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## **How Ethiopia's Private Press**

**Views the Law and the Practice.**

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# **IMPLICATIONS: HOW ETHIOPIA'S PRIVATE PRESS VIEWS THE LAW AND THE PRACTICE.**

**BY HENOCK AYALEW**

**A THESIS SUBMITTED TO THE FACULTY OF  
JOURNALISM AND COMMUNICATIONS,  
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A willingness to promptly publish corrections and replies are two ways that any press can be accountable to readers. However, throughout the world and here in Ethiopia, there is no one way or not even agreement on how to do this. For example, should the media regulate itself, or should government regulate the media? Some countries rely on the press to be accountable for its mistakes. Others, like Ethiopia, enact press laws to force media to be accountable to its audience. Indeed, its former and current laws require corrections and replies.

This study examines, by analyzing text and conducting interviews, how Ethiopian journalists in the private press view and publish corrections and replies. The study applies three research methods: interviews of journalists, text analysis of newspapers, and summative and comparative analysis of important provisions of Ethiopia's former and current press laws (Proclamation 34/1992 and the Law on Mass Media and Freedom of Information) and two draft laws circulated in 2003.

The text analysis makes clear that Ethiopia's laws, then and now, offer no guidelines on how media houses should handle corrections and the right of reply. The analysis also shows, with potentially dire consequences, that the current law has penalties for failing to publish corrections and replies. Semi-structured interviews show how the editorial policy of three newsrooms treats complaints and how the journalists try to act accountably regardless of statutory mandates and regardless of whether complainants understand the process of redress.



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Mistakes happen in the rush of journalism. Acting responsibly, journalists in Ethiopia traditionally offer two kinds of redress: a correction, which involves a newspaper admitting a mistake and publishing the correct information, and/or the right of reply, which requires the newspaper to print what complainants submit in response to a previous publication. When Parliament passed Ethiopia's first press law in 1992, the two concepts of a correction and a reply mandatory to print began to merge in the Proclamation to Provide for Freedom of Expression, also known as Proclamation 34/1992. Indeed, in the most recent press law passed in 2008 (Law on Mass Media and Freedom of Information) the right of reply actually became the right to correct or respond.

International media organizations often view the right of reply as the predecessor of the current right of correction or respond as a challenge to a free press (Article 19 2004; International Press Institute 2003). But what does this mean for Ethiopian journalists? To answer, this study will focus primarily on how journalists in Ethiopia's private press put into practice that first Proclamation 34/1992. For a more complete overview, the study will also examine consecutive draft laws of 2003 and the recent proclamation.

The country's first proclamation contained Article 9 that allowed readers to demand the publication of a reply, noting: "Where any information or matter concerning any person is reported in a press, such person shall have the right of reply in the press in which the report appeared." However, the first proclamation's text did not indicate just how this right of reply worked. For instance, who determined whether a mistake had been made? Did the press have to print exactly what the complainant requested, without challenge? Or could the press modify the text or block a reply altogether (Andargachew 2007)?

At the moment, for the Ethiopian press, when the right of reply is a question of law, not choice, media accountability suggests two strategies that are popular in international media law. One involves self-regulation, that the press be accountable for itself, making corrections and offering the right of reply through its own editorial policy, through a press council or through codes of conduct or ethics. The other strategy involves enforcing the law, suggesting that the press cannot be accountable for its behavior and shifting responsibility to the state to make it accountable.

made the right of reply statutory in 1992, its supporters  
tly this statutory mode of media accountability. For  
example, on July 1, 2008, while this study was under way, a second proclamation replaced the  
first, with a new Article 38 outlining the "right to correct or respond," departing from the  
previous proclamation and two previous drafts that called only for a "right of reply."

How does the Ethiopian private press view legally enforceable corrections and rights of reply?  
What does the actual practice look like? These are points that need clarification. Since  
proclamation 34/1992 had been in effect for more than 16 years, journalists operating under its  
regulation have more stories to offer. Thus, this study focuses primarily on that law and the  
journalists' views on corrections and replies under that first proclamation.

## 1.2 Objectives of the Study

### General Objective

This study will examine corrections and replies under Ethiopia's first proclamation and will  
outline the views and practices of the private press

### Specific Objectives

Specifically, this study will:

- show pertinent provisions of Proclamation 34/1992 on how the press was expected to regulate  
corrections and the right of reply
- reveal views and actual practice of the private press on corrections and replies
- show and compare its provision on corrections and right of reply with the proposed draft press  
laws and the recent (second) proclamation.
- show newsroom views and actual newsroom practices regarding corrections and replies.
- reveal process and instances of corrections and replies published.

## 1.3 Scope of the Study

This study addresses only the views and practices of the private print media on corrections and  
the right of reply. This researcher chose private media on the assumption that they are more  
influential than and serve as alternative sources of information for the public. Also, this  
researcher understands, through informal interviews, that it is the private press, not the

...s to be intimidated by the proclamation. Such assertions  
...en the government circulated the two draft laws. While  
private presses wrote editorials challenging the drafts, government-owned newspapers offered no  
complaints. This analysis traces the evolution of Ethiopia's media laws, first examining  
corrections and replies under Proclamation 34/1992, then examining comments about these  
issues in the two draft laws and then comparing the first proclamation with the second.

#### **1.4 Significance of the Study**

This study will help explain, generally, how the private press view and handle corrections and  
the right of reply. This research will serve as a steppingstone for subsequent inquiry about how  
these issues evolve in upcoming years. The study will also show how the private press  
considered publishing corrections and replies.

#### **1.5 Limitations of the Study**

This study uses triangulation of three distinctive methods to gather and interpret data. The  
process has limitations, including:

1. The number of newspapers cited and the number of respondents is small. So the study does  
not represent all journalists of the private press nor should it appear to do so. The responses and  
results only serve as a small sample of the private press. Also, the study cannot and does not  
purport to reflect every issue involving the private press.
2. The interviews were conducted in Amharic, most of the respondents' first language. This  
made translation imperative, even though it is difficult for some complex ideas to neatly translate  
to English. As a result, the content of the interviews is paraphrased ó in effect, interpreted ó to  
keep the interviews' original sense.

## ed Literature

The presence of a private press has many advantages for a nation's development. It can play a key role in providing adequate information. It may even be one manifestation of democracy. However, apart from such advantages, a private press ó like any press ó can also cause harm. So how can journalists avoid, or minimize, the risk of harm? How can journalists and anyone who makes a complaint both be satisfied? This chapter illustrates how the private press can act accountably by redressing harms outlined by complainants.

### 2.1 The Press and Democracy

Any ólarge scale democracy, according to Dahl, includes two processes: freedom of expression and access to alternative sources of information. In a democratic society, these two directly influence the public's effective participation, enlightened understanding and control of agenda (2000, p.85). Even in countries struggling toward democracy, these two processes are important, indeed more than a luxury. As James D. Wolfensen, the former President of the World Bank, notes:

*A free press is at the absolute core of equitable development because if you cannot enfranchise poor people, if they do not have a right to expression, if there is no searchlight on corruption and inequitable practices, you cannot build the public consensus needed to bring about change.*

(Norris 2006, p.2)

Norris also identifies three roles for a free press in a democracy: watchdog, civic forum, agenda setter. However, even more media roles are also possible, depending on the system of government where the media operates. Siebert, et al. (1963) describes four theories that shape how media function worldwide. The Authoritarian and Soviet-Totalitarian Theories are the most rigid and arguably irrelevant to most modern governance; the Libertarian and Social Responsibility Theories are fluid and quite applicable to current media practices and to this study.

The Libertarian Theory, first adopted in England in 1688, is rooted in the philosophy of natural

Journalism is "chiefly to help discover truth, and to check on Liberty Theory, conceived in the United States during the 20<sup>th</sup> century, seems related to Libertarian Theory. Under its tenets comes the belief that media should raise conflict "to the plane of discussion" with a code of conduct in place.

Other theories may also be relevant to mention. Ethiopian media practitioners cite Development Media Theory and Democratic Participant Theory. The writers deem the first theory as applicable to all developing countries (like Ethiopia) with similar backgrounds. Accordingly, this theory claims that the press should foster government activities, not challenge them. The second theory, which the writers say is "not yet applied anywhere in the world," recommends avoiding media monopolization (Hadush and Simeneh 2004).

## 2.2 Ethics in Journalism

Different researchers have undoubtedly stated that the press has a key role in democracy. However, that may not always be true unless the press protects itself from bad practices, and that entails a discussion about ethics.

