

# SECURING FREEDOM OF EXPRESSION AND PARTICIPATION



# **ARTICLE 19 Eastern Africa**

Annual Report 2014

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### **Abbreviations**

### Foreword

On behalf of the Board and Staff, I am pleased to share with you ARTICLE 19 Eastern Africa Annual Report of the year 2014. The period under review was a pivotal moment in ARTICLE 19 Eastern Africa's journey since it was founded in 2007. It was a period that ushered in a strengthened Board following the adoption of a new constitution and a governance manual. It was a year of re-branding from ARTICLE 19 Kenya to ARTICLE 19 Eastern Africa.

During the year under review, founder board members Commissioner Lawrence Mute and Ms Cece Fadoupe retired from the Board. We also welcomed two new members, Mr Paddy Coulter and Mr George Kegoro. I succeeded Mr. Mute as Chair. I would wish to thank Mr. Mute and Ms Fadoupe for the diligence and hard work they put in as board members and making ARTICLE 19 the cutting edge organisation which we have become. In this new quintessence, the prime focus of the Board over the last year has been to support the review of the organisation's



policies that have now been incorporated into a Policies and Procedures Manual and to strengthen the Board. It is highly commendable that the Board members were personally available to the staff in various personal and institutional strengthening exercises, particularly in conducting policy reviews. We are glad to note that most of the targets we set in the beginning of the year were achieved. This is amid the challenges faced in the operating environment by Civil Society Organisations (CSOs) in the region, ranging from a difficult funding environment to security concerns in Kenya, Burundi, South Sudan and Somalia.

We continued to engage with others in influencing positive change. ARTICLE 19 is part of the CSO Reference Group, and participated in a number of advocacy processes aimed at expanding democratic space through influencing policy and legislation that was unduly targeting limiting civic space. We won against the passage of Amendments to the Public Benefits Organisations (PBO) Act and the Security Laws Amendment Act in Kenya. Both laws had a number of provisions inimical to freedom of expression and freedom of association and assembly.

We are embarking on a new regional six year strategy beginning 2016, which builds on our long track record and maintain our reputation as the organisation of choice in development of cutting edge programmes on freedom of expression, media freedom and the right to information throughout Eastern Africa and beyond. I hope you will be inspired by the information and experiences presented in this report to renew and reinvigorate your own commitment to helping us deliver on our programme objectives.

Lastly, I would like to thank our donors, partner organisations, communities, staff and my colleagues on the board for their huge commitment and support in achieving the above results. You are critical to ARTICLE 19 Eastern Africa's mission.

John Gachie Chair, Board

### **Message from the Regional Director**

The year 2014 was both a challenging and a fulfilling one for ARTICLE 19 Eastern Africa. Internally, we lost a colleague, Collins Mudho, to a tragic accident at the start of the year. Externally there were numerous challenges and attacks on the operating environment for civil society organisations across the region. We even had a staff member detained at the Bole International Airport, in Addis Ababa, Ethiopia and later deported.

In a variety of ways, we responded well to these and many other challenges negatively affecting freedom of expression and information, and freedom of association and assembly. We took opportunities in global and regional fora to advance our cause. In terms of programmatic implementation we met our targets. Despite downbeat trends such as mass surveillance and the shrinking of civic space, we continued to push for strong freedom of expression values to be upheld regionally. This was supported by our increased regional reach and by our unique



approach to bringing about change. Driven by our legal, campaign, communication and programme activities, we used our local knowledge to inform international standards, national laws and policies.

At the international level, we attended the African Civil Society Conference organised by the National Endowment for Democracy (NED) that brought together African civil society leaders, journalists and members of the US Congress at Capitol Hill in a parallel event to the USA-Africa Summit. We also were part of a successful joint mission with the African Commission on Human and Peoples Rights Special Rapporteur on Freedom of Expression and Access to Information to popularise the model law on access to information. We also engaged in the United Nations Universal Periodic Review of Ethiopia, Eritrea, Rwanda and Kenya.

At national level, our work focused on strengthening protection for journalists, bloggers, social communicators and human rights defenders and highlighting the relevance of human rights to technological advancements. We also used freedom of expression and information to support grassroots communities and vulnerable groups in Kenya, Uganda and Rwanda by holding governments and public service providers to account on various issues including the water, health, disability and internal displacement.

