

**West Africa
Free Expression
Monitor**

July- Dec 2015

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Media Foundation for West Africa

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EXECUTIVE SUMMARY

There has been a remarkable improvement in freedom of expression and media rights situation in the West Africa region over the past two decades. Dictatorial and authoritative regimes have given way to democratic dispensations which have contributed to an improved freedom of expression environment in a number of West African countries. The Media Foundation for West Africa (MFWA) has been monitoring and reporting on violations of free expression rights in all 16 countries. The monitoring reports highlight incidents of violation; introduction; review or reform of laws affecting freedom of expression rights and other positive developments; and calls on the appropriate authorities to take remedial action(s). Since 2014, the findings of these monitoring activities, are collated and analysed into quarterly publications titled, the *West Africa Free Expression Monitor*.

This edition of the *West Africa Free Expression Monitor* covers findings from the monitoring and tracking of freedom of expression violations and other developments recorded in the last two quarters of 2015 (July-December 2015). The daily monitoring and tracking of freedom of expression violations are done by seasoned journalists who work as correspondents for the MFWA in the 16 countries.

In the period under review (July-December 2015), 68 freedom of expression violations were recorded. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report (January 2016). The findings however show a slight reduction (9%) in the cases of violations recorded over the monitoring period compared to the 75 violations reported from January to June, 2015.

In terms of the country-level indices, Nigeria registered the highest number of FoE violations with a total of 14 incidents. Burkina Faso and Cote d'Ivoire followed with 10 and nine cases of FoE violations respectively.

Security agents and State officials perpetrated 50 percent of the 68 reported incidents of violations. Majority of the violations were physical attacks. Other forms of violations reported included arrests/detentions, suspensions, killing, kidnap and denial the right to assemble. While the recorded incidents of violations are worrying for a region where most of its countries are under democratic rule, the impunity that attended the violations was rather appalling.

The monitoring also recorded some positive developments. In spite of the increase in freedom of expression violations in Burkina Faso, that country passed a Right to Information law, decriminalised press offenses and introduced a Media Development Fund to support private media.

The report concludes with a number of recommendations to stakeholders urging them to address the FoE challenges in the region.

Introduction and Background

The past two decades have seen a wave of democratic changes in West Africa. These changes have encouraged greater participation of citizens in the governance of their respective countries. Consequently, fundamental rights such as the right to free expression, association and assembly have been enshrined in respective national constitutions.

In practice, however, some of the old autocratic tendencies persist. State officials and security agents as well as organised groups with vested interests continue to infringe upon people's rights with impunity. The violations come in a wide range of forms including killings, threats, physical attacks, arbitrary arrests and detentions, and imposition of crippling fines even in civil defamation suits.

Some countries still have criminal libel on their statutes and some governments use state security apparatus to intimidate critics. In some cases, the judiciary delivers severe sentences against journalists in order to deter critical reportage. Some governments also exploit "national security" legislations to deny journalists and citizens the legal basis to demand transparency and accountability from public office holders.

For the past 18 years, the Media Foundation for West Africa (MFWA) has been monitoring and reporting on media and freedom of expression (FoE) rights violations and other developments. The organisation has also been reporting on other rights abuses such as freedom of association and assembly violations. The monitoring and reporting of these rights violations are aimed at highlighting abuses, demanding redress and providing documentary evidence to inform advocacy interventions.

The monitoring and reporting of FoE abuses and freedom of association and assembly violations by the MFWA are informed and guided by provisions in international, regional and sub-regional human rights frameworks that most West African countries are parties and/or signatories to. Specifically, all 16 countries in the region are parties to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights both of which have provisions for safeguarding FoE and freedom of association and assembly rights. Article 9 of the African Charter, for instance, states that "Every individual shall have the right to receive information" and "Every individual shall have the right to express and disseminate his opinions within the law." In terms of the right to freedom of association and assembly, Article 11 of the African Charter states *inter alia* that "every individual shall have the right to assemble freely with others."

The MFWA's monitoring and reporting, therefore, focus on the extent to which these international, regional and sub-regional safeguards, as well as FoE provisions in national Constitutions, are respected and upheld both in principle and in practice. Findings from the daily monitoring are published as **Alerts** to draw attention to the issues identified for remedial action.

