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الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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FOR IMMEDIATE RELEASE

Press Release by the Special Rapporteur on Freedom of Expression and Access to Information in Africa in respect of the proposed Nigerian Press Council and the Practice of Journalism in Nigeria Bill 2009

The Special Rapporteur on Freedom of Expression and Access to Information in Africa is concerned about reports of the proposed Nigerian Press Council and the Practice of Journalism in Nigeria Bill 2009 (the Bill), before the National Assembly of the Federal Republic of Nigeria. According to reports, this Bill will repeal the Nigerian Press Council Act of 1992.

It is alleged in these reports that, the Bill requires members of the Nigerian Press and Practice of Journalism Council (the Council), to swear an oath of secrecy. Furthermore, the Bill provides for the licensing of journalists and seeks to establish a National Examination and Accreditation Board to *“conduct examination for would-be journalists or graduates of mass communication in Nigeria, in the Nigerian Institute of Journalism.”*

It is also alleged that the procedure for the appointment of the Chairperson of the Council, who is appointed and dismissed by the President of the Republic, on recommendation of the Minister of Information and Communications, compromises the independence of the Council.

According to these reports, the Bill provides for the establishment of a Media Practitioner Complaint Commission (the Complaint Commission) in all States in Nigeria. It is reported that this Complaint Commission is intended to render the Ombudsman mechanism, which was recently established by the Newspaper Proprietors Association of Nigerian (NPAN) ineffective.

It is also alleged that, the Complaint Commission can impose fines ranging from N50, 000 to journalists, and N100, 000 to media organisations, and has the power to suspend journalists or media houses from practice.

The Special Rapporteur is concerned that, if the President of the Federal Republic of Nigeria is indeed considering passing this Bill through the National Assembly, it will be failing in its obligations to protect the right to Freedom of Expression under Article 9 of the *African Charter on Human and Peoples' Rights* (the African Charter), which stipulates that, "*every individual has a right to receive information and to express and disseminate his or her opinions.*"

She is also concerned that, the Bill will not be in keeping with the provisions of the *Declaration of Principles on Freedom of Expression in Africa*¹ (the Declaration) which supplements the provisions of Article 9 of the African Charter

In her letter of appeal to the President of the Federal Republic of Nigeria on 24 November 2009, The Special Rapporteur urged His Excellency to kindly authorise withdrawal or amendment of the Bill, to ensure that it fully complies with the African Charter, the Declaration, as well as, applicable international and regional standards on Freedom of Expression and Access to Information.

In the same letter of Appeal, she informed the President of the Federal Republic of Nigeria about her mandate to "*analyse national media legislation, policies and practice within Member States, monitor their compliance with freedom of expression and access to information standards in general and the Declaration of Principles on Freedom of Expression in Africa in particular and advice Member States accordingly.*"

In this regard, the Special Rapporteur stated that, she is currently studying the Bill, to ensure that it complies with the African Charter, the Declaration, and other international and regional standards on freedom of expression and access to information. The Special Rapporteur added that, she intends to make comprehensive comments on the Bill at a latter stage.

Done in Banjul, 25 November 2009

¹ Adopted by Resolution 62 of the African Commission at its 32nd Ordinary Session in Banjul, the Gambia, 17 to 23 October 2002.

Adv. Pansy Tiakula

The image shows a handwritten signature in black ink that reads "F.P. Tiakula". The signature is written over a circular official stamp. The stamp is light blue and contains the text "AFRICAN UNION" at the top and "AU-UA" at the bottom. The signature is written in a cursive style.

Commissioner, Special Rapporteur
on Freedom of Expression and Access to Information in Africa