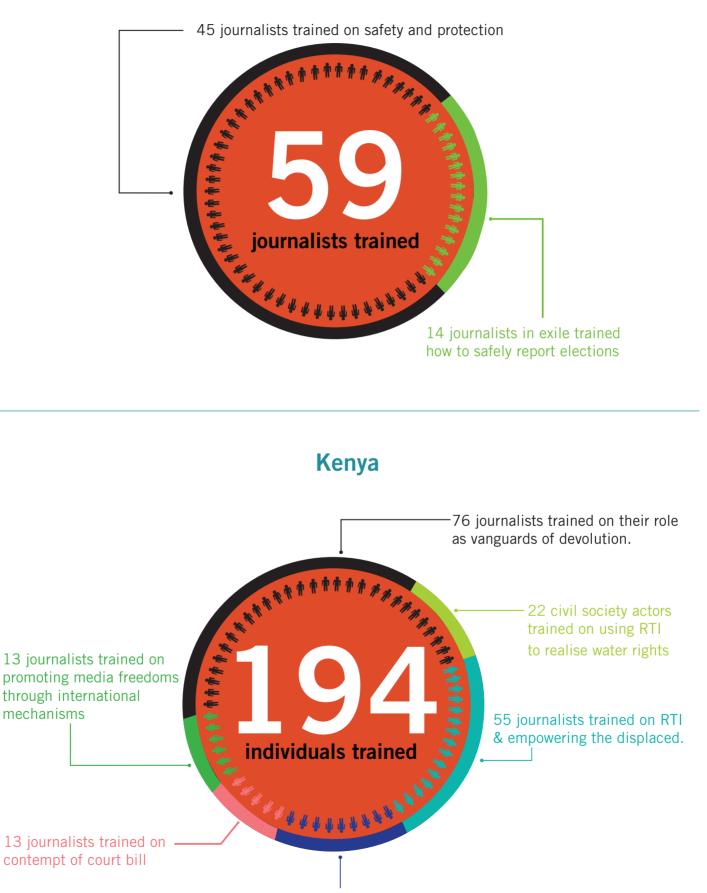
Regrettably, 2014 was noticeably a year marked by deteriorating security environment for us and our partners. Threats against staff increased, mirroring the global trend of greater suppression and restriction of individuals and institutions defending human rights.

Within our organisation we prepared for a number of internal changes. These included the development of a new multi-year strategy and the strengthening of our monitoring, finances, and institutional learning and human resources sectors. We built relationships with new partners to extend our reach in areas such as technology, civic space and transparency and with new donors to increase our budget. With our new strategy due to be rolled out by early 2016, the coming year promises to be one of continued transformation and growth.