In 2014, the organisation introduced the *West Africa Free Expression Monitor (The Monitor)*, a quarterly publication which collates and analyses FoE violations, rights to association and assembly abuses and other developments regarding democratic freedoms in the region. *The Monitor* has since been serving as an advocacy material for the promotion, defence and protection of media and FoE rights.

This edition of *The Monitor* covers two quarters – July to September and October to December 2015. The six-month monitoring report covers the frequency of violations recorded, types of violations, perpetrators, and the countries in which the violations occurred.

Methodology

This report is compiled using data from the monitoring reports received from MFWA's correspondents in the various countries. To ensure that other violations not captured by our correspondents are factored into the analysis, additional information was obtained from the IFEX¹ website which features incidents of violations in the region reported by other free expression rights organisations that are members of the IFEX network.

The report is guided by the UNESCO Journalists' Safety Indicators. Specifically, the safety and impunity statistics indicators informed the coding of the violations.

Altogether, 68 violations were recorded over the six-month monitoring period. The findings are presented below under the following areas: country-level violations, types of violations, perpetrators, targets of violations and a brief comparative analysis of the findings from the first and second half of 2015.

The report concludes with a number of recommendations that will facilitate the nurturing of a progressive media landscape in the region.

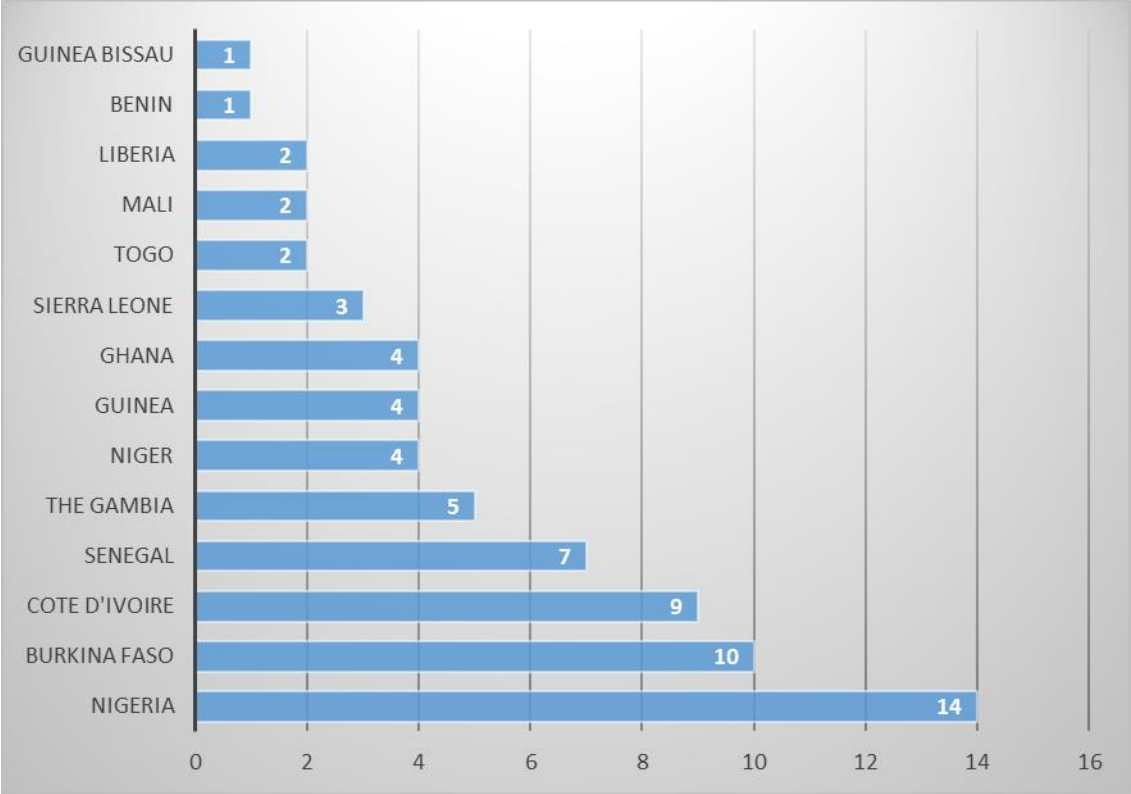
¹ IFEX is the global network of nearly 100 freedom of expression organisations including the MFWA. From its headquarter in Toronto, Canada, IFEX collates and publishes reports on freedom of expression violations from its members.

