a network of sex workers. The messages are exploratory, seeking to understand the human rights abuses occurring, and informative, passing on new human rights related information. In order to increase the response rate, answers are yes or no, and the texts encourage respondents to call back and communicate their responses in a conversation. KASH receives about five response for every text message. Additionally, individual sex workers are trained to send text messages to KASH or a paralegal to alert them if a rights abuse is happening or if they need legal support. The network of paralegals then mobilize to respond by going to the point of abuse, contacting friends in the area, or appearing at the police station.

The system has been effective to resolve individual cases of abuse. In one example, a sex worker who received regular texts from KASH called in to report a police officer who was beating and harassing sex workers during the night. KASH responded by inviting the officer’s supervisor to one of KASH’s monthly review sessions and presented the reported case. The abusive

officer was reprimanded, and sex workers in the area reported that his behavior towards sex workers improved dramatically.

The system has also been successful at engaging sex workers in KASH's advocacy and service programs. One sex worker who received regular text updates told her friend about KASH's work and services, and advised her to go to a health education seminar happening that week. The friend attended the seminar, and was encouraged to seek treatment for a sexually transmitted infection from which she had been suffering. Most recently, KASH used Frontline SMS to encourage sex workers and other community members to exercise their power as citizens and vote.

The SMS system allows KASH to receive regular updates on the lived reality of sex workers and design their advocacy and programs to reflect their needs. The incoming texts are regularly compiled and analyzed in order to form the basis for advocacy planning sessions which are attended by police officers, sex workers, lawyers and other KASH staff. The Frontline SMS system has also been a mobilizing tool to build alliances between groups working to protect the human rights of sex workers in Kenya. The idea has caught on – the sex worker rights organization Bar Hostess Empowerment and Support Program (BHESP) and its legal partner Centre for Rights Education and Awareness (CREAW) are implementing a similar program called the HUDUMA platform in Nairobi.

Cellphone technology has become a means through which Kenyan sex workers can transform their lives and claim their rights.

Heather Doyle is a consultant for the Open Society Foundations' Public Health Program and Rachel Thomas is a senior program officer.



Exit poll distorts Kenyan election

How an exit poll skewed Kenya's official results in the presidential election between incumbent President Mwai Kibaki and opposition leader Raila Odinga

Official results

Kibaki 46%
Odinga 34%
Musyoka* 9%
Other <1%

Not in exit poll

Odinga 46%
Musyoka* 10%
Other 4%
Kibaki 40%

Kalonzi
16%

*
to rounding

UGANDA

100 km
100 miles

KENYA

★ Nairobi

UNITED
REP. OF
TANZANIA



Total votes cast on Dec 27 **9.9 million**

Source: Exit poll of 5,495 voters from all eight Kenyan provinces (69 out of 71 districts, 179 out of 210 electoral constituencies) by Clark C. Gibson and James D. Long, Department of Political Science, University of California, San Diego. Margin of error: +/- 1.32 percentage points. Poll funded by the International Republican Institute, McClatchy Washington Bureau, ESRI. Graphic: Melina Yingling, Judy Treble

news

THE SILENT MANERA OF RESPONSIBLE JOURNALISM

BY DAVID MAKALI



DOES PEACE AT ALL
COSTS MEAN SILENCE
FROM THE MEDIA?

An opinion published in the International Herald Tribune on March 13, 2013 by British journalist Michela Wrong aptly captured the sloppy state of Kenyan journalism in recent times: "It sometimes feels as though a zombie army has taken up position where Kenya's feisty media used to be, with local reporters going glaze-eyed through the motions."

A long-time follower of Kenya's media and politics, Wrong dissects the wide-eyed spectators that were Kenyan journalists during the closely contested March 2013 general election, the first after the ill-fated 2007 post-election violence.

Long reputed as the best in East Africa—indeed on the African continent—Kenyan media has suffered serious credibility cracks while simultaneously being commended by government officials and politicians for being responsible and patriotic.