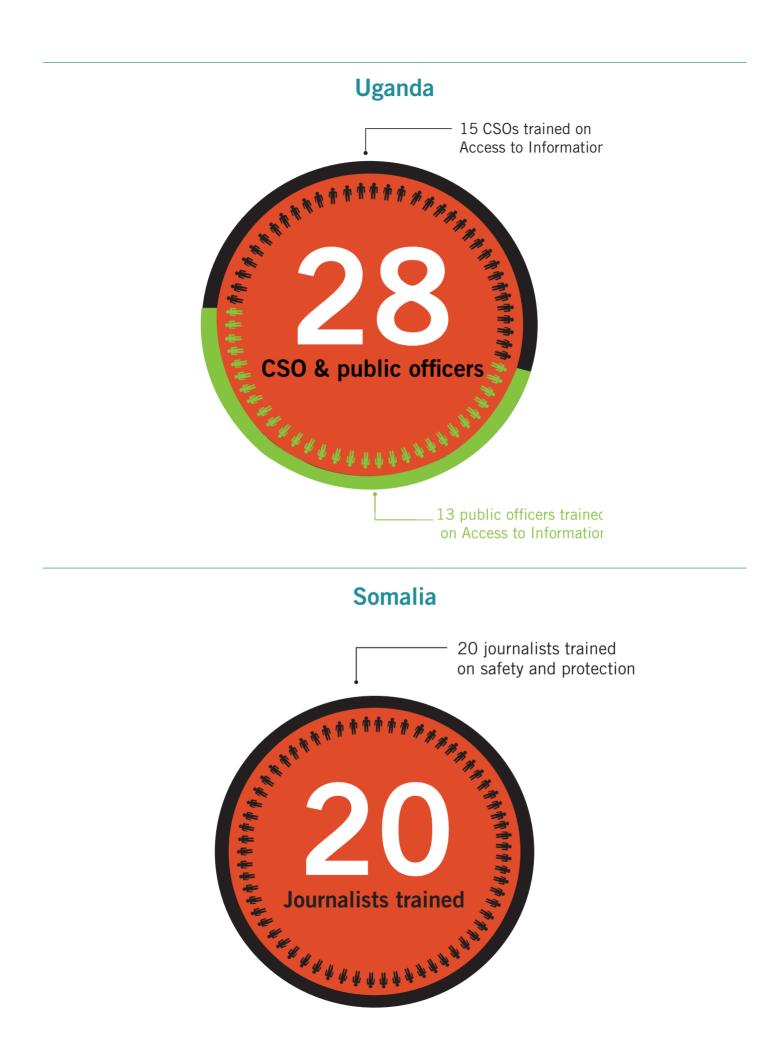
Henry O. Maina Regional Director

### **ARTICLE 19 Eastern Africa: Training by Numbers**

Ethiopia



15 journalists trained on Media Laws





# **1. Protecting People on the Frontline**

#### Ethiopia: Mission to assist Zone 9 bloggers and journalists

Ethiopia has over the years witnessed systematic violation of human rights. The year 2014 was no exception. There was an onslaught on opposition leaders, journalists, bloggers and human rights defenders (HRDs) arresting them and holding them for inordinately long before preferring any charges in courts of law. Indeed, the extent of FoE violations in Ethiopia was so widespread, coming only second to Somalia. As at September, of the 78 cases of violations recorded, 21 cases were in Ethiopia.

We at ARTICLE 19 had several interventions in the country in defence of the freedom of expression and information. We did what we could towards the creation of an environment free of censorship, muzzling of dissenting voices and legal framework that silences. Specifically, we conducted international advocacy after seven 'Zone 9' bloggers - Soliana Shimelis (charged in absentia), Atnaf Berahane, Mahlet Fantahun, Natnael Feleke, Befeqadu Hailu, Zelalem Kiberet, Abel Wabela - were arrested and later charged on April 25 and 26 April 2014, under the anti-terrorism proclamation (652/2009) along with three journalists - Edom Kassaye, Tesfalem Weldeyes and Asmamaw Hailegorgis.



Befekadu Hailu

Natnail Feleke

Zelalem Kibret

Out of the lessons learnt from the experience of the Zone 9 bloggers and journalists in Ethiopia, we offered several trainings on practical safety and protection to groups of social media activists (bloggers included), journalists and other human rights defenders (HRDs) from across countries in Eastern Africa, key among them Ethiopia.



To address the affront on FoE, we shared our reports on violations with various actors. Key among these was during the UPR pre-session for Ethiopia. We also shared with the ACHPR Special Rapporteur on FoE and Access to Information our monitoring reports on the FoE situation in Ethiopia. By doing so, we hoped to sensitise and kick off dialogue with ACHPR and AU leadership on FoE obligations and the growing need to have States comply with other sub regional instruments. As a consequence of our action, the ACHPR wrote a formal letter to Ethiopia raising concerns regarding the arrests of bloggers, journalists and HRDs.

We lobbied hard for the lot of bloggers and their journalist counterparts held up in Ethiopian jails. We wrote and issued press releases and statements on their plight, shared the concerns with NGOs, varied media, legislators, academics and executives in Eastern Africa. We also took our advocacy campaign on the issue to the US State Department, sharing the information and their plight with the government representatives and other various stakeholders.

Earlier on May 6, 2014 during the 2nd cycle of Ethiopia's UPR, we organised a side event jointly with CIVICUS, Freedom Now and Pen International in which we discussed the shrinking civic space in Ethiopia. Our conviction was that Ethiopia must be held to account for the human rights and various freedom violations.

Our submissions and advocacy influenced the Human Rights council summary of recommendations to Ethiopia. Still, over 100 UN member states posed questions and made recommendations to Ethiopia drawing from our advocacy charter after we directly engaged with 37 of their missions.