Country-level Freedom of Expression Violations

Of the 16 West African countries monitored, freedom of expression rights violations were reported in 14 countries – Benin, Burkina Faso, Cote d’Ivoire, The Gambia, Ghana and Guinea. The others were Guinea Bissau, Liberia, Mali, Nigeria, Niger, Senegal, Sierra Leone and Togo. Cape Verde and Mauritania did not record any violation.

Nigeria recorded the highest number of FoE violations followed by Burkina Faso and Cote d’Ivoire. Figure 1 below provides additional information about the frequency of violations recorded in the 14 countries recorded from July to December 2015.

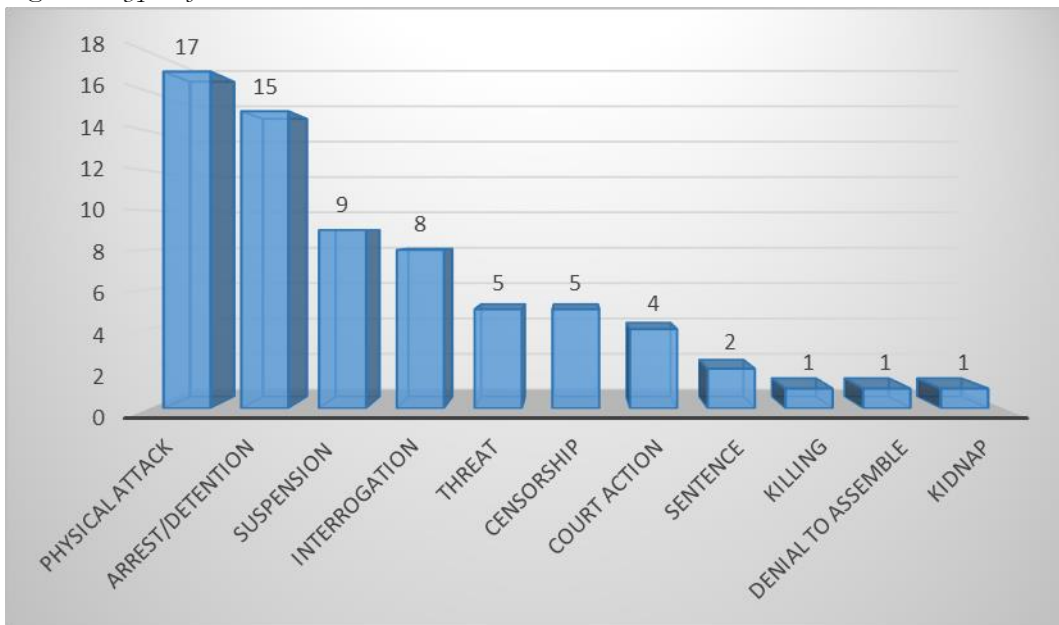
Figure 1: Country and Frequency of Violations Recorded



Types of Violations

Twelve different categories of violations were coded over the July-December monitoring period. Physical attack was the dominant form of violation perpetrated. Seventeen incidents, representing 25 percent of the 68 violations recorded, were physical attacks. This was followed by 15 incidents of arbitrary arrests/detentions. Figure 2 below gives a graphical representation of the types of violations recorded over the monitoring period.

Figure 2: Types of Violations Recorded



Some of the violations recorded were more prevalent in some countries than others. For instance, Burkina Faso recorded almost half (8) of the 17 physical attacks reported. Cote d'Ivoire on the other hand registered six of the nine suspension cases recorded, while Nigeria recorded three of the four court action cases. In terms of the magnitude of violations reported however, a journalist was killed in Mali and another was kidnapped in Nigeria. In Table 1 below, a breakdown of the types and frequency of violations reported from each country is presented.