Ethics is fundamental to the practice of journalism. This concept, derived from the Greek word for "ethos," is based on the English word "character," which encompasses what good a person does. According to Kruger, ethics indicates how activities should rightfully be conducted. To him, ethics is subjective, and it is up to the society to determine what is ethical. Referring to Lewis Day, Kruger highlights four reasons why societies develop systems of ethics. The first addresses "society's need for stability" by developing guidelines destined to create trust. The second invokes a "moral hierarchy" among people. The third helps resolve potential conflict that may agitate a society. And the fourth establishes ethical standards by clarifying societal values (2004, p.3).

All these attributes also offer another perspective of ethics associated with terms like morality and moral judgments. It may also be associated with the meaning of concepts like right and wrong (Hastings 1998). According to Hastings, ethics also refers to conventions that explain what is professionally acceptable or unacceptable. Thus, it can be said that ethics is all about standards that set principles or guidelines on how things should be regarded. Like all professions, journalism has its own ethical problems, including such recurrent ones as deceit, conflicts of interest, withheld information, invasion of privacy, falsified quotes and initiating news. All these

ekemariam (2000) also mentions ethical dilemmas like accept gifts for coverage; next-of-kin journalism, where reporters use relatives as sources, and general-order journalism, where editors frame a story before any reporting begins. He suggests that professional codes of conducts are essential to curb such misguided journalistic practices.

To overcome some of the recurrent ethical problems in the profession, the Code of Ethics of the Society of Professional Journalists (SPJ 1996), for instance, recommends that journalists should have the following attributes: "seek the truth and report it," "minimize harm," "act independently" and "be accountable" – four principles that Kruger also identifies as cornerstones of ethical journalism.

Kruger (2004) puts the individual elements of these guiding principles of ethics and defines them as follows:

1. Truth telling: Journalists should "seek the truth and report it as fully as possible." This principle has two subthemes that include accuracy and fairness of reports.
2. Minimizing harm: This refers to being aware of potential harms and minimizing them. It includes being compassionate, giving a due respect and balancing the "negatives by choosing alternatives that maximize your goal of truth telling."
3. Independence: This refers to keeping editorial independence intact. Journalists should be aware of the potential influences from other parties who want to manipulate the press for their own means.
4. Accountability: This relates to readiness of journalists to respond to their audience and to the society they serve; this helps the press get credibility.

### 2.3 Accountability of the Press

Media accountability "be accountable," as cited in the preamble to SPJ's Code of Ethics "generates public respect and trust. It is also important to readers, listeners, viewers and media practitioners. This organization recommends these five ways to foster journalistic accountability:

- o *Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.*
- o *Encourage the public to voice grievances against the news*

- *Admit mistakes and correct them promptly.*
- *Expose unethical practices of journalists and the news media.*
- *Abide by the same high standards to which they hold others.*

(ibid)

Likewise, for Kruger, accountability means being prepared to take criticism and explain decisions; acknowledging and rectifying mistakes; being open about what media do and how media do it, and developing standards of behavior and methods to deal with those who transgress (2004, p. 35).

Some cases from Western journalism traditions can illustrate this. In the 1970s, when the American public lost faith in American institutions after the Watergate scandal and energy crises, the U.S. press took steps to hold itself accountable to readers. Some editors began writing columns to report on how and why news of major events was covered and displayed the way it was. Other newspapers appointed ombudsmen to reply to readers' complaints (Francois, W.E. 1975). For some, these became inexpensive, quick, flexible, and easily accessible means of correcting any misdeeds.

Press accountability can also be associated with ownership policies, a concept that becomes clear under those four theories formulated by Siebert, F.S. et al. According to the Libertarian Theory, ownership of media is largely private, in the hands of those with enough economic means to establish or buy a media organization. Libertarian theorists believe that courts and the self-righting process of truth in the free marketplace of ideas make the press become accountable. In the case of courts, however, their control over media practice is largely limited to defamation, obscenity, indecency, and wartime sedition (1963, p.7).

Like its Libertarian predecessor, private ownership of the media is dominant under the Social Responsibility Theory, where government intervenes only to ensure public service. Proponents of this theory endorse the media's obligation to provide access for everyone who has something to say. So community opinion, consumer action and professional ethics make the press

in "recognized private rights and vital social interests" or "social responsibility" as an alternative term for accountability. Thus, journalists rely on codes of conducts based on ethical journalistic practices to be accountable for their reporting (ibid.).

Contrary to those two theories, the Soviet-Totalitarian Theory sets out quite rigid criteria to hold the press accountable. Media ownership is in the hands of the "public," as represented by the government, and that government enforces media accountability through "surveillance and economic or political action." Likewise, under the Authoritarian Theory, any criticism on political officials and policy is prohibited or censored, whether in private or public media (ibid.).

## 2.4 Self-Regulation versus the Law

Proponents of journalistic accountability generally divide into two major camps, those who endorse media self-regulation with ethics, press codes, etc., and those who favor media regulation through civil and criminal laws. The press, in particular, can regulate itself through codes of conduct and codes of ethics.

The evolution of self-regulation of the press can be associated with the following factors. To Siebert et al., the first factor is related to technological and industrial revolution. Technological and industrial revolution were so influential that they altered people's (American) way of living, which in turn affected the nature of the press. Secondly, as the media grew in size and prominence, sharp voice of criticism and tacit threats started to prevail. Third is the new intellectual climate that made people critical about the basic postulates of the Enlightenment. Finally, "the development of professional spirit as journalism attracted men of principle and education, and as communication industries reflected the growing sense of social responsibility assumed," self-regulation or "self-righting process" became the predominant thought to govern the media (1963,p.77).

Describing the relationship that should exist between the press and government, the architects of self-regulation assume that the "The government may act in several ways. It may enact legislation to forbid flagrant abuses of the press which "poison the wells of public opinion," for example, or it may enter the field of communication to supplement existing media" (1963, p.95). Still, the government is not expected to interfere on media regulations with all the might it has. Expressing objection to government regulated press freedom, Siebert et al, say:

still have a foundation in private  
ent should intervene only when the  
need is great and stakes are high, and then it should  
intervene cautiously. It should not aim at competing with or  
eliminating privately-owned media. In short, the  
government should not act with a heavy hand. Any agency  
capable of promoting freedom is also capable of destroying  
it.

(ibid.)

For Kruger, "In democracies, journalists are left to regulate themselves" (2004, p.35). This is to indicate that self-regulation is a landmark that shows the freedom that the press can enjoy. Self-regulation has several advantages and can bring about a better platform of media accountability than any law. Arguing in favor of self-regulation on his lecture, Lord Wakeham(1998) stated, "The law would allow those who want to extract perhaps hefty damages from newspapers for intrusion or inaccuracy to do so - but at the expense of undermining one of the pillars of our democracy: a free press." And, he forwarded ten reasons that make self-regulation of the press better and favorable.

He asserted that, in Britain, people who complain to the Press Complaint Commission (PCC) incur no cost. Also, in a law, two sides confront each other and the winner takes all, while, in self-regulation, the primary concern is not to make one side a winner and leave the other as a loser: it is all about arbitration "by getting a newspaper to publish a correction, to take a letter putting a different point of view, to apologize where it has overstepped the mark, or to publish an article providing an opportunity to reply." Lord Wakeham says the speed of reaching to a resolution is far better than the law. Since conflicts are resolved in an informal manner, the outcome will be speedy. In addition, he says, the codes provide additional protection to the vulnerable. Those parts of the society include children, those being treated in hospital, victims of sexual assault, innocent relatives and friends of people convicted of crime, and those at risk of discrimination. The law does not prohibit the press from reporting these, but journalists themselves do.

Citing Cecil Blake, a "veteran scholar", Nyamnjoh, F. B. also elaborates on the need for self-regulation of the press as follows:

*...ic or democratizing society needs  
...her than governed by press laws  
governed by press laws drawn up by governments, as has  
been largely the case in Africa. As long as the government  
arrogates to itself the right to regulate the press, its laws  
will always tend to limit rather than promote press freedom  
and exclude rather than broaden access to different  
political, cultural and social groups.*

(2005, p.268)

Nowadays, self-regulation of the press is practiced in many countries around the world. In a study submitted to the Ethiopian Parliament in May 2006, Pact Ethiopia, an international non-governmental organization, and the U.S. Agency for International Development (USAID) presented five countries as models of self-regulation. The study compared laws governing the media in India, Germany, Canada, the United Kingdom and the United States. The study noted how, in 1956, German media established a press council to offer self-regulatory press codes and guidelines for journalists. After consulting with press associations, the council identified the duty of the press council within the framework of constitution and constitutional laws of the country (2006, p.136).