#### Call for action against impunity in Somalia

"Impunity takes many forms... Impunity for crimes committed against civil society, journalists and human rights defenders has a chilling effect, unduly limiting the fundamental right of free expression."



In 2014, five Somali journalists were killed in the line of duty while we recorded 39 cases of arbitrary arrest. Two media houses – Hatuuf Media and Radio Shabelle were shut by the government. Perpetrators of violence against journalists are rarely brought to justice. This perpetuates the culture of impunity against journalists.

On the inaugural International Day to End Impunity marked on November 2, 2014 ARTICLE 19 Eastern Africa led other organisations including Africa Media Initiative, Kenya National Coalition of Human Rights Defenders, National Union of Somali Journalists and Rwanda Journalists Association in urging the President of Somalia, His Excellency Sheikh Mohamud to take action against a culture of impunity in his country.

We raised concerns about widespread attacks on Somali journalists and the failure to investigate and apprehend perpetrators. Specifically, we pointed at the attack on correspondents Mascuud Abdulahi Aadan (Dalsan Radio) and Mohamed Farah Sahal (Goobjoog Radio), by a militia group as they returned from an official assignment in Kismayu.

"The Somali government and the semi-autonomous regions of Puntland and Somaliland must implement concrete measures to counter the culture of impunity. This will go a long way in safeguarding journalists and protecting freedom of expression," Henry Maina says.



Mascuud

There is hope though. Journalists like Mascuud are standing up to impunity. His courage and determination to strut on despite the circumstances are amply captured by his quip during his hospitalisation in Nairobi.

He remarked then, "You cannot live in a permanent state of fear, because fear is the weapon of those who want to oppress you. I have to stand up and be counted, I have to fight the terror with the only weapon that I have; my profession. Danger is everywhere in Somalia but it is my country, it's my home."

#### Kenya: Campaign against the PBO Act Amendments

Since the beginning of the year, we sought for enhanced protection of the civic space in Kenya. We held an advocacy meeting with CSOs on the need to operationalise the Public Benefits Organisations Act, 2013. Further, we carried out advocacy and campaign meetings on the PBO Act in the counties to sensitize the public and CSOs there.

We also petitioned the government through Devolution Cabinet Secretary Anne Waiguru to operationalise the PBO Act, 2013. We also took part in another campaign, engaging legislators and government officials after new amendments to the PBO Act were published in the Statute Law (Miscellaneous) Amendments Bill 2014.

"The amendments threatened to violate constitutional protections on the right to freedom of association by granting unchecked power to the State over the terms of registration of PBO's and which organizations should be granted PBO status, as well as limitations on funding from external donors. The proposed funding limitations would freeze non-state actors' development partnerships with government, detrimentally affecting humanitarian assistance, and impede constitutionally protected governance oversight activities," we said in our June 2014 submission to the UPR of Kenya- for consideration at the 21st session of the UN Working Group in January-February 2015.

### 3. ARTICLE 19 and Universal Periodic Review (UPR)

Our engagement in the UPR process - a process by which human rights in all UN Member States are assessed once every four years and countries declare what they are doing to improve human rights situation- is a primary duty we carry out to ensure that the countries we are involved in are held to higher standard of accountability. In 2014, we participated during the UPR 2nd cycles for Eritrea, Ethiopia, Rwanda and Kenya. Owing to our active participation in UPR activities, we have received invitations from the sub-region and beyond to assist CSOs engage with the UPR process.



**Eritrea:** We made UPR submissions on Eritrea and actively participated during its review on February 3, 2014. Overall, Eritrea received 200 recommendations, with more than 50 on FoE and reflected what we had recommended in our individual submission.

Specifically, we asked Eritrea to: commit to unconditionally releasing all journalists in prison, confirm the identities of all detainees, state their whereabouts well-being, and kick off prompt and effective investigations into any deaths that may have occurred of the detainees and immediate action against those who committed violence against journalists and human rights defenders.

**Ethiopia:** We participated in the country's UPR pre-session held on April 9, 2014 and reached 37 Diplomatic Missions. During the review, Ethiopia voluntarily accepted 188 recommendations, took note of 64 out of the 252 recommendations received, although it rejected most FOE related ones.