Table 1: Country and Types of Violations Recorded

Country	Type of Violation											Total
	Physical Attack	Arrest/ Detention	Suspension	Interrogation	Threat	Censorship	Court Action	Sentence	Killing	Denial to Assemble	Kidnap	
Nigeria	3	3	0	0	2	1	3	1	0	0	1	14
Burkina Faso	8	0	0	0	1	0	0	1	0	0	0	10
Cote d'Ivoire	1	1	6	1	0	0	0	0	0	0	0	9
Senegal	0	3	0	2	0	2	0	0	0	0	0	7
The Gambia	0	2	0	1	1	1	0	0	0	0	0	5
Guinea	2	0	1	0	0	1	0	0	0	0	0	4
Ghana	1	0	0	0	1	0	1	0	0	1	0	4
Niger	0	3	0	1	0	0	0	0	0	0	0	4
Sierra Leone	0	1	0	2	0	0	0	0	0	0	0	3
Liberia	2	0	0	0	0	0	0	0	0	0	0	2
Togo	0	1	0	1	0	0	0	0	0	0	0	2
Mali	0	1	0	0	0	0	0	0	1	0	0	2
Guinea Bissau	0	0	1	0	0	0	0	0	0	0	0	1
Benin	0	0	1	0	0	0	0	0	0	0	0	1
Total	17	15	9	8	5	5	4	2	1	1	1	68

Perpetrators of Freedom of Expression Violations

Analysis of the data obtained from the monitoring identified seven categories of perpetrators of FoE violations. These were security agents, organised groups, state officials, and regulatory bodies. The others were courts, individuals and media owners/managers.

Security agents were the major perpetrators of the violations recorded – they accounted for 35 percent; 24 out of the 68 violations. With the exception of Burkina Faso, Cote d'Ivoire, Guinea Bissau and Benin, all the other 10 countries recorded at least one violation by a security agent. Security forces topped the list of violators in Senegal, The Gambia, Niger and Nigeria.

Organised groups were culprits of 14 violations – representing 21 percent of the 68 violations. Perpetration of FoE violations by organised groups was particularly prevalent in Burkina Faso which recorded nine of the 14 violations attributed to organised groups across the sub-region. State officials and regulatory bodies followed with ten and nine violations respectively. Table 2 below provides more information on perpetrators of FoE violations and the countries in which they carried out.

Table 2: Country and Type of Perpetrator

Country	Type of Perpetrator							Total
	Security Agents	Organised Groups	State Official	Regulatory Bodies	Courts	Individuals	Media Owners/Managers	
Nigeria	3	1	1	0	4	4	1	14
Burkina Faso	0	9	0	0	1	0	0	10
Cote d'Ivoire	1	1	1	6	0	0	0	9
Senegal	5	0	1	1	0	0	0	7
The Gambia	4	0	1	0	0	0	0	5
Guinea	2	0	1	1	0	0	0	4
Ghana	1	0	2	0	0	1	0	4
Niger	4	0	0	0	0	0	0	4
Sierra Leone	1	0	2	0	0	0	0	3
Liberia	0	2	0	0	0	0	0	2
Togo	2	0	0	0	0	0	0	2
Mali	1	1	0	0	0	0	0	2
Guinea Bissau	0	0	1	0	0	0	0	1
Benin	0	0	0	1	0	0	0	1
Total	24	14	10	9	5	5	1	68

From the statistics in Table 2, security agents and state officials together accounted for 50 percent of all the violations recorded. For Nigeria where the highest number of violations were recorded, the courts (4) individuals (4) and security agents (3) were together responsible for 11 of the 14 violations reported in the country.

Security agents were found to be the main actors in the arrests/detentions and interrogation cases reported – 13 of the 15 arrests/detentions and 5 of the 8 interrogation incidents were carried out by security agents. It is also worth noting that most (11) of the 17 incidents of physical attacks were perpetrated by organised groups. Freedom of expression violations by the organised groups also resulted in the killing of one person. Regulatory bodies on their part carried out seven of the nine suspension cases and two of the five censorship incidents. Some individuals also carried out physical attacks (2), threats (2) and one act of kidnapping.

Targets/Victims of Violations

The 68 violations recorded were mainly targeted at individual journalists (males and females), media organisations and the general public. Some of the incidents reported also affected the media landscape in general while others also cut across all sections of society. For instance, in Guinea, there was a ban on phone-ins to radio programmes in the run-up to the country's presidential elections in October 2015. This was basically targeted at everyone in a country.