The press council has a press code that consists of 16 basic journalistic principles. Most of these principles consider generally accepted professional ethics of journalism. The guidelines are related to how the press in Germany should regulate and provide guidelines on how misconducts should be dealt with. The principles of the press council include self-discipline of the press in different cases. Also, with regard to incorrect assertions, the press council suggests ethical remedies that the press has to consider.

The study revealed that the complaints committee of the German Press Council meets five times a year to mediate conflicts between the press and its readers, with the possibility of arbitration. If the committee found the press at fault, it could require publication of editorial note, fault for a serious infringement of a code; a public reprimand with no requirement to be specific, or a public reprimand with the requirement to print the reprimand. Conversely, the council could also take

the press adequately handled the complaint by publishing a

India also hosts a quasi-judicial press council with a chairman and 28 members (13 working journalists, six newspaper owners or managers, one news agency manager, three experts in science, law, education, literature, or culture and five members of Parliament) to hear complaints. The Press Council of India (PCI) has an extensive code of conduct entitled "The Press Council of India, Norms for Journalistic Conduct." It has different sections on the expected ethical standard. For instance, Part A of the code pertains to principles and ethics that include accuracy and fairness, right to privacy, right of reply, letters to the editor, etc. The second part provides a guideline on how the press has to cover issues relevant to the Indian press (ibid, pp.46-52).

On the other hand, there are no legally empowered oversight bodies in Canada. However, in response to complaints from the public on how the media used to operate, informal press councils were established in Canada in the 1970s. Since the press took its own initiative to establish the press councils voluntarily, the government took no part at all. The press councils are often composed of 10 to 30 members of the public. The members of the council select these people or they are nominated by owners of the press and journalists' associations, and serve for terms that are renewable. All the press councils that were organized provincially have neither uniformity nor similar guidelines. However, all of these press councils share some things in common: their sole purpose is to hear complaints from the public and suggest possible remedies (ibid).

Similarly, self-regulation of the press is practiced in South Africa. Kruger says the Press Ombudsman of South Africa has jurisdiction over newspaper activities. This office is under a Founding Bodies Committee, with membership from representatives of journalist unions, editors' forums, the newspaper association of South Africa, and other concerned bodies from the sector. The ombudsman office will deal with the editor of the concerned newspaper about any complaint. The newspaper that is found to be offending will be ordered to publish a finding (2004, pp.36-37).

Lord Wakeham (1998), an advocate of self-regulation, once said, "There is no correct answer to the question of whether law or self-regulation is a better system for the maintenance of a free,

gths; both have their weaknesses. Self-regulation does  
y are not necessarily exclusive to Self-regulation; the  
implication of the forthcoming section is to show what are potential limitations.

Quoting Pierre Bourdeau, Berry, D. states that "Journalistic field" is a "microcosm with its own laws" that "produces and imposes on the public a particular vision of the political field, a vision that is grounded in the very structure of the journalists' specific interest" (2000, p. 135). Thus, he contends that public interest or some form of political interest may also be influential in the framing of news stories, or generally avoid any responsibility of entertaining public interest and moving on to sensational news. He further asserts that there were times where the press made a confusion of the term public interest. Attributing such confusion of the term by the press to tabloidization, the Calcutt Committee on Privacy suggests that the term (public interest) has been devalued by the antics of the tabloid editors. Public interest was not to be confused with what was "interesting to the public" (ibid. p. 168).

Furthermore, the advent of new form of consumerism of media "fickle and individualistic consumers" of entertainment "has made the Peacock Report of 1986 justify new "consumer citizenry" as follows:

*Judging from the many letters we received from individuals from all over the country (Britain) most people want to be able to choose programmes that interest them most and not those which talk down to them or treat them simply as fodder for advertisements, though limited advertising seems to many of them a reasonable price to pay for not having a fork out for a licence to finance programmes that they may not want to watch.*

(Ibid, p, 169)

He even proceeds to reverberate the same question rose by Lee Wilkins: "Can the watchdog be trusted?" Actually, press councils, like the case in Germany, do have codes on the influence of market force. For example the Study for the Ethiopian Parliament shows the stipulation of the code of conduct of the German Press Council on matters of pertinent to market forces:

*The responsibility of the press towards the public requires that the editorial decisions not be influenced by the private or business*

by the personal or commercial  
publishers and editors must reject any

*attempt to breach this rule and make a clear distinction between  
editorial and commercial content.*

(2006,p.137)

Although such conventions or agreements like code of conducts exist, Berry, D. asserts that the press may not always be reliable for the following two reasons: the watchdog may be intertwined with an institution it is watching, and the watchdogs may give priority to expanding profits. Even the absence of any formal law may not necessarily hamper the press from such impositions. This is further supplemented with the assertion that even in the U.S. the gap between market forces and the newsroom is getting narrower and is getting replaced by the commitment of every department to the marketing mission of the newspaper (ibid, p.140).

Furthermore, there are other problematic areas that are inherent even in the presence of self-regulation. One quite good example could be an instance cited by Rying, quoted by Nyamnjoh, of ethical dilemmas of Francophone Africa, which follow *ad hominem* repudiation of embezzlement and scandals as a journalistic genre. Accordingly, the lack of any credible news feed or sources make journalists venture into accepting rumors. The journalists are doing this with the assumption that any attempt to respect ethics or the golden rules of investigative journalism would mean a tacit endorsement of pernicious corruption in the society (2005,p.65).

## **2.5 Corrections and Replies as Remedies**

In many places in the world, readers simply lodge complaints to a media organization, negotiate on the redress and do not go to court to redress harm done. Commonly, complainants rely on two remedies – corrections and the right of reply – to challenge a publication's accuracy. Although the terms *correction* and *right of reply* are often used interchangeably, Article 19, the international non-governmental organization, separates them:

*The right of reply should be clearly distinguished from a  
right of correction. A right of correction is limited to  
pointing out erroneous information published earlier, with  
an obligation on the publication itself to correct the*

ht of reply, on the other hand,  
to grant space to an individual  
whose rights have been harmed by a publication based on  
erroneous facts, to “set the record straight.”

(2004, p.13)

Thus, it can be implied that a right of reply is when the complainant is given the opportunity to put their viewpoint, usually in the form of an article they write. It would often be used where the complaint is more about the approach the story takes, mostly if the claim is that the newspaper misunderstood a set of facts when reporting. On the other hand, a correction is where a simple issue of fact is involved. This would usually be a short note by the newspaper correcting the error.

In an advice circulated internationally, Article 19 advises media to publish apologies and corrections voluntarily and rights of reply on request. The media NGO also encourages remedies proportional to the harm done to encourage and preserve freedom of expression. As Article 19 notes, “Disproportionate remedies or sanctions can significantly limit the free flow of information and ideas.” And it adds, “As a result, it is now well established that remedies or sanctions, like standards, are subject to scrutiny under the test for restrictions on freedom of expression.” In other words, instigating proper redress is positive, guaranteeing the free flow of information; doing otherwise may be a hindrance (2000, p.15).

Article 19 also identifies the “right of reply” as a controversial term in media law, noting how critics sometimes call it “a clear interference with editorial freedom” if incorporated into law. According to the Committee of Ministers of the Council of Europe (2004), a right of reply may be regarded as “impermissible interference with editorial independence.” Others, according to Article 19, see it as “a low-cost, low-threshold alternative to expensive lawsuits for defamation for individuals whose rights have been harmed by the publication of incorrect factual statements about them” (2004, p.13). However diverse these criticisms may be, the American Convention on Human Rights suggests its members to introduce a right of reply (1986).

European countries like Germany, Belgium, Germany, Norway and Switzerland make publication of replies a statutory right (IPI 2003). Germany’s right of reply is known as *Gegendarstellung*, or the right of counter-statement to press statements. This right is derived

stitution that intends to protect people who are affected by  
submitted for the Ethiopian parliament,ö The claimant  
can use this right with both critical comments and positive comments, where the latter are  
untrue.öIn order to enforce this right the procedure a claimant has to undergo the following  
procedure. In Germany the civil courts have jurisdiction over cases like enforcing right of reply.  
Therefore, a claimant may initiate civil proceedings against the respective press or company. The  
report notes, öThe right of reply under the German law is far-reaching and poses some risk of  
abuse by politicians. The right of reply it is restricted to statements of fact, and not to statements  
which are value judgments or opinionsö (2006, p.139).

