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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Colm Burke, Bernd Posselt, Eija-Riitta Korhola, Tunne Kelam, Laima Liucija Andrikiienė

on behalf of the PPE-DE Group

on Press Freedom in Kenya

European Parliament resolution on Press Freedom in Kenya

The European Parliament,

- having regard to the African Charter of Human and Peoples' rights,
- having regard to the Universal Declaration of Human Rights,
- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas on Friday, 2 January 2009, President Kibaki assented to the Kenya Communications (Amendment) Bill 2008 which amended the Kenya Communications Act of 1998,

B. whereas the bill, as it stands, disregards the rights to freedom of expression and press freedom as enshrined in the Universal Declaration of Human Rights and echoed by other international conventions that the Kenyan Government has signed and ratified, including the African Charter on Human and Peoples' Rights,

C. whereas the two main problematic clauses are Sections 88 and 46, whereas Section 88 gives the Information Minister considerable powers to raid and dismantle broadcasting equipment from a media house that is deemed to be a threat to national security and whereas Section 46 gives the state the power to regulate contents to be aired and published by electronic and print media respectively,

D. whereas, according to a press release issued by the East African Journalists Association (EAJA), the media bill would introduce direct media censorship by the government,

E. whereas Prime Minister Odinga has joined widespread opposition to the legislation, whereas Orange Democratic Movement (ODM) officials recently held crisis talks claiming that the President had failed to consult the Prime Minister over the media law,

F. whereas, according to the Kenyan National Commission for Human Rights, the presidential nod to the bill indicates that the Grand Coalition is not working in unison,

G. whereas a year ago, following flawed presidential elections in Kenya, street demonstrations led to riots and ethnic clashes that spread across the country, killing more than 1,000 people and leaving another 350,000 homeless,

1. Regrets the signing of the Kenya Communications (Amendment) Bill by President Kibaki, who neglected to take widely reported reservations to this bill into consideration at the time of signature;

2. Welcomes, however, President Kibaki's recent move to revise the media law and his

gesture to consider amendments to the legislation proposed by members of the media;

3. Calls on the Kenyan Government to initiate stakeholder consultations in order to build consensus on how to better regulate the communications industry without interfering with press freedom;

4. Underlines the need to address the problem of impunity in Kenya in order to bring those responsible for the post-election violence a year ago to justice; calls for the setting up of an independent commission consisting of local and international legal experts to carry out investigations and prosecutions; notes that President Kibaki and Prime Minister Odinga have agreed in theory to create such a commission but that it has yet to be formed;

5. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the government of Kenya, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the East African Community, and the Chairmen of the Commission and the Executive Council of the African Union.