Altogether, 42 incidents of violations were targeted at male journalists; three were against female journalists while another three were targeted at both sexes. Media organisations were victims of 14 incidents. Information about the other victims of the violations recorded and the type of violation they suffered is given in Table 3 below:

Table 3: Targets and Types of Violations

Type of Violation	Victim of Violations						Total
	Male	Media Organisation	Media in General	Female	Male & Female	General Public	
Killed	1	0	0	0	0	0	1
Physical Attack	11	5	0	1	0	0	17
Arrest/Detention	14	0	1	0	0	0	15
Threat	3	0	2	0	0	0	5
Sentence	1	0	0	0	1	0	2
Suspended	3	6	0	0	0	0	9
Censorship	0	1	2	0	1	1	5
Denial to assemble	0	0	0	0	1	0	1
Interrogation	7	0	0	1	0	0	8
Court Action	2	2	0	0	0	0	4
Kidnapped	0	0	0	1	0	0	1
Total	42	14	5	3	3	1	68

Comparative Analysis of Findings from the First and Second Half of 2015

Relatively, there was a slight reduction in the incidents of FoE violations recorded in the monitoring period (July-December 2015) compared to those of the first six months of the year (January-June 2015). In the January-June findings, a total of 75 violations were recorded whereas in the July-December monitoring, 68 cases were reported. That is, between the two periods, incidents of FoE violations reduced by seven, representing a 9 percent reduction.

At the country level, some interesting and uneven variations were observed in the number of incidents recorded over the two periods. In both periods, Nigeria led in the number of violations recorded, even though there was a 30 percent reduction in the incidents of violations reported in the country in the second half of the year (July-December). The Gambia also recorded a 50 percent reduction in the second half of the year – from the 10 violations recorded in the first six months to five. Niger also recorded a significant reduction – from 13 in the January-June monitoring to 4 incidents (a 64% reduction). The country that recorded the highest reduction was Benin, an 83 percent reduction. Details about the other countries that witnessed some reduction in the incidents of FoE violations in the second half of 2015 are shown in Table 4 below.

On the other hand, Burkina Faso, Cote d'Ivoire and Senegal registered notable increases in FoE violations in the second half of 2015. Burkina Faso and Cote d'Ivoire registered increments of 90 percent and 89 percent respectively. On its part, Senegal registered an increment of 43 percent in the incidents of violations recorded from July to December 2015.

Burkina Faso saw a deterioration of its freedom of expression record. The country recorded 10 violations during the July-December monitoring as against a single violation during the January-June monitoring. The state of insecurity created by the short-lived coup in September greatly affected the work of the media. Suspected members of the junta subjected media personnel to physical assaults, seizure or destruction of equipment, and also vandalised media houses, cut signals of some of the radio stations, including the Radio France International.

Like Burkina Faso, Cote d'Ivoire also witnessed a sharp increase in cases of violations from a single incident in January-June to 9 incidents in July-December 2015.

Table 4: Country and Frequency of Violations in the First and Second Half of 2015

Country	Frequency	
	January - June 2015	July - December 2015
Nigeria	20	14
Burkina Faso	1	10
Cote d'Ivoire	1	9
Senegal	4	7
The Gambia	10	5
Niger	13	4
Guinea	7	4
Ghana	6	4
Sierra Leone	3	3
Togo	2	2
Mali	1	2

Liberia	0	2
Benin	6	1
Guinea Bissau	1	1
Total	75	68

In terms of the types of violations recorded in the two periods, even though the first half of the year recorded more physical attacks, arrests and detentions than the second half, it is evident from the findings of the January-June and July-December monitoring that the two categories are the most often perpetrated types of violations against freedom of expression, association and assembly.

Notable Freedom of Expression Developments

State and non-state actors both committed violations of free expression rights. State actors were, however, by far the leading violators. The victims of these violations were mostly journalists and media organisations. What is visibly missing in almost all the reported cases of violations is the remedial action taken by governments, state agencies and other appropriate stakeholders to address the violations. Even in specific cases where requests and petitions were made to demand redress, the authorities failed to respond appropriately, thus encouraging impunity.

In Ghana for instance, a top aide to the President, Stan Dogbe, seized and destroyed the digital recorder of a reporter of the state broadcaster, Ghana Broadcasting Corporation, on August 20 2015 for allegedly recording a private conversation between him and the Minister for Communication. Following the incident, the MFWA mobilized 155 journalists from over 40 media houses across Ghana to petition the President, John Mahama, to sanction his staffer. Even though the President [acknowledged](#) receipt of the petition and promised to take action, nothing was done.