No press apologies, corrections or rights of reply are required by law in India and the United  
Kingdom. In India, for example, there is no statutory correction, apology, or right of reply  
conferred on the press. However, the PCI sets norms for journalistic conduct that urge  
newspapers to publish replies, contradictions, clarifications or rejoinders for an aggrieved person.  
Similarly, PCC has a code of conduct that encourages newspapers to be accurate. When  
complaints surface about factual inaccuracies, the code's Article 2 grants an öopportunity to  
reply,ö saying öA fair opportunity to reply to inaccuracies must be given to individuals or  
organizations when reasonably called forö (Bonnington et al, 2000, p.387).

Some media critics suggest that a self-regulatory right of reply is an easier way of resolving  
conflicts and repairing damage caused by the press. Yet, even then, the critics do not require a  
right of reply for every complaint. Indeed, some critics challenge the distance the press should go  
in responding to request for replies. In 1968, Clifton Daniel, the editor of *The New York  
Times*, suggested that not every complaint required redress:

*Space? How much space? Last year The New York Times  
received 37,719 letters to the editor and printed six percent  
of them. \*\*\*If we had printed them all-all 18 million words  
of them-they would have filled up at least up at least 135  
complete weekday issues....*

(Francois, W.E.1975, p.3)

Indeed, in evaluating the American traditions of redress, Francois suggests that any solutions  
involving access to the press should come from the press (the öindustryö) itself. In fact, he says,

legislators to compel a reply would be unconstitutional. And  
Francis sees cautions against creating an absolute right  
of reply or trying to enshrine such a right in a law as a breach of freedom of expression. For  
him, the right-of-reply principle is an affirmative obligation created on the part of the  
newspaper. The U.S. Supreme Court seems to agree. In 1913, it struck down one state's right of  
reply law as unconstitutional. Florida had required the media to print a reply for an assailed  
political candidate, and the justices refused to endorse that on appeal (1975, pp.358-359).

As guidance for a voluntary right of reply, Article 19 suggests that the press should:

- a) Only be available to respond to incorrect facts or in case of breach of a legal right, not to comment on opinions that the reader/viewer doesn't like or that present the reader/viewer in a negative light.*
- (b) Receive similar, but not necessarily identical prominence to the original article.*
- (c) Not be required to carry a reply unless it is proportionate in length to the original article/broadcast.*
- (d) Not be required to carry a reply if it is abusive or illegal.*
- (e) A reply should not be used to introduce new issues or to comment on correct facts.*

(2004, p.11)

Additionally, the Committee of Ministers of European Union (2004) listed two more ways the right of reply may be denied. It recommended that the newspaper not be compelled to reply if the reply is in a language different from that in which the contested information was made public or if the contested information is a part of a truthful report on public sessions of the public authorities or the courts.

This chapter outlines methods used to gather data, describing research methods and reasons for their selection. It also outlines each method's advantages and discusses sampling techniques and ways to present results.

### **3.1 Methods of Data Collection**

This researcher uses a qualitative research approach to discover what Ethiopian press proclamations (previous and current) and two draft laws say about corrections and replies and how private press journalists view and practice them. So, first, text analysis of Proclamation 34/1992 will help explain provisions on corrections and right of replies. This proclamation's Article 9 will be summarized and compared with similar articles in the two subsequent draft press laws. Pertinent references in the new proclamation will also be considered.

Second, as Deacon, D. et al state, semi-structured interviews will help promote an active, open dialogue. In such interviews, the researcher uses guiding topics so that the interviews will stay on topic and not be confused with "natural" conversation. This (informal) technique can generate deeper insights into "subtle and complex perceptions and beliefs" (1999, p.155-156). Thus, to ensure comprehensive analysis, the researcher conducted semi-structured interviews with three editors of three selected private-press newspapers and three former media practitioners from other private-press newspapers. The researcher deemed that the experience of these journalists would highlight instances or cases that could otherwise be left out. This technique was applied to interviews conducted between May 20 and June 3, 2008, and helped to reveal the actual newsroom practices of private-press journalists.

The first method needed triangulation: looking at how the press actually works with a comparison of theory and reality. Sometimes, as Deacon, et al. claim, circumstantial evidence gathered in such settings may not always be reliable because research subjects may be unable to provide accurate and honest responses under other circumstances.

To supplement interview responses and to determine how the private press handles complaints, this researcher has also examined sample corrections and replies published between March 23 and June 8, 2008. This will also reveal how private press journalists interpret and follow press laws.

Determining the type of sample requires knowing exactly what to look for. Deacon et al say that non-random sampling techniques, sometimes known as "judgmental" or "purposive" sampling, involve samples selected purposefully and not by chance. For example, three of the journalists that are sampled for the interview are from the three newspapers considered for the study. On the other hand, the remaining journalists are former practitioners whose newspapers were closed down after the election in 2005.

With regard to the profile of all the journalists, they were not samples who can merely speak about their experience from their current newspapers. Most of the journalists had worked on at least two newspapers.

By comparison, quota sampling, also used to select the newspapers for this study, involves a research objective that determines how to select samples. This study's objective is to examine views and practice of journalists on corrections and replies under the former Ethiopian proclamation that required selecting major newspapers that fulfill certain criteria to help reveal private-press views and practices.

The first criteria focused on whether newspapers report mainly local events and whether they circulate beyond one region. For example, although they circulate beyond the confinement of one region, sports newspapers were eliminated because they often do not write about local events.

The analysis involved 12 issues of three newspapers published between March 23 and June 8, 2008. The newspapers, with traits qualifying them for quota sampling, are:

1. *Addis Neger*: Mesfin Publisher started this publication in late 2007 when the government reissued licenses to the private press after the election (The 2005 election saw several private publications closed). The Saturday edition averages a weekly circulation of 20,000 copies in Addis Ababa and towns around the capital. It was selected due to its wide variety of news and analysis, ranging from sports to politics and so forth.
2. *Reporter*: Media and Communications Center publishes this Amharic newspaper along with the English weekly, *The Reporter*. Established in 1994, it is regarded as one of Ethiopia's oldest private-press publications. It also covers a wide variety of topics, often noting ideas about the



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s). This newspaper has an online version as well which is the focus of the study, the *Amharic Reporter*, has an

average circulation of 11,000 copies.

3. *Capital*: Owned by Sysol Capital, this business newspaper is one of the country's oldest newspapers published in a foreign language, English. Its content is not limited to financial affairs, but rather it touches many of society's concerns. It has a weekly circulation of 5,000 copies, larger than other English newspaper.

### **3.3. Data Analysis and Presentation**

This section presents the results of data collection (text analysis and the interview). The analysis compares Proclamation 34/1992, summarizes the laws' evolution and critiques the important provisions of both drafts and the recent proclamation. A table will also be used to show and presents a summary of pertinent concepts about corrections and replies.

A table will display data to note actual practices, showing numbers of corrections and replies, and a discussion of the table and interview results will interpret the views of private-press editors/journalists. The opinions of former practitioners are also included. Some respondents currently practicing in Addis Ababa asked for anonymity. In two cases, only job titles are used to protect confidentiality.

All interviews were conducted in Amharic and dates are noted according to the Gregorian (European) Calendar. But for clarity, the dates of all newspaper publications are presented according to both Gregorian and Ethiopian (or Julian) Calendars (EC). The rationale for using both date systems to refer to two of the publications is that Amharic newspapers use a different calendar, which is also the official dating system of the country.

## ta Analysis

This chapter addresses the views and practices of Ethiopian private press journalists about corrections and replies. The chapter first presents the evolution of Ethiopia's proclamations and then briefly outlines pertinent articles and critiques. A comparison follows, including draft press laws, text analysis and interview results.

### 4.1. Provisions on Corrections and Replies

#### 4.1.1 Proclamation 34/1992, the Study's Benchmark

The history of Ethiopia's media law usually involves three early developments. As Laekemariam notes, these include the Civil Code and Penal Code provisions on freedom of expression and the press; the Charter of the Transitional Government of Ethiopia's Art. 1 (before the constitution was ratified), and Proclamation 34/1992 (A Proclamation to Provide for the Freedom of the Press). Before Parliament ratified the first proclamation on Oct. 21, 1992, no law specifically stated how the press should be regulated (2000, p.209).

On the first proclamation, Article 9 mentions a legal requirement to publish replies. It says, a person shall be granted such a right when there is "any information or matter" concerning him or her is published in a press. Although it does not distinguish explicitly between information and factual inaccuracy, it ratifies that the remedy (a reply) should be proportional to the original published report. Moreover, the law addresses the remedy should be made in a timely manner with an expected outcome of making those who know about the original report notice the publication and understand the truth from the side which makes the final announcement. Corrections and apologies are mentioned only on a provision of the Civil Code (Article 2049) that deals with defamation.

