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For Immediate Release
Wednesday, 6/2/13

CONFERENCE CALLS FOR MULTI PRONGED APPROACH TO DECRIMINALISATION OF FREE SPEECH IN MALAWI

A one day consultative meeting on decriminalization of laws limiting freedom of expression in Malawi has called for a multi faceted approach to decriminalize free speech in the country.

The meeting, held at Crossroads Hotel in Lilongwe on Wednesday, also agreed to quickly identify laws that require immediate redress such as criminal libel and sedition laws and for key ministries and government officials to play a leading role in the campaign.

Commenting on the resolutions of the conference, Media Institute of Southern Africa (MISA) Regional Chairperson Anthony Kasunda said the meeting had come up with a clear action plan which will help Malawi decriminalize laws limiting free speech.

“We have a clear 11 point action plan. But most importantly, we have agreed to embark on a multi faceted approach and to set up a task force with clear responsibilities,” Kasunda said.

Among others, the meeting agreed that the Malawi Law Society or the Human Rights Consultative Committee (HRCC) should chair the task force with MISA Malawi as the secretariat; to develop an advocacy plan that includes strict time frames, objectives and key responsibilities; present a shadow report to the United Nations Human Rights Committee and African Commission; lobby President Mrs. Joyce Banda to sign the Declaration of Table Mountain and to make the campaign a political issue for the 2014 elections.

The meeting was attended by a high powered advocacy delegation led by Special Rapporteur on Freedom of Expression and Access to Information in

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Africa Commissioner Pansy Tlakula, who also met Principal Secretary for Information Anthony Liviza to convey to government the outcomes of the meeting.

Speaking during the conference, Commissioner Tlakula pointed out that the decriminalization process in Malawi sought ‘to build on the restated commitment of the government of President Banda to freedom of expression, as reflected by her call to Parliament to repeal laws that limit freedom of expression in Malawi.’

She expressed hope that the meeting would be able to ‘design and agree on a series of actions not only comprising of advocacy targeting the government for the repeal of these laws, but also one which builds the capacity of the media to effectively self-regulate itself to ensure a high level of professionalism within the media.’

The meeting brought together organizations that have worked on decriminalization of laws limiting freedom of expression in Malawi in the past, those that are well positioned to do so in the future, as well as representatives of media groupings whose activities are most jeopardized by the existence of these laws.

The Joyce Banda administration has been heralded for repealing Section 46 of the Penal Code, which gave the Minister of Information ‘absolute’ powers to ban publications deemed unsuitable for the public. The President also gained international praise for calling on Members of Parliament to repeal laws that are repressive and deny Malawians their right to freedom of expression, during the opening of the 43rd Session of Parliament in May 2012.

Malawi, however, has several other laws that limit free speech including the Protected Names, Flag and Emblems Act; the Official Secrets Act (1913); the Printed Publications Act (1947) and the Censorship and Control of Entertainment Act (1968). MISA Malawi commended government for

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repealing Section 46 of the Penal Code but at the same time requested a critical look at the other laws that negate Constitutional guarantees on free speech and media freedom as provided for under Sections 35 and 36 of the Republican Constitution, respectively.

The consultative meeting was organized by the African Commission on Human and Peoples' Rights (ACHPR) in partnership with the World Association of Newspapers (WAN-IFRA), MISA Malawi and the Centre for Human Rights, University of Pretoria.

Delegates at the conference expressed hope in the leadership of Mrs. Joyce Banda and that the campaign on decriminalization of laws limiting free speech will be a success.

Signed
Anthony Kasunda
MISA Regional Chairperson



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