

Malawi: Govt revives media gagging law! Bill to regulate Facebook, Twitter and online media

By [Nyasa Times](#)

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As if to prove to the country that the Democratic Progressive Party (DPP) has learnt nothing from their tragic legacy on poor governance, this week, the Peter Mutharika administration has audaciously announced that it will be introducing a new media gagging law.

Presented to the House under the auspices of the Electronic Transactions Bill, the DPP led government is seeking to crack down on content of the press, beginning with online media and social media forums such as Facebook, Instagram and Twitter.

Keen followers of press freedom in Malawi will recall that the last DPP government of Bingu wa Mutharika introduced draconian laws - section 46 of the penal code - that empowered ministers to close down any media houses that are publishing information deemed to be "against public interest".

Following an outcry from campaigners that included a coalition of civil society, media houses, and the international community, Bingu wa Mutharika's successor Joyce Banda repealed the oppressive law, and DPP in opposition apologised for such "bad laws".



Image via [123RF](#)

However, it now seems the apology was in vain as the proposal is now back on the table, with Information Minister Kondwani Nankhumwa putting it back on the order paper in the National Assembly.

The Bill states that restrictions will be imposed upon media houses that publishes information deemed against the interests of "public order and national security".

Commenting on the proposal, Thom Khanje, Chairperson of the Media Institute of Malawi expressed concern saying "What constitutes protection of public order and security? The Bill further says restrictions will come in to enhance compliance with any other written law. Why not specify the Constitution not just any other law? As we all know, we have archaic laws in this country which the government can use to limit freedom of people on the internet."

According to Section 35 of the Bill, also requires journalists to publish their contact details or even physical addresses - something which is feared could put journalists and their families in physical danger when they publish politically sensitive articles.

Nyasa Times also understands that the Mutharika led government is changing tactics in how it is to deploy its media gagging campaign. Whereas previously under Bingu, the laws were all implemented at once, the new approach is understood that it will implement incremental changes that tightens its grip on the press starting with online media.

The Bill seeks to tighten control of bloggers, online media, especially news websites, by making online news editors of such content liable for any publications which might threaten public order and national security.

But, the Electronic Transactions Bill appearing as Bill Number 11 of 2015 on the Order Paper of business in Parliament, has not specified what the meaning of "public order and national security" as well as "facilitate technical restriction to conditional access to online communication" when it comes to transmission of online public information.

There are fears that in a bid to "protect public order and security" as stated in Section 28 (1) (e), government could shut down online social media platforms such as Facebook, Instagram and Twitter using such legislation.

The Bill seeks to regulate the information and communications technology (ICT) sector by providing aspects governing the formation of electronic agreements, regulating consumer protection in electronic commerce operations such as electronic transaction of the financial and banking sectors, provision of data protection and privacy and management of domain names among others.

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