Laekemariam cites some problems with that first proclamation, calling it redundant because some of its provisions "particularly on defamation and national security" repeated penalties of the Civil Code and the Penal Code (ibid). Similarly, Article 19 consultants also echoed this concern, nothing that press prohibitions merely repeated laws established on defamation and other illegal practices. Such redundancy, they said, would only mean "double warning" for journalists. So they recommended self-regulation that would not entail punitive measures. Critics also condemned the prohibitions as so vague and broadly worded as to be "wide open for abuse" (2003, p.21).

ated in the first proclamation's Article 9 problematic. Any aggrieved party to put forward opinions is not right, he insisted, but intimidating for newspapers. He noted how a statutory right can adversely affect media and needlessly embroils journalists in court dispute and how the law failed to offer guidelines for exercising the right of reply and neglected negotiation, arbitration and administrative decisions as alternatives. The proclamation also ignores corrections or self-regulatory practices as alternatives (2007, p.28-29). Instead, the proclamation's Article 9 describes a broad right of reply, noting a complainant shall be granted such a right for "any information or matter" that the press publishes about him. This, Andargachew said, could lead to many requests that do not distinguish between information and ideas. "The right of reply is used to rebut mistakes of fact and not opinion," he said, and defined opinion as "a personal feeling which can be corrected only by its proponent, not by a third party who seeks to exercise a right of reply" (ibid).

Article 10, "Ensuring the Lawfulness of the Contents of Press Products," includes criminal and civil liabilities. Its sub-article 2(b) identifies the legal responsibility of the press saying, "Any defamation or false accusation against any individual, nation/nationality, people or organization" should be avoided. But when a newspaper, magazine or journal publishes a defamatory statement, Article 10(3) holds the individual editor, reporter or publisher liable. And, according to Article 20, if the press fails "to carry out its duties," the liable press person may be imprisoned up to three years or fined from 10,000 Birr to 50,000 Birr or both.

The case against two journalists (Tefera Asmare and Eskindir Nega) from one of the country's earliest private newspapers, *Ethiopsis*, records one of the earliest confrontations between the press and government in 1992. According to a feature story published in *Addis Neger* on Dec. 1, 2008 (Hidar 21, 2000E.C.), both were sentenced for reporting about how government forces responded to students' demonstrations against the Eritrean referendum.

In reviewing early enforcement of the proclamation, Laekemariam also noted that most accusations against the private press involved "dissemination of inaccurate reports and defamation" (ibid., p. 210). Noting a flawed law, the *Addis Neger* story also linked such accusations to lack of ethical standards, lack of professionalism, and/or sheer ignorance by practitioners. In fact, most of the earliest journalists did not have proper professional training.

ditioners to escape legal liabilities. Stating the  
 Article 14 noted how codes provided the penalty  
 for a publication facing criminal penalties and/or civil damages. Under the proclamation, the  
 press organization as an entity could face joint liability with an individual journalist and the court  
 could award compensation.

#### 4.1.2 The Two Draft Laws and the New Press Proclamation

Corrections and replies have over time assumed different shapes, depending on the particular  
 proclamation or draft press law. The table below provides an insight into the relevant text and an  
 overview of pertinent legislation over the past two decades. The discussion that follows  
 addresses the table's important provisions and concepts and helps demonstrate evolution of the  
 expected practice.

**Table 1: A comparison of texts from proclamations and draft press laws**

<i>Title of proclamations or draft laws</i>	A Proclamation to Provide for the Freedom of the Press (Proclamation 34/1992)	A Proclamation to Provide for the Freedom of the Press (2003)	A Proclamation to Provide for the freedom of the Press (2003)	Law on Mass Media and Freedom of Information (2008)
<i>Year ratified or circulated for comment</i>	October 21, 1992	April 2008	June 2008	July 1,2008
<i>Provisions and titles relevant to corrections and replies</i>	Article 9 ōRight of Replyøø	Article 18 ōRight of Replyö ( <i>The right to give response, on some English translations of the draft law</i> )	Article 37 ōRight of Replyö	Article 38 ōRight to Correct or respondö

	the Civil Code. publishing an apology and correction	Sub-article 7 (of the unofficial translation) of the draft: "The rules related to this article will be applied if anyone tables complaints regarding the amendment of wrong information."	Sub-article 7. "The provisions of this article shall mutatis mutandis apply to enforce the right of a person to correct any falsely reported factual statement regarding him."	Sub-article 7: "The provisions of this article will similarly be applicable to the right of any person to cause the correction of press reports concerning him and that are factually incorrect."
<b><i>Text that indicates what requires a reply</i></b>	"Any information or matter concerning any person is reported in a press"	"If a press reported about a person or a certain situation the concerned body"	"Any factual information or matter injurious to the honor and reputation that is reported"	"A person whose honor and good name has suffered through a factual report in a mass media outlet"
<b><i>Length of reply</i></b>	"make a reply proportionate to the report"	"should not be more than twice of the report"	"proportional" to the original report	Not specified
<b><i>Number of days that a publication has to act once it receives a request for a</i></b>	"In due time"	3 days for a daily newspaper; 9 days, for a weekly newspaper; in the next issue for other	3 days for a daily newspaper; 9 days, for a weekly newspaper; in the next issue for other publications, and;	3 days for a daily newspaper; 9 days, for a weekly newspaper; in the next issue for

		publications, and; for election period it gets reduced (for the three days, it becomes 24 hours).	for election period it gets reduced (for the three days, it becomes 24 hours).	other publications, and; for election period it gets reduced (for the three days, it becomes 24 hours).
<b><i>When the publication must accept corrections or publish replies</i></b>	Not specified	Up until six hours before going to print.	Up until six hours before going to print.	Up until six hours before going to print.

As indicated above, the government issued two draft press laws (each known as ðA Proclamation to Provide for the Freedom of the Pressö) in April and June 2003 as potential replacements of Proclamation 34/1992. Although neither was enacted, each started drawing media attention. One newspaper, *Reporter*, even memorialized the occasion with a small cartoon of a hangman supervising an execution. A motto ðöRescue press freedom from the hangman!öö encircled the drama.

Shortly afterwards, the International Press Institute (IPI) opposed such a statutory right of reply, saying media organizations should be allowed to create their own platforms for exercising such rights ðwithin a self-regulated professionö (2003, p.43). The IPI also noted how the draft law failed to explain why a right of reply should be granted and how, as a result, the right to reply could be used to protect opinions rather than facts. That, the IPI said, could interfere with professional duties and editorial independence. Unlike the first proclamation, the first draft law referred to corrections explicitly and made it a statutory right like reply.

The first draft law also failed to define what kinds of replies may be eligible for publication, noting only how complainants could contest ðany information or matter.ö The IPI also linked

sional duties or infringement of editorial independence on, however, the first draft included a sub-article (sub-article 2) stipulating how soon a right of reply should be published. This draft law also noted a penalty for failing to publish replies. Article 30 of the first draft press law outlined that "Any press editor or deputy, publisher, journalist and program editor, (who) fails to print the corrections, in accordance with article 18 will be punishable with a fine up to 1000 Birr. If the action committed is during election period, in addition to the fine, the penalty may extend to one year imprisonment."

The first draft law also proposed creating a press council (Article 20) to advise the government how to publicize regulations and guidelines affecting press complaints. Such a council would include 29 members from the federal government, journalists' associations, journalists, publishers and community members. The government's Council of Ministers would also outline press council's duties and obligations and supervise the election of officers. The IPI called such a council "a serious inhibition on the free flow of information," indicating council members would likely include those who favor the government. Instead, IPI recommended a council free from potential government interference "along the lines of many examples that exist around the world" (2003, pp.47-48). In a joint statement, nine editors-in-chief from the private press labeled the first proclamation a "draconian press law" and opposed some provisions carried over into the first draft law. The journalists voiced their opposition to such a press council as follows:

*A press which incites hate, engages in defamation or exhibits other unethical conducts should be held accountable for its acts. But the government shouldn't meddle in what doesn't concern it by allocating to itself the task of preparing a code of conduct for journalists and publishers or setting up a press council which properly are the province of the press itself. The Ministry of Information often raises in its defense the tired and shallow argument that the freedom of the press has limits. But it fails to mention that the limits themselves have limits.*

(2003, p.5)

press council surfaced in the second draft law, but that draft law required the publisher to make corrections and replies both statutory rights. The second draft indicated that any factual information or matter injurious to the honor or reputation of any person required a reply, free of charge and without any alteration by the publisher (Article 37). This second draft law also repeated the first draft law's time schedule for publishing a reply. In addition, this second draft law also noted that the provisions for a right of reply also apply to corrections. Again, this draft law set a penalty for failing to publish replies. In this case, failing to publish corrections or replies shall be a liability upon the editor who will be fined up to 10,000 Birr. And, during election period, the fine increases up to 30,000 Birr.

