

Declaration of the Forum on Freedom of Expression in Kenya

Representatives of the Kenyan civil society including media professionals, academics, human rights defenders and Kenyan community representatives, meeting in Machakos, Kenya between 20th and 22nd April 2009 for the '*Forum on Freedom of Expression in Kenya: The Way Forward – A Social Audit of the Status Quo*' agree to the following declaration for the promotion of freedom of expression in Kenya:

1. To affirm our commitment to international and regional treaties and provisions including; Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Convention on Civil and Political Rights and Article 9 of the African Charter on Human and People's Rights (ACHPR). "*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.*" (Article 19, UDHR).
2. To promote the ACHPR Declaration of Principles on Freedom of Expression in Africa and the Johannesburg Principles.
3. To recognise the direct and essential link between freedom of expression and other human rights, democratic reform, good governance, and poverty reduction.
4. To recognise that freedom of expression is not an absolute and distinct right but a right holding some restrictions that should be clearly and narrowly defined.
5. To promote and strengthen domestic infrastructures and legislative protections for freedom of expression in Kenya including Section 79 of the Constitution of Kenya: '*Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.*'
6. To support legislative reform for the promotion and protection of freedom of expression and information including the harmonisation of relevant provisions in the Draft Constitutions by engaging with the committee of experts in the current constitutional review process.
7. To advocate for repeal/amendment of retrogressive legislation that threatens freedom of expression and information including the Official Secrets Act, the Penal Code and related miscellaneous amendments.
8. To advocate for legislation to regulate hate speech in Kenya, and for the prioritisation of the enactment of the proposed Freedom of Information Bill, 2009 in Kenya.
9. To advocate for the amendment of the KBC Act to establish a Kenyan Public Service Broadcaster independent of government.
10. To advocate for improved accessibility of information for every individual including persons with disability and marginalised groups.

11. To promote access to information for academic institutions particularly with reference to their duty to generate and disseminate accurate information and ideas.
12. To develop a pro-active and pre-emptive freedom of expression campaign that makes use of new and emerging technologies and that promotes plural and diverse voices in Kenya.
13. To engage the media in promotion and respect of freedom of expression including through; regulation of cross media-ownership, diverse, plural, responsible and professional media, and through the pro-active promotion and protection of community media.