Such praise is merely indulgent, according to critics: "Any journalist worth their salt should start feeling itchy when praised by those in authority," Wrong argues, citing the media's coverage of the 2013 general elections. "The media should be asking themselves whether, in their determination to act responsibly, they allowed another major abuse to occur right before their eyes."



THE KENYAN MEDIA HAS
BECOME FEARFUL AND TIMID
OF REPORTING ANYTHING
THAT COULD POTENTIALLY
STOKE TENSION

While government and pro-peace groups applaud the media's crusade for peace as responsible journalism, critics dismiss it as dereliction of duty. There were "serious lapses in professional performance", says veteran journalist John Gachie accusing the media of going "mute" during the election.

In the lead up to the 2013 election, there was little or no critical reporting on whether persons indicted by the International Criminal Court (ICC) for crimes against humanity should be running for office at all and any questioning of this was rebuffed with accusations of neo-colonialism and interference. Following the election, allegations of electoral fraud were quickly silenced. Blogger Patrick Gathara aptly titled it "the peace lobotomy," observing:

A compact had developed between the media and the public. Kenya would have a peaceful and credible poll no matter what. The narrative would be propagated by a few privileged voices and it would countenance no challenge . . . Let sleeping ogres lie, seemed to be the national motto . . . Who cares about the veracity of the poll result? So what if not all votes were counted? We

had peace . . . Disconnect brain, don't ask questions, don't criticize. Just nod quietly.

Responsible journalism in the Kenyan context now means preventive reporting. The media have become fearful and timid of reporting anything that could potentially stoke tension or provoke conflict, after having exposed the 2007 election fraud and the subsequent violence. This subtle acknowledgement of wrongdoing is a latter day confession—the media have stridently denied fomenting the ethnic hatred despite Joshua arap Sang, a radio journalist, facing charges of crimes against humanity at the ICC.

As a consequence of the accusations, during the 2013 election, the media loyally reported the official position and ignored the grievances raised by the political contestants. While this drew accolades from the government, critics charged the media with complicity in the violation of fundamental rights. Yet despite the media's silence, the strong undercurrents of hatred and ethnic tension remain, manifesting themselves most virulently on Facebook and other social media sites.

Some of the most insidious antidotes to responsible journalism lie within the media itself. Like a doctor to a patient, a good journalist should take care that the information they administer on their audience is useful and not harmful to their wellbeing. Yet this is not always the case with Kenya's intensely commercialized media where social responsibility is often sacrificed at the altar of profit or survival.

Responsible journalism remains a mantra in the internet age.

David Makali is the director of The Media Institute and a regular political commentator



FROM STATE-RUN MEDIA TO INDEPENDENT **PUBLIC** BROADCASTING

BY JEGGAN GREY-JOHNSON



SEEN AS GOVERNMENT MOUTHPIECES, STATE BROADCASTERS IN AFRICA HAVE LOST CREDIBILITY AND POPULARITY

When Addis Ababa hosted the 50th anniversary celebrations of the African Union (AU) it was pomp and pageantry coated in a self-congratulatory tone; leaders speaking to each other. Civil society was barred from the party.

One would think that the continental body had actually achieved all of its targets. In actuality little happened, aside from the establishment of 43 regional documents, starting with the Organization for African Unity (OAU) Charter in May 1963 and the latest Charter on Values and Principles of Public Service and Administration. Others include the African Peer Review Mechanism, the Democracy Charter, the Pan African Parliament, the African Court, and the New Partnership for Africa's Development. But the principles of these instruments and institutions of governance largely remain ineffective; most are systematically being undermined and dismantled by the very leaders that agreed to them.

Advances in media technology have catapulted dissemination, efficiency, reach, selectivity, and frequency to levels unimaginable only a few decades ago. African countries have repeatedly pledged to respect the fundamental principles of freedom of expression. Many countries have ratified international laws and policies that promote free-

dom of opinion and the right to seek, receive and impart ideas and information using the media of choice. At the regional level, there is the Windhoek Declaration on Promoting an Independent and Tolerant African Press; the African Charter on Human and People's Rights, which includes the right to receive information; and the African Charter on Broadcasting, and the Democracy Charter. However, few AU member states have chosen to uphold these obligations.