We regretted that Ethiopia's commitment to protect various freedoms was all talk and no action. While it had accepted recommendations to implement fully its Constitutional protections for freedoms of expression, assembly and association, as well as to encourage political debate ahead of the 2015 elections, the reality was that unparalleled repression was most rampant.

"The apparatus of censorship in Ethiopia is vast, and FoE cannot be guaranteed in Ethiopia until substantial reforms are made (to the existing legal framework). Defamation must be decriminalised, provisions to shield public officials from criticism repealed, and restrictions to supposedly protect national security must be brought in line with international standards on FoE," said Maina.

**Rwanda:** In the year, we held a training session on UPR process for 20 (14 male and 6 female) editors and civil society leaders. This was to broaden their engagement in the UPR process of their country.



**Kenya:** We made two submissions on the 2nd cycle UPR on Kenya - an individual and two joint submissions to the UN Human Rights Council.

In the individual submission, we gave an assessment of Kenya's implementation of recommendations on FoE and FoI that it accepted during its first UPR review. The recommendations included: review of legislation on FoE to comply with international instruments and ensuring protection of HRDs; urgent enactment of the Access to Information Bill; investigation of cases of harassment and attacks on journalists and HRDs; and to invite Special Rapporteur for human rights defenders.

### 4. ARTICLE 19 and the African Commission on Human and People's Rights (ACHPR)

In the year, we teamed up with the ACHPR Special Rapporteur on FoE and Access to Information to the African Union to popularise the Model Law on Access to Information. We further advocated for more countries on the continent to pass comprehensive RTI laws. Our dialogue with senior AU and EAC officials on the RTI had them endorse the prototype and commit to enact comprehensive RTI laws.

During our interaction with the Special Rapporteur, we shared with her our monitoring reports on FoE in EA region, and she used the information to engage with various governments in the region. At the 15th Extra-Ordinary Session we engaged with the ACHPR, pointing out human rights issues in general and FoE in particular.

During this Extra-Ordinary Session, ACHPR passed Resolutions 264 that "strongly condemned" the killing of journalists and media practitioners, called on the authorities to respect, protect and promote the right to life, FoE and FoA and assembly of journalists and media practitioners as provided in various human rights instruments, urged for probe into the killings and for action on this. It appealed for an immediate stop to harassment and intimidation of independent media organisations.

In another Resolution, 265, the Commission condemned the attacks on civilian population perpetrated by forces allied to the combatants- President Salva Kiir and to former deputy Riek Machar, requested that the government: protects civilian population, ensures perpetrators of human rights violation are brought to justice, cooperates with AU Commission of Inquiry (into the conflict) and ratifies various human rights instruments. It also asked parties to the conflict to halt the violence and resolve issues peacefully.

During the 55thOrdinary Session (April 28 to May 12, 2014) in Luanda, Angola, ARTICLE 19 participated in the NGO Forum and we made a statement on behalf six international NGOs calling upon the Africa Commission to intervene after 6 bloggers and 3 journalists were arrested and detained in Addis Ababa. Following the intervention and lobbying several Commissioners, the ACHPR wrote a formal letter to Ethiopia government raising concerns regarding the arrests.

ARTICLE 19 on 8 and 9 July organized a two-day consultative meeting, on the decriminalization of laws limiting freedom of expression in Tanzania. The meeting was convened by the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Pansy Tlakula in collaboration with the Centre for Human Rights, Media Institute of Southern Africa (MISA) and World Association of Newspapers (WAN-IFRA) with the support of KAS Media Africa. Tanzania has continued to use criminal defamation, publication of false news and sedition, thereby limiting FoE, media freedom and access to information. We continue to sensitise and advocate through legislative and policy advocacy interventions at national and regional levels for the removal of these barriers to freedom.

# **5. Promoting Development and Transparency**

Throughout 2014, we worked with Governments, CSOs, journalists, communities and other human rights defenders to uphold various rights and freedoms that we believe are critical to the development process.

#### Advocacy on Sustainable Development Goals (SDGs)

Globally, ARTICLE 19 has led the campaign to ensure transparency in the development process as the Millennium Development Goals (MDGs) give way to new set of priorities. The campaign seeks to have governance take a pivot role in post-2015 SDG process, and by extension to ensure that the right to information, freedom of expression and protection of civic space are included in this goal.