The second draft law, released just two months after the first, also triggered criticism. For instance, Article 19 said the right of reply should be voluntary, not required (2004, p.13). The media NGO also elaborated that such an expansive right for anyone with a complaint would be editorial interference. It also recommended making a distinction between the right of reply and a right of correction, which should be limited to the publication's acknowledgment of errors. Article 19 also expressed concern about the second draft law's lack of ground rules to enable a publisher to refuse complaints. The NGO said this could infringe rights of individual journalists as well as the publication's editorial independence pledged in the second draft's Article 11. The NGO recommended that the second draft better clarify the relationship between the right of replies and editorial independence (2004, p.14).

The recent proclamation, "Law on Mass Media and Freedom of Information," was circulated for the first time on May 8, 2008. This proclamation created a different name for the statutory right: the "right to correct or respond" (Article 38). And it applied the draft's requirement for speedy replies to corrections. It has also endorsed a penalty for failing to publish replies: Article 43(3) of the new proclamation stipulates, "An Editor-in-Chief or program editor who has failed to publish a response or correction sent for publication pursuant to article 38 is punishable with fines of up to Br. 10,000 (ten thousand Birr). Where the offence is committed at the time of elections, the fine shall be up to Br. 15,000 (fifteen thousand)." Still, no room left for self-regulation. However, unlike the previous proclamation and draft press laws, this proclamation provides for freedom of association. It does not lay down anything about establishing press council, but guarantees a right to take part in any professional association. On Article 4(2), it proclaims, "Journalists have the right to organize in professional organizations of their choice." This would

the Constitution's Article 31 that calls for freedom of  
to freedom of association for any cause or purpose.

## 4.2 Practices and Views of the Private Press

The following section describes how three private newspapers actually handle corrections and replies. These comments, extracted from interviews, serve as cross-references for the text analysis of editions of three newspapers. Twelve issues of three newspapers, all weeklies, were also reviewed. The sampling included editions published between March 23 and June 8, 2008.

### 4.2.1 Complaints

Three editors of private newspapers and three former media practitioners were interviewed from May 24 to June 8, 2008. The editors' interviews are the core focus for checking the actual practice and views. The editors reveal that they receive complaints, but not too often. During an interview on May 24, 2008, Mesfin Negash, chief editor of *Addis Neger*, says readers' complaints are not very common. He attributes this to the carefulness of reporters and editors to their publications. He does, however, acknowledge complaints lodged and treated according to the newspaper's editorial policy. Mesfin said that *Addis Neger* has a strict policy and considers all complaints. However, he noted, how complaints address opinions rather than facts. The editor said they receive a lot of phone calls from people who want to complain. But such complaints, not made in person and with no refutation to the fact, are disregarded as reader opinions. Even when the news staff considers such complaints, Mesfin said "complainants do not show up." And, he added, readers offended by "untrue" reports of *Addis Neger* are invited to prove the truth by providing textual proof or explanations in person.

On the other hand, an article written by Mesfin on February 9, 2008 (Yekatit 1, 2000 E.C.) shows frustration of the news staff. In response to complaints on an article, published on *Addis Neger*, about sports newspapers in Ethiopia, Mesfin put forth his opinion on the headline saying "What should we write about?" On the article, he stated that some of the complaints they receive were often insults. "Even some associated us with some parties, and some even intimidated to defame us unless we write about others (parties or people)," he said.

A senior editor of *Reporter*, interviewed on May 27, 2008, said the Amharic biweekly does receive complaints from offended people and organizations. However, the number is few, he noted, considering "the 15 or more reports we publish on a single issue, the probability of

is less than one percent.ö

4.2.2 Published Corrections and Replies

For the simplicity of providing an account on the practice of the private press on regulating corrections and replies, newspapers are sampled. And all subsequent discussion included in this section refers to the following table that presents the practice of three newspapers sampled to show the number of corrections and replies published on their issues in three months time. The table below shows results.

**Table 2: a table showing corrections and replies published in three newspapers.**

Name of Newspapers	Number of issues analyzed	Number of corrections published	Number of replies published
<i>Reporter</i>	12	3	3
<i>Capital</i>	12	0	0
<i>Addis Neger</i>	12	0	2

The *Reporter* published the largest number of corrections and replies, compared to *Addis Neger*, which published no corrections but two replies. *Capital* published neither corrections nor replies. The *Reporter* published corrections requested, though in different places throughout the newspaper. One correction for a report about a medical institution originally published as news was published on the letters page. The correction published on May 28, 2008 (Ginbot 20, 2000 E.C.) pertains to inaccuracies in citing an institute, the concerned department, and the concerned or responsible person who gave the information. Upon receiving a letter from the institute’s public relations office, *Reporter* published the entire letter along with an apologetic editorial note. Two other corrections were published in places different than the original report. A correction published on May 11, 2008 (Ginbot 3, 2000 E.C.) addresses an inaccuracy in mixing the name of a political party that one political figure (Ato Temesgen Zewde, former member of Coalition for Unity and Democracy-CUD) belongs to; the correction was published on the inside page. Also, a correction published on May 21, 2008 (Ginbot 13, 2000 E.C.) appears on the inside

use in a report that a bank called ambiguous.

The newspaper published an *repheso* from the National Election Board of Ethiopia, the Oromo Federalist Democratic Movement and Branna Printing Enterprise ó on the letters page ó *To the Reporter*. Unlike *Reporter*, *Addis Neger* and *Capital* do not have any letters (to the editor) page. However, *Addis Neger* published two replies at the bottom of the pages where the contested information previously appeared. The first reply responded to a newspaper feature about water shortage in Addis Ababa while the second was a response to a critique on the book, *Zikre Badime*. In response, the newspaper published an editorial note stating their õfirmõ stand on the reliability of their source for the information contested in the first case. The other was from an author who wanted to respond to a columnist's criticism on his book. Although it was merely contending views of a columnist (Birhanu Deboch), it was granted a space.

#### **4.2.3 Views on Corrections (and Apologies) as Redress: Instances and Rationales**

This research is also assessing views on publishing corrections, often packaged with an apology. During the interviews, editors of all three newspapers called corrections appropriate. Mesfin, of *Addis Neger*, said the newspaper's failure to report facts accurately is a legitimate reason for a correction and possibly an apology. The other two editors also said publishing prompt corrections would curb irregularities.

The editors mentioned two possible ways on how corrections could come to their attention. According to the editor of *Reporter*, journalists often go back to read previous issues and (if they notice any irregularities) publish corrections for any mistake. This kind of self-correction is typical especially when typographical distort meaning. Also, when the concerned editor sees a mistake or any irregularity on a previous report, an immediate correction is offered on the next issue. In addition to self-correction, this newspaper also publishes corrections when a complainant sends a letter or comes in person and justifies the mistakes.

This is how *Reporter* addresses corrections on request. On May 7, 2008 (Miazia 2000), in news about a request made to investigate accounts not closed, the newspaper used a phrase that identified Ato Temesgen Zewde as a representative for Coalition for Unity and Democracy (CUD) in the parliament. Ato Temesgen complained that he was misidentified as a member of CUD, a name given to others by court order when the party suffered a split. Upon request from the Member of Parliament, *Reporter* published a correction on May 11, 2008 (Ginbot 3, 2000

representative of the people and the 47 former parliamentary

The editor of the *Reporter* also identified the newspapers' need to publish an accurate report, regardless of who requests what, and the newspaper willingly publishes corrections. For example, one report about an institute, "A Poisonous plant that took the lives of eight people revealed," published on May 14, 2008 (Ginbot 6, 2000 E.C.) contained three misstatements of fact. So the institute's public relations officer sent a letter requesting correction of the name of the health institute, department, and person quoted. The newspaper immediately published a correction the next week, on May 21 2008 (Ginbot 13, 2000E.C.)

Although *Addis Neger's* editions published no corrections, editor Mesfin said publishing corrections is not only the solution for a particular mistake, but also a publication's broader obligation to accuracy. The press, he said, may often make mistakes due to tough deadlines. But he also noted how lack of access to information can lead to errors. Even then, however, he accepted the need to correct mistakes whatever the reason. "We do not want to offend anyone," he said.