Studies by the Africa Governance and Monitoring Project (AfriMAP) reveal a pattern of media repression in Africa through a culture of secrecy shrouded in laws that aim to gag a free press and intimidate whistle blowers. This is a major obstacle to consolidating democratic values and good governance in Africa. It breaches the fundamental rights of citizens to hold governments accountable. Amendments of such laws are crucial to guaranteeing transparent and accountable governance.

Media legislative reforms are a cornerstone for transforming state broadcasters into truly independent public broadcasters in Africa. There is only one country in Africa that can claim to have an effective public broadcaster, South Africa. The rest are tightly supervised by boards made up mainly or exclusively of government appointees. Conditions of service and organizational structures closely resemble those in the civil service, and most governments continue to retain their control while at the same time reducing state funding or discontinuing it altogether. Seen as government mouthpieces, state broadcasters have lost credibility and popularity. They struggle to attract income from advertisements and sponsorships.

There is need to develop new legislations to regulate the broadcasting industry including the old state broadcaster:

- Regulation of the broadcasting sector must be removed from state control. The independent broadcasting regulator must be independent from political, commercial, and other partisan interests.

- Public broadcasters must be supervised by a board independent from political, commercial and other partisan interests, able to protect the organisation against any undue outside influences.

- Funding should be a mix of appropriations by parliament, license fees and income from advertisements.

- The executive must cease to control the board of directors of the public broadcaster and hand that responsibility over to Parliament.

- Communications regulatory bodies must be independent of government control with the appointment of the board done in a transparent manner subject to parliamentary oversight.

The 50th Anniversary of the AU has passed. Speeches have been made. And messages have been lost in translation or mostly missed by the one billion people that live in Africa. African leaders need to know that after 50 years of talking to each other now is the time to listen to the citizenry.

It is time to reform the media legislative frameworks and transform Africa's state broadcasters into truly independent public broadcasters for the future of this wonderful continent whose potential is yet to be harnessed.

Jeggan Grey-Johnson is the communications and advocacy officer with the Africa Governance and Monitoring Project (AfriMAP)

AFRICA HAS THE RIGHT TO

KNOW

BY MAXWELL KADIRI





IMAGINE AN AFRICAN CONTINENT WHERE ALL GOVERNMENTS HAVE PASSED STRONG LAWS ALLOWING PEOPLE TO ACCESS PUBLIC INFORMATION. THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'

During the 42nd session of the African Commission on Human and Peoples' Rights (ACPHR) held in Congo Brazzaville, the commission's Special Rapporteur on Freedom of Expression, advocate Pansy Tlakula proposed a resolution to expand her mandate to include the right of access to information in Africa. The resolution passed unanimously.

Advocate Tlakula developed a set of priorities for her expanded mandate, which included consolidating national and regional efforts aimed at upholding high standards on this right on the African continent, in line with the provision of both Article 9 of the African Charter and Part 4 of the African Commission's Declaration of Principles on Freedom of Expression in Africa.

The priorities included the drafting of a model freedom of information (Fol) law in Africa to serve as a guide for states to

develop, adopt and implement access to information laws at the national level.

The second priority was advocacy for the ratification and adoption of the African Union's (AU) Charter on Democracy, Elections and Governance to promote transparent and accountable governance in Africa based on a sound democratic ethos. The Democracy charter states in part that member states commit to "the establishment of the necessary conditions to foster citizens participation, transparency, access to information, freedom of the press and accountability in the management of public affairs."

In partnership with the University of Pretoria's Centre for Human Rights, the special rapporteur, along with other stakeholders, held a series of technical drafting workshops to develop the model law. After six months, the draft model law was presented for public review and input at the 49th Ordinary Session of the African Commission in Banjul, Gambia.