In February, we engaged in an advocacy campaign at the UN Working Group Assembly held in New York. We lobbied Kenya, Tanzania, Ghana, Zambia and South African governments to support prioritization and inclusion of governance as a stand-alone goal in the Working document that was released at the end of the session.

In March 2014, we launched a report on the coverage of water stories by the media as well as the Free Flow Principles – a guidebook for how the use of RTI can promote rights to water on the occasion of World Water Day.

In November 2014, we engaged in a regional Global Forum for Media Development (GFMD) meeting in Nairobi where more than 30 Africa and international media experts and civil society actors met to discuss and formulate an African advocacy programme to have "Free Media and Access to Information" established as a clear development goal in the UN SDGs. The gathering adopted the "Nairobi Declaration on the Post-2015 Development Agenda" that highlighted the important role of the media in helping countries shape their development goals and plans.



In December, we were at it again, carrying out international advocacy campaign at the 16th NGO Euro Forum, pushing for governance's exalted position in the SDG process. We ably did this in our role as discussant in the panel for a side event titled "Freedom of Expression, Access to Information and Free Media in the Post 2015 Agenda".We analysed how Fol and freedom of the media have found articulation in the current goals and indicators.

#### Kenya: Pushing the SDG process

Meanwhile we shifted focus to country level in this advocacy campaign. In July, ARTICLE 19 EA collaborated with other CSOs and engaged Kenya parliamentarians on the Post-2015 Development Agenda on SDGs. Our aim was to develop country positions and development of indicators for the process.

It emerged from the meeting that most MPs do not have adequate information and detail to engage and articulate on priority areas that should be identified and adopted as the country position. It was agreed that MPs present form a committee on Post-2015 Development Agenda- to engage better with key stakeholders and better inform the development of a country position. Two meetings followed this initiative taking the issue to the next level.

> In September 2014, a CSOs reference group for the Post 2015 agenda met to formulate and validate the CSO common position that would build consensus on the recommendations to the Kenyan government ahead of the September United Nations General Assembly. We lobbied for the inclusions of clauses on participation, adoption of modern technology in data production and information management and use, however, these require strengthening.

Two months later, the reference group further organized an awareness creation meeting for parliamentarians (also attended by government officials) on the Post 2015 SDGs process. The meeting also explored opportunities for engagement between CSOs, Parliament and government on the Post-2015 process.

#### Engagement with the Kenya media on IDP issues

Early in the year, we conducted a media content analysis research of The Daily Nation, The Standard, The Star and The People newspapers on how they covered IDP issues. We explored against the media ethics framework how professional the journalists ere in coverage of IDPs.

It emerged that coverage was poor, with stories buried deep inside, often as too ordinary stories or as mere news fillers. The finding formed an informative and useful advocacy tool for actors to engage the media in advocacy. The report was disseminated during a round table meeting for journalists held in April 2014.

#### **Empowering IDPs in Kenya**



We finalised the project Sharing Vital Information, which sought to empower IDPs in the Rift Valley, Western, Nyanza and Coast regions to use the right to information to secure other socioeconomic rights. A total 18 participants from the regions attended a learning forum held in September 2014. Stakeholders who had previously engaged in the project through capacity building, public forums and advocacy activities shared experiences, lessons learnt and challenges encountered during implementation. The forum also identified best practices and helped to gauge to what extent participants as beneficiaries had internalised issues of Access to Information for IDPs. Validation of evaluation findings was done after the preliminary evaluation report was shared with participants for their input.

# 6. Securing Access to Information in Kenya

With support from UNESCO, we developed and published "How Kenya can ensure fuller realization of the Right to Information", a paper highlighting past efforts to enact comprehensive RTI laws in Kenya. It discussed the role played by parliament, the executive and the judiciary in actualizing and implementing ARTICLE 35 of the Constitution of Kenya. The paper identified strategies and actions to be undertaken at national and county levels if a progressive access to information regime is to be operationalized to enhance transparency and quality civic engagement.

Following the paper's development, we convened a roundtable in June to share its contents with key stakeholders- such as government, civil society and the media. The meeting discussed the implementation of constitutional provisions on transparency, accountability and participation and enactment of comprehensive Access to Information laws at national and county levels.

