

Angola: new media law threatens free speech

Angolan President José Eduardo dos Santos should refuse to sign a new media law until parliament revises provisions restricting the right to freedom of expression, Human Rights Watch said. The law grants the government and ruling party expansive power to interfere with the work of journalists, and potentially to prevent reporting on corruption or human rights abuses.



A number of the Press Law's articles violate Angola's international obligations to respect media freedom. Parliament passed the Press Law on November 18, 2016, with minimal debate, together with a new Television Law, Broadcast Law, Journalists Code of Conduct, and statutes of the recently established Angolan Regulatory Body for Social Communication (ERCA, Entidade Reguladora da Comunicação Social Angolana).

The five laws constitute what the government called the Social Communication Legislative Package (Pacote legislativo da comunicação social).

"Angola's new media law is the latest threat to free expression and access to information in the country," said [Daniel Bekele](#), senior Africa advocacy director at Human Rights Watch. "President Dos Santos should uphold his commitment to human rights and refuse to sign these media restrictions into law."

A number of the Press Law's articles violate Angola's international obligations to respect media freedom, Human Rights Watch said. These include:

- Article 29 gives the Ministry of Social Communication the authority to oversee how media organisations carry out editorial guidelines and to punish violators with suspension of activities or fines.
- Article 35 imposes excessive fees to establish a media group of 35 million kwanzas for a news agency (US\$211,000) and 75 million kwanzas (US\$452,000) for a radio station.
- Article 82 criminalises publication of a text or image that is "offensive to individuals." Under the penal code, defamation and slander are punishable with fines and imprisonment for up to six months.

The law's overly broad definition of defamation opens the door for the government to arbitrarily prosecute journalists who report about illegal or improper activity by officials and others, Human Rights Watch said. Criminal defamation laws should be abolished entirely, as they are open to easy abuse and can result in harsh consequences, including imprisonment.

ECRA's final draft statutes and the other media laws were unexpectedly put forward for discussion just days before their November 18 approval, catching many media professionals unaware. Journalists and [media freedom activists have criticised](#) the process as lacking consultation and transparency.

"We were never officially informed about dates of the discussion or approval of this law – not even during the discussion of details," Teixeira Candido, the head of the Angolan Journalism Union, told Human Rights Watch.

Social media

Parliament approved the establishment of the regulatory body, together with the first drafts of the other four bills of the Social Communication Legislative Package, in August at the initiation of the ruling party, the Popular Movement for the Liberation of Angola (MPLA), which controls roughly 80% of the assembly's seats. The first draft gave the body the authority to "enforce compliance with professional journalistic ethics" and to issue licenses to journalists, which are required for them to work. After criticism from the Journalism Union, however, the government agreed to limit this authority to a new body controlled by media professionals.

Under the revised statute, six of the ERCA members are to be appointed jointly by the government and the party with the most seats in parliament. The journalism union nominates two members and the other political parties in parliament appoint the remaining three.

The new media laws follow government officials' complaints about what they consider an irresponsible media, including social media. In December 2015, President Dos Santos [said](#), "Social networks should not be used to violate other people's rights, humiliate, slander or convey degrading or morally offensive content."

After parliament passed the recent package of laws, Social Communication Minister José Luis de Matos [told the media](#) that the new media law would ensure that journalists take more responsibility for their work because they "cannot assume that they have the right to do what they want."

Angolan political figures, including members of the government, have used the defamation provision of the old 2006 media law to crack down on critics. In 2008, Graça Campos, a journalist and editor of the weekly paper *Angolense*, was sentenced to a six-month suspended jail term for publishing articles accusing three former ministers of involvement in corruption.

In March 2011, Armando Chicoca, a correspondent for Voice of America, was sentenced to a year in jail for articles critical of a judge in Namibe province. In February 2014, Queirós Chilúvia, another journalist, was sentenced to a six-month suspended jail term for investigating screams and cries for help emanating from a police station. In May 2015, Rafael Marques, a prominent journalist, was given a six-month suspended jail term for revealing killings and torture in the country's diamond fields.

Defamation laws

The [African Commission on Human and Peoples' Rights](#) has long called for the abolition of criminal defamation laws on the continent, saying that they open the way to abuse and can result in very harsh consequences for journalists who expose abuses of power, corruption, and human rights violations, all of which are rife in Angola.

In 2013, in a landmark judgment [Lohé Issa Konaté v. Burkina Faso](#), involving a criminal libel conviction of a Burkinabe journalist, the African Court on Human and Peoples' Rights ruled that imprisonment for defamation violated the right to freedom of expression and that such laws should only be used in restricted circumstances. The court also ordered Burkina Faso to amend its criminal defamation laws.

After 40 years of independence, the Angolan media remains largely controlled by the MPLA. The government owns the only radio and television stations that broadcast across the entire country, as well as the official news agency.

Reporters Without Borders ranks Angola, [123rd out of 180](#), in its 2016 World Press Freedom Index. In August 2013, Human Rights Watch [urged the government](#) to repeal the country's criminal defamation laws and stop using them to harass journalists.

"The predominance of the Angolan government and the most powerful political party undermine the independence of the journalism regulatory body and risks making it a mechanism for censorship and control rather than media freedom," Bekele said. "Unless this new media law is revised, the precarious situation of the media in Angola will only get worse."

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