Sub-regional consultations were then held on the draft model law. Advocacy was also conducted to encourage states to ratify the Charter on Democracy, Elections and Governance; as a result of which 15 AU member states ratified the Charter which came into force on February 15, 2012 while the Model Law on Access to Information in Africa was adopted by the African Commission a year later in February 2013. The adoption and launch of the model law at the African Commission's 53rd Ordinary Session in Banjul, The Gambia, on April 12, 2013 was a significant milestone in the work of the commission.

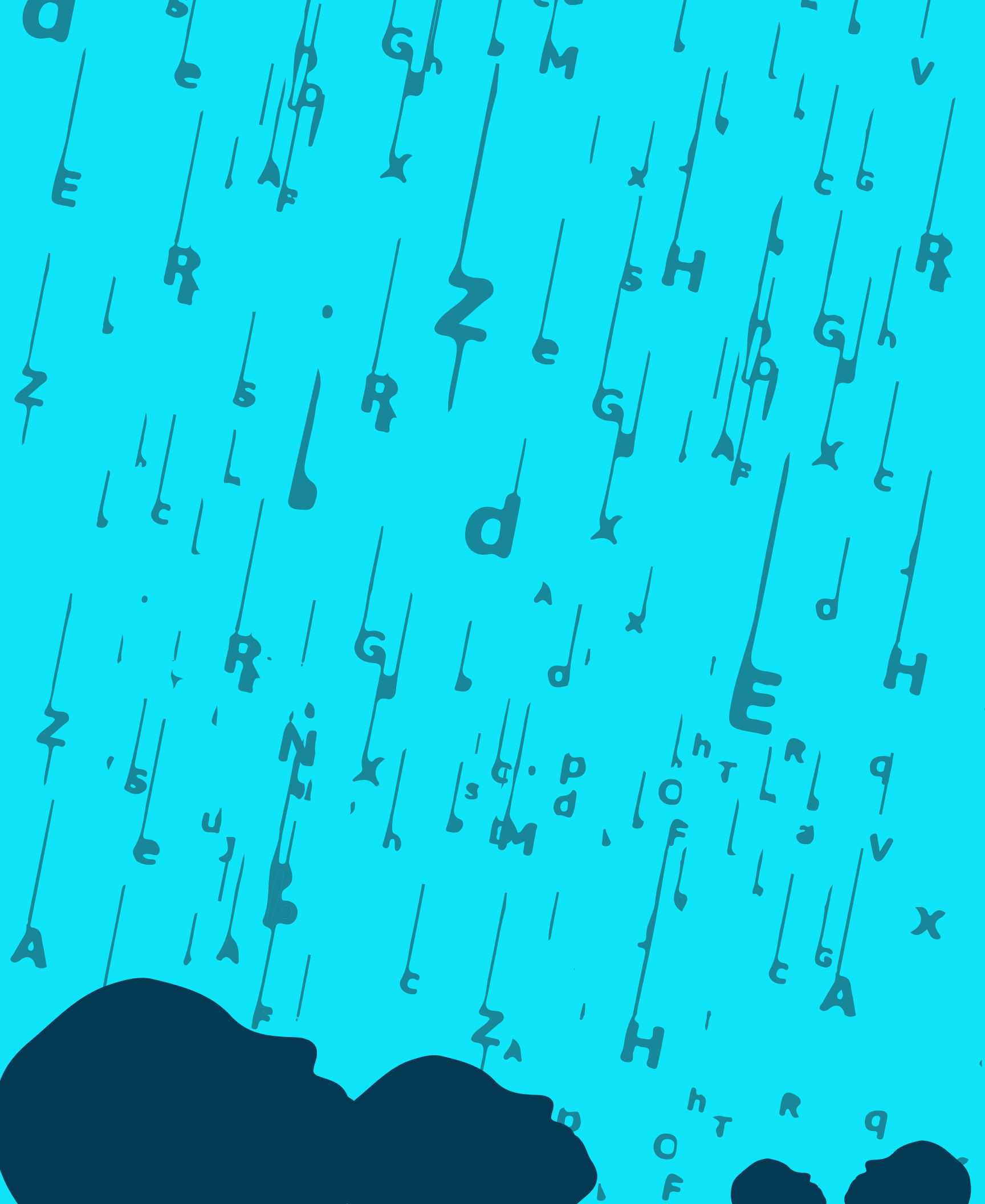
Among the most salient features of the model law is that it expands the scope of the right to information beyond public institutions to include private institutions that utilize public funds, provide public services or perform public function; or where such information is required for the