#### 4.2.4 Publishing Replies

This study also explored the criteria that the private press uses to accept or refuse replies. But, first, it is important to see respondents' understanding about the difference they see between corrections and replies. All the respondents see corrections as a right bestowed upon anyone who claims it. However, on replies, the editors see it as a kind of alternative source of information for the advantage of both the contributor of the article (the one who writes a reply) and the newspaper. Even, the editors attach replies to articles that should often be posted on columns left for anyone with thoughts. Nonetheless, the editors did not challenge the need to accept replies in any form.

The editors did know that the law requires them to publish. Even the thought of a legal liability for failing to comply with the provision was not acceptable for them. When the researcher showed them that there is a provision that compels newspapers to publish replies, the editors insisted that legal requirements for a prompt response are improper. Mesfin, editor of *Addis Neger*, contended "legal requirement for publishing replies" as one failure of the proclamation itself. He said the question of whether replies should be published is a matter of ethics, not the

The editors also noted that the first proclamation did not provide guidelines about what kinds of mistakes require a reply. To Mesfin, of *Addis Neger*, publishing replies is a matter of editors' consensus. "Since the law does not have concrete guidelines as to what deserves a reply," he said, "We have our own set of rules as to what should or should not be published."

Ethiopia's first proclamation (plus its second proclamation) requires newspapers, private and government, to publish a reply when a complainant asks. All editors interviewed agree that publishing replies to factual mistakes is proper. The editor of *Reporter* said replies are often necessary because, after all, reporters and editors cannot get access to every piece of information published. Such replies, he said, would also satisfy those seeking redress and be a "platform for entertaining contesting ideas on which we do not have a stand on." For him, accepting and publishing replies on the letters page (if necessary, on other columns) can provide an alternative source of information and thus boost a newspaper's credibility.

As another example of boosting its credibility, on May 18, 2008 (Ginbot 10, 2000 E.C.) the *Reporter* printed a reply of Branna Printing enterprise on its letters page. The enterprise complained about its name being used in connection with 10,000 copies of *Inqu* magazine (with a report about the high-profile prosecution of pop singer Teddy Afro ó Tewodros Kassahun) confiscated and three of its journalists arrested by police at the printing plant. Under a headline, "The news is far from the truth," *Reporter* published Branna's complaint about an "untrue report that tarnishes its reputation." In the reply published on the letters page, the printer disassociated itself from the arrests and defended its "reputation of being nonpartisan."

*Addis Neger* published two replies: one involving a main feature by its managing editor, on April 30, 2008 (Miazia 22, 2000 E.C.), and another involving a book review by a columnist, on May 20, 2008 (Ginbot 12, 2000 E.C.). Editor Mesfin noted that the newspaper honored both requests for reply on the understanding that the public needs to have access to both sides of a story. The complaint on the first case was related to a cover page feature about the Addis Ababa Water and Sewage Authority. An expert was quoted saying "The problem of getting access to clean water will not be curbed very soon." A reply that came from the authority denounced the report and also claimed that the cited person does not have a related expertise on the field. The newspaper also published an editorial note at the bottom of the page stating that *Addis Neger*

... note asserted that the newspaper is sure about the  
... raised. As for the other reply published by *Addis Neger*, it

was in response to an opinion or view of a critic. It was given a right to respond on the grounds that the complainant deserves a right to defend his material.

Some replies, Mesfin noted, possibly do not apply to the original report. In those cases, he offers two options: to edit the content of the reply or not to publish it at all. The editor of *Reporter* said some replies also mention names of people not part of the original story. Under those circumstances, he noted, the newspaper invokes certain standards for replies. "If its content tarnishes the name and reputation of people or if it contains derogatory words, it will not be published," he said. He also advises claimants to focus only on the main point and avoiding all "trash." The *Reporter* also enforces a rule on the language of replies. He said those in Amharic will be published; otherwise, the claimant must translate the reply.

Editor of *Capital*, interviewed on May 29, 2008, noted that a reply can be published only when it reaches the newsroom before the newspaper is ready to be published. Mesfin, on the other hand, is specific about time. He said "A reply that we receive before Wednesday—the day we allot space for all articles—can be granted publication." This, however, does not necessarily mean all late replies will be rejected. "If a reply is brief, we'll try to accommodate it," he said. Otherwise, the reply, fulfilling the minimum requirements of the editorial policy of the newspaper, will be published in the next issue.

Length and content of replies concern all editors. The editor of *Reporter* noted the difficulty of accommodating long replies. Speaking from experience, the editor talked about news published about the Commercial Bank of Ethiopia, which wanted to counter a report published on May 14, 2008 (Ginbot 6,2000E.C.). The newspaper published a story headlined "Money not collected by the bank reaches more than 9 billion Birr." Within the week, the Commercial Bank of Ethiopia identified in this story as an institution not doing well in collecting debts—called to complain about the ambiguity of the headline: "Money not collected" seems like "non-returnable money." Explaining the repercussion of change in meaning, the editor said, "The bank thought its customers would see the Amharic word on the report—*oyaltesebesebe* (which means "not collected")—as money that shall not be returned back."

Explaining the encounter, the editor said, "The one thing that disappointed the bank officials was

ed that the newspaper can publish a correction as a  
however, when the newspaper agreed to publish the  
correction, the person who came on behalf of the bank brought pages full of reports about the  
progress the bank has made throughout the fiscal year.ö Finally, on May 21, 2008 (Ginbot 13,  
2000), the newspaper published a four-line apology and correction on its second page, with dark  
background to make it distinct from other reports on the page and signifying prominence. On the  
correction, the newspaper replaced the word and urged the public to consider the news as money  
ñnot paidö ó for the Amharic ñyaltekefele.ö Editor of *Capital* supported such decision and  
compared publishing a lengthy reply that cites irrelevant topics to ñcompelling journalists to  
publish an advertisement.ö

Two respondents extend their view on request for replies. Thomas, a former reporter to *Menlik*,  
and editor of another weekly, *Moged* (both are not in print now) underlined the fact that some  
complainants want to get their replies by using other illicit means. On an interview conducted on  
June 7, 2008, he said, ñSome people believe that they can overpower and intimidate journalists to  
publish replies or other notes denouncing previous reports.ö He added that giving to such  
requests affects the newspaper's reputation. A colleague, Solomonó interviewed on June 8,  
2008óequated accepting replies under pressure to ñannouncing closure of the newspaper.ö

In a nut shell, the editors suggested criteria that would make a reply publishable, including:

1. It does not have to mention other people with intent to dull their reputation.
2. It does not have to include insulting words.
3. It should meet the time frame set by the newspaper.
4. It should not be lengthy.
5. It should raise issues not related to the original report.
6. It should not publicize or advertise something new.
7. It should not challenge the newspaper's editorial policies.

#### **4.2.5 Instances of Disputes**

Yohannes, a former reporter for the defunct *ABBI Weekly*, interviewed on June 7, 2008, said  
publishing corrections and replies is ethical. He called these remedies as important assets both to

...ing as they are done in the proper way. However, he  
...tion to deny people with publication, it could possibly  
end up with a dispute. Editor of *Reporter* supported this claim and says that people may  
intimidate journalists by saying they will press charges unless they are allowed to put forward  
their views. The editor said, "Even some people think that the law favors them." This is,  
however, notwithstanding the fact that some accuse without requesting for publication of  
corrections or replies.

Entertaining corrections and replies is not always undertaken smoothly. A good example could  
be the instance of the bank which provided a reply pages full of unrelated issues to the original  
report. Although *Reporter* applied its own judgment and only published corrections, the instance  
is one of its kinds to show misunderstanding and misinterpretation of rights. For a replacement of  
a single phrase that the bank considered ambiguous, a reply was requested.

Other cases can also demonstrate better about disputes. The following incidents help to illustrate  
disputes that could have been reversed if prior remedies like correction/replies were applied. The  
first example is related to a report published by *Addis Neger* on January 19, 2008 (Tir  
10,2000E.C.) and a dispute with the reporter, which could have been avoided by publishing  
replies.

The first instance is related to a report that quoted Ambassador of the United States of America  
to Ethiopia, Mr. Donald Yamamoto saying, "(The U.S. government) does not consider Ato Ayele  
Chamiso's CUD as an opposition party." That same week, the party leader, Ato Ayele, called the  
editor and demanded for an exclusive interview denouncing the report; it was not accepted by  
*Addis Neger*. Mesfin said this was unacceptable for Ato Ayele cannot be granted a special  
privilege at the expense of the of the newspapers' editorial independence and credibility. This  
was because the newspaper shall not be ordered by an outsider about its contents. Also, the  
Ambassador did not denounce saying it. Thus, there was no need to incorporate an exclusive  
which they did not want publish.