Also in Ghana, on September 16, 2016, police brutalised demonstrators who were marching to demand a new electoral register for the country's 2016 general elections. The police claimed the demonstrators refused to follow the approved route. The MFWA issued a [statement](#) condemning the excessive use of force. Subsequently, President **John Mahama** also [conceded](#) that the incident was “a terrible situation and one that should absolutely not have happened.” The President, therefore, called on the police service to investigate the matter. At the time of compiling this report in January 2016, the investigation had not been done.

In some countries, what made the violations go unpunished was also the fact that they were perpetrated by the high-level state officials or the media regulator. In Guinea, for instance, **President Alpha Conde** personally [suspended](#) the Managing Director of the state broadcaster, Radio Télévision Guinéenne, and three other top officials over poor signals

during the live telecast of the provisional results of the country's presidential elections, glitches which he claimed was a "sabotage." The four remained suspended at the time of writing this report. The Guinean media regulatory body, Haute autorité de la Communication, banned phone-ins to radio programmes in the run-up to the country's presidential elections in October 2015.

It is also becoming evident that threats to free speech online are emerging. One notable online FoE violation was recorded in Niger. In November 2015, Facebook was blocked for three weeks in the country. The blackout is said to have occurred as a result of a rise in political tensions and the use of intemperate language and insults by political activists in the heady period of the return of the opposition leader, Hama Amadou, from exile.

On the other hand, a series of progressive developments were witnessed in Burkina Faso despite the rise in FoE violations. The Transitional Government of Burkina Faso passed a Right to Information (RTI) law and decriminalised press offenses. It also introduced a Media Development Fund to support the private media.

Conclusion

The plethora of legal instruments cited above underline the recognition of freedom of expression as a condition for building a dynamic and progressive society. They also show that there are adequate legal guarantees for the enjoyment of this freedom by individuals without fear or interference from any sources.

The 68 violations of freedom of expression rights captured in this report however indicate an alarming gap between the legal instruments and their actual implementation. This situation therefore underlines the urgent need to translate the above-mentioned charters, treaties, covenants and national constitutions into concrete action to ensure actual protection of freedom of expression rights in the sub-region.

Ironically, state actors such as security agencies, state officials and regulatory bodies, who should be part of the prevention and redress mechanism for free expression rights violations, were themselves among the top violators. This unfortunate situation is increasingly creating a culture of impunity in the region, thus further undermining the charters and constitutional provisions for FoE.

The prevalence of physical attacks, arrests/detentions, suspensions and other violations against journalists and media organisations are detrimental to critical journalism and free speech, and promote a culture of self-censorship and impunity. The violations contained in this report must therefore be seen as threats to social peace and, as such, tackled within the broader context of national, regional and international peace building efforts. To this end, a number of

recommendations have been made to relevant stakeholders to help improve the freedom of expression environment in the region.

Recommendations

Governments in West Africa

- Ensure that both state and non-state actors respect and protect the right to freedom of expression.
- Promote the safety and protection of journalists and media organisations.
- Ensure that security agents stop violating the rights of journalists and others exercising their right to freedom of expression. Specifically, police and security forces must cease committing acts of physical attacks, arbitrary arrests and detentions, and threats against persons.
- Hold accountable culprits of freedom of expression violations through criminal, civil, administrative, or other sanctions to combat impunity.

The ECOWAS

- Encourage Member States to “ensure respect for the rights of journalists” as stated in Article 66 of the ECOWAS Revised Treaty entreats Member States.
- Impose and enforce sanctions on Member States that recalcitrantly flouts statutory obligations.
- Impose and enforce sanctions on The Gambia for its persistent non-compliance and violations of its statutory obligations.

African Commission Special Rapporteur on Freedom of Expression and Access to Information

- Undertake fact-finding missions in the countries in West Africa.
- Monitor compliance of West African countries with the binding [Lobé Issah Konaté judgment](#) of the African Court concerning decriminalization of press offense.
- Make an intervention in The Gambia and denounce the gross and systematic human rights violations and culture of impunity under President Yahya Jammeh.

To the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion

- Call on the governments in West Africa, particularly in countries where violations have been occurring, to respect and protect freedom of expression rights.

- Include more West African countries in fact-finding missions.

Media Organisations and Journalists

- Demonstrate high standards and professionalism at all times.