protection of human rights. The model law mandates the proactive disclosure of certain categories of information; establishes timelines for response to requests for information; and provides the architecture for access to information oversight mechanisms to ensure effective and prompt resolution of freedom of information related disputes.

The broad based interest, acceptance and support that the process of developing the model law has elicited within and outside the continent represents a major milestone in the work of the African Commission. The next phase will focus on the implementation of the charter and the model law to ensure that the public's right to know is promoted and protected on the African continent.

Maxwell Kadiri is a legal officer with the Open Society Justice Initiative





DEMYSTIFYING THE MEDIA!

BY JACOB J AKOL

On a recent flight from Juba to Nairobi, an old lady sitting across asked for help, "I have a problem with the writing. Can you help me go through immigration when we get to Nairobi?"

"Of course" I replied. "Do you have a passport?"

She nodded, turned to her phone, and assured someone on the other end that she had found someone who would assist her. She was undoubtedly one of the millions of illiterate South Sudanese with whom Gurtong, a peace and media project, has been devising effective ways to communicate. They are by far the majority.

In the short period of galactic span, and according to Darwin, human evolution took place somewhere on the African continent, developed a language, multiplied and spread all over the world. Centuries of geographical isolation and environmental difference combined to produce different languages, cultures and even races. With the modern sci-

ence and technology and faster means of communications, human beings are supposed to be rediscovering their roots and now live in a "global village", according to Marshall McLuhan; but are we? Do we really understand each other like we would in a village? Very doubtful.

When informed that England had installed telegraph poles all the way to India, an Englishman was unimpressed. "What has England and India got to say to each other at such a great cost?" The question was well framed, implying the poles and the cables were merely means of communication and served as the medium for conveying messages.

But, McLuhan, writing in the 1960s, would have simply replied: "The medium is the message," meaning the telegraph poles and the cables that linked them were indeed the message. This reasoning would imply that communication tools like the mouth, the horn, the drum, the smoke, the printed and audio visuals, which the humans have used throughout various periods in history to prepare and transmit



**MEDIA ARE MERELY
COMMUNICATION TOOLS
AND MUST DESIGN THEIR
MESSAGES IN SUCH A WAY
THAT THE MEDIUM DOES
NOT INTERFERE WITH THE
MESSAGE**



ANY NEW COMMUNICATIONS
TOOL IMPOSES ITS
OWN CULTURE UPON
UNSUSPECTING USERS AND
THE SOCIETY AS A WHOLE

messages, were in themselves equally the message, which needed no further decoding and interpretation. That is disputable.

Any new communication tool, be it the printing press, telegraph, radio, telex, television, computer or smart mobile phone, imposes its own culture upon unsuspecting users and the society as a whole. Just look at the way the mobile phone has imposed itself on the rich and the poor, the young and the old, the literate and the illiterate all over the world, most notably among the poor and largely illiterate societies like that of South Sudan. Just watch a group of South Sudanese in a restaurant or elsewhere in Juba and you will admit they will not keep away from their mobile phones, unless the networks are overcrowded as they often are. But this is giving communications tools mythical powers and a free ride over our senses.

Communicators, journalists in particular, must remember that the media are merely communication tools and must design their messages in such a way that the medium does not interfere with the message. Using an appropriate medium to target an audience remains the sure way of effective communication. Above all, the media are a platform for anyone to use and should be diverse and free within the law.