In September, ARTICLE 19 East Africa, ICJ – K and Transparency International (TI) K hosted a national conference on Access to Information under the theme "Access to Information as an Enabler of Development in Kenya". This was also held to commemorate the Right to Know Day. Participants (33 men and 23 women) at the meeting included representatives from government, Parliament, CSOs and media.

#### Who we are

ARTICLE 19 Eastern Africa is a leading independent regional not-for-profit; non-governmental organisation involved in diverse human rights and governance initiatives in 14 Eastern Africa countries.

ARTICLE 19 Eastern Africa was initiated in 2007 as an office of ARTICLE 19: Global Campaign for free expression. It was registered in the same year in Kenya under the NGO Coordination Act. In 2014, it rebranded as an affiliate and a member of ARTICLE 19 International.

#### **Our Mission**

ARTICLE 19 Eastern Africa works so that people, men and women, in the region can express themselves freely, access information and enjoy freedom of the media. We understand freedom of expression as two things:

- Freedom of expression as **the Right to Speak**: The right to speak implies the right to voice and disseminate opinions, ideas and information through any means, including digital technologies. We protect those who dissent, question governments and other powerful institutions and bodies and use free speech to demand and claim their rights.
- Freedom of expression as **the Right to Know**: The right to know is the right to receive information held by governments and other bodies, the right to fight secrecy and demand transparency and good governance.

### **Our Guiding Values and Principles**

ARTICLE 19 Eastern Africa is guided by the following principles and values:

- a) Accountability
- b) Human Rights
- c) Rule of Law
- d) Integrity
- e) Diversity
- f) Responsiveness
- g) Transparency

### Digital Reach of A19 EA's East Africa Journalist Defence

Network website (https://eajournalistdefencenetwork.org)

In the year under review, we had a total of 5,616 unique visitors making a total of nearly 8,000 visits to the website. We recorded a high of 150,000 hits, with the highest hit of 19,549 coming in February 2014 followed closed by December's 18,093 hits. June recorded the lowest hits at slightly over 6,000.

Of the downloads, the Somalia Media 2013 Analysis had the highest hits at 54, followed by our Article 19 Quarterly Newsletter (26). Others were as in the table below:

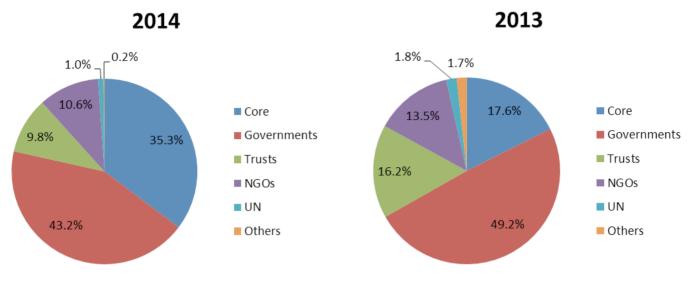
Document	No. of Downloads
Somalia Media Analysis	54
Article 19 Quarterly Newsletter	26
Kenya media Bill 2013 (Images)	18
The KICA Bill	15
Eastern Africa report on Status of Freedom of the Press	11
Documentary Call for Expression of Interest	7
Safety of Journalists in Kenya Survey Report	4

Social Media Reach

Twitter followers912Facebook Group430

### **ARTICLE 19 Eastern Africa: Financial Information**

#### **Sources of Income**



Total: 64,271,896.07

Total: 76,250,243.96

# **Expenditure by Activity**

2014	2013
27,926,940	38,662,089
1,845,970	553,410
1,874,616	1,367,815
2,466,696	3,866,192
8,791,307	9,244,325
18,058,189	19,714,493
60,963,718	73,408,324
	27,926,940 1,845,970 1,874,616 2,466,696 8,791,307 18,058,189

### **Our Supporters**

We at ARTICLE 19 are grateful to the following for financial support extended towards meeting our goals.

ARTICLE 19 Headquarters The Baring and John Ellerman Foundations Canadian High Commission Department for International Development (DfID) European Commission GIZ Hivos people Konrad Adeneur Stiftung (KAS) National Endowment for Democracy (NED) Swedish International Development and Cooperation (SIDA) UNESCO

#### DEFENDING FREEDOM OF EXPRESSION AND INFORMATION

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