South Sudan is going through a transitional media environment at the moment. When Gurtong Trust started its website in 2002-2003, it targeted the South Suda-

nese diaspora youths who were terribly traumatised by the long war and ethnic divisions back home. The aim was to provide them with researched information about their own ethnic communities back home and a platform through which they could rediscover their long-lost friends and relatives scattered all over the world, as well as exchange opinions in a civilised manner. Although such rediscovery was not always cordial, it was nevertheless a great success, as many of them have grown up and moved on with a mature www.gurtong.net.

Gurtong has produced hundreds of radio programmes tailored to its own mission and objectives of unity in diversity and in celebration of progressive values of South Sudanese diverse cultures. Various radio stations in many parts of South Sudan air these programs.

To contribute to the peace process in Jonglei State, where three of its six ethnic communities have been warring among themselves with terrible casualties, Gurtong started a "Mobile Digital Programme" aimed at recording peace messages and peace-promotion activities among and between ethnic communities. These are transcribed into two other languages; thus messages originally in Murle would be transcribed into Nuer and Dinka and visa-versa. These are then played back to communities in their home locations on a mobile screen and the sound is abstracted and played over the state's radio

station. Although this project is still at an early stage, it offers an excellent communication model for illiterates like my recent flight companion.

That said, the printed word still has a magic of its own. Even for those that can not read, the Gurtong Focus magazine, with its attractive cover and informed content, always delivers a quality publication to its audience!

Jacob J Akol is the Director/Editor of the Gurtong Trust – Peace and Media Project

osiea values

JUSTICE

Justice represents all that we stand for.

Our goal is to ensure all individuals—in actuality and not simply on paper—have equal opportunities to participate actively in society and to receive just treatment and their “fair share” from the state and the community.

PASSION

Passion drives our commitment to our work.

It ignites the spark to produce innovative work with intellectual rigour. Passion gives us our positive energy, dynamism, and tenacity to work in challenging and even hostile circumstances. Passion gives us the courage to stand strong and to withstand risk and uncertainty.

EQUITY & EQUALITY

We work on the premise that ALL human beings are entitled to basic rights and equitable access to opportunities and resources.

Members of marginalized or minority groups often face discrimination and violence. We support their demands for the real and effective enjoyment of their human rights regardless of sex, race, ethnicity, religion, birth, age, disability, sexual orientation, or other status. Given the prevalence of patriarchal structures and value systems that disadvantage girls and women, we stand committed to achieving gender equity.

SOLIDARITY & COLLEGIALITY

We are a team that works collaboratively and collegially.

Our empathy, responsiveness and teamwork produce the synergy to work more effectively. Our interactions are always courteous and constructive. We undertake our work with equanimity and good humour. We stand by our colleagues in difficult times.

INTEGRITY

Integrity means we walk the talk.

We are accountable and answerable for our conduct (acts and omissions) to each and all others. We maintain high ethical and professional standards in our interactions. For us, integrity is about building authentic relationships based on respect and a sense of equality.

CREATIVITY & INNOVATION

We challenge ourselves to think out of the box—new ways, ideas, insights and partners—to expand the boundaries of what is possible.

Change can only come by creatively pursuing opportunities, and if necessary being ready to take calculated risks. We should not be afraid of failure, when there is a reasonable chance of success. Accordingly, we value learning and intellectual growth.

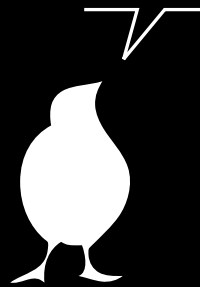
CELEBRATION OF DIVERSITY

We support efforts that celebrate and embrace the strength of diversity and promote tolerance of difference.

We live in pluralistic societies made up of people from different backgrounds, beliefs, and lifestyles. “We” are because “they” are and “they” are because “we” are: All who embrace and seek to fulfil our collective values are one with us.



OSIEA
makes it possible
for the smallest bird to
sing from the top of
the tallest tree



978-0-9838647-7-6