When this research was in progress, Mesfin mentioned hearing rumors that Ato Ayele had  
pressed charges against the newspaper. The rumor was true. On May 31, 2008 (Ginbot 23, 2000  
E.C.), *Addis Neger* reported the detention of the chief editor, Mesfin Negash, and his deputy  
Girma Tesfaw. The two journalists were taken on Friday, May 30, 2008 (Ginbot 22, 2000 E.C.)

The report about the arrest of the two journalists that lasted for four hours (from 10:30 a.m. to 2:30 p.m.), further stated that it was not a surprise for the news staff. The editorial note published by *Addis Neger*, however, complained on the way the case was handled: "The police should have asked the complainant if he had requested publication of a reply and whether it was denied." So far there was no progress shown on the case being taken to court.

This is one instance of the possibility of using the law against journalists. To the editors, who often see prior remedies like publication of corrections and replies, the application of any law is intimidating. For example, the detention of the two journalists for four hours on a Friday was quite a disturbance for the news staff. The report that announced the detention also reported on how it affected the journalists who were working on a very tight schedule. The journalists were taken on the day the newspaper should be finalized and has to be taken to print.

There is also another disputed case that was taken to court. On May 25, 2008 (Ginbot 17, 2000) *Reporter* published about employees of Dashen Beer Factory who said some of their colleagues were "fired from their jobs" while others are "intimidated" by their superiors. Quoting Ato Dejene Tarekegn, Chairperson of the Workers' Association at the factory, who was later arrested for giving an interview, the newspaper reported that the factory has fired 70 of its workers. Moreover, based on the interview from Ato Dejen, *Reporter* published the suppression the workers' association is experiencing.

Following this report, on September 1, 2008 (Nehase 25, 2000 E.C.), the newspaper reported the arrest of its chief editor. The chief editor, Ato Amare Aregawi, was taken from his office and later that day he was transported to Gondar (780 kilometers from Addis Ababa). He stayed in prison for four days and was taken to court to hear the accusation of defaming the factory. Pending court litigation, he was later bailed. Nonetheless, according to *Reporter*, published later on September 8, 2008 (Puagme 2, 2000 E.C.), a meeting held by workers associations from food, beverages and tobacco factories confirmed the "improper" handling of employees at Dashen Beer Factory, as reported.

## Conclusion

### 5.1 Summary

This section summarizes the study's findings. The text analysis shows that the first press proclamation, Proclamation 34/1992, allows a statutory right of reply (timely and proportional to the original published report) to anyone for "any information or matter" published about him. However, this was raised as a point of contention by critics for the phrase provides ambiguity about what deserves a reply: any information in a report or some report of clearly inaccurate facts. As for corrections, it was only implied on the Proclamation, citing a provision of the Civil Code.

However, as stated by some critics, even the fact that right of reply was a statutory right had its own problems, and one such opposition comes from Andargachew (2007). For him, making a right of reply a statutory right may adversely embroil a media organization in court disputes. Even though the law does not require prior remedies such as "negotiation, arbitration and administrative decision," and does not identify when a right of reply may be invoked, it offered penalties for failing to comply.

With this press proclamation still in place, the government issued two draft press laws in April and June 2003, both known as "A Proclamation to Provide for the Freedom of the Press." But both drew criticism rather than enactment. Like Proclamation 34/1992, both draft laws made the right of reply statutory and called for the application of the same procedure to enforce right to correction. The International press Institute (IPI) advocated self regulation (2003, p.44). This would also be associated to the drawbacks cited; an instance could be failure of the first draft law, similar to Proclamation 34/1992, which does not define what can be eligible for right of reply. The provision of this law only stated that "any information or matter" could be contested and would deserve a right of reply and added that all the requirements of the provision also apply for correction as well.

There was one specific sub-article on the first draft. The case of establishing a press council was raised as an issue on the first draft law for the first time. This was unlike Proclamation 34/1992 that did not give room to other oversight bodies. However, the role of the press council was limited to originating and providing council to the government. But the press council was

not be free for two reasons: the fact that it was intended  
constitute the press council to be drawn from the Federal

government, journalist associations, journalists, publishers and members of the community.

Similarly, editors of nine newspapers condemned the intention of the government that wanted to take a lead in setting up a press council.

The second draft law featured many similarities with the first draft press law, including how soon replies should be published. Also, the two draft press laws had provisions that called for fines for failure to comply with articles that made corrections and replies legally enforceable. However, this did not mean that the two draft laws were quite similar. It was only the second draft law that explicitly stated what deserves a right of reply: "Any factual information or matter injurious to the honor and reputation of any person" (Article 37).

The new press law was enacted on July 1, 2008 with a new title "Right to Correct or Respond." This law had its similarities and differences from previous drafts. One such difference could be the inclusion of correction to the title of the provision, which was only implied on the previous Proclamation and draft laws. There is also one specific provision worth mentioning in the new press proclamation. Although the new proclamation does not mention anything about establishing a press council, it gives guarantee that journalists are endowed with the right to organize in associations of their choice.

Also, to show how the private press is responding to the stipulations of Proclamation 34/1992, the study's benchmark, triangulation of methods was also needed. Text analysis of three selected newspapers shows that they only rarely publish corrections and replies. The editors attributed this to few complaints. The editors said most complaints are often rejected because they are made orally or by phone, which the journalists regard as audience views. Accordingly, any claim which is not submitted in person is not substantial enough to deserve publication.

However, the editors said, publishing corrections and replies could help address harms done. And, they suggest that there should be no justification for accepting corrections if mistakes happened and complaints are lodged. As for replies, they agreed on a list of criteria for accepting or rejecting complaints that demand publication. Nonetheless, they opposed to making replies statutory rights due to lack of clear-cut guidelines that outline how replies could become eligible for publication.

ers misunderstand their right of publishing corrections and  
s notwithstanding assumptions of some complainants  
who tend to use the law against the journalists. Disputes over the reports of *Addis Neger* and  
*Reporter* are instances of such misunderstandings. *Addis Neger* was once accused by a political  
party leader who did not issue replies for publication, but wanted an exclusive interview  
denouncing previous report by the newspaper. During an interview with the editor of the  
newspaper, *Addis Neger*, Mesfin Negash claimed that it is against the editorial policy of their  
newspaper to let others decide the content of their upcoming issues. Also, an editorial note by the  
newspaper also asserted that the newspaper only published a report that the journalist got from  
an official, who did not denounce the report. Thus, there was a need for granting neither an  
exclusive coverage nor a reply in response for a coverage that reported on a view. Still, the editor  
said, the person could have sent his reply for publication.

As for the case of the other newspaper, *Reporter*, the managing editor was also accused by a  
factory for a report it published about workers who said their rights are not respected by their  
employers at the factory. The report was published based on an interview conducted with  
chairperson of the workers' association of the factory. There was no mention of request for  
publishing a reply, but accusation. At the same time a meeting held by other workers'  
associations confirmed the news as it was reported and condemned the factory. This could be a  
major instance to show misuse of the law: accusation before requesting replies.

## 5.2 Conclusion

It can be said that the evolution of regulating corrections and replies in Ethiopia has never been  
open for change. For example, the first press proclamation clearly had some gaps, offering no  
clear cut parameters for making corrections and replies. The law states that "any information or  
matter reported" on a press deserved a reply. However, it does not distinguish between accurate  
and erroneous information, and the statute offers no clue about what deserves a reply. This is, of  
course, problematic for media practitioners who may "out of excessive caution" feel obliged to  
accept all replies.

Due to this, the private media remains susceptible to all sorts of complaints, and many journalists  
would only rely on their editorial policy or individual conscience rather than the law. The private  
media have their own way of using corrections and right of reply to show themselves

formal provisions or codes, the editors have developed a set of informal guidelines they seem to have broadly in common (the criteria for accepting or refusing corrections and replies).

However, developing informal guidelines does not save journalists from disputes. As long as there is a law, anyone should abide by it. Still, the law has primacy over journalists' consensus. In addition to this, the informal guidelines developed by different newspapers may have their own differences. Even, at times the journalists' conscience would be the only guideline for accepting or denying replies. Also, the public might not have a clear understanding of how it should seek a redress. And this would draw complainants to seek an absolute remedy only from the law.

The subsequent draft laws had some drawbacks as well. There was no room left for self-regulation of the press. Even the first draft law that did propose establishment of a press council had its own downsides. Although it seemed to follow Indian model of establishing a quasi-judicial press council (PCI), its only resemblance was the number of members of the council, which in both cases are 29 people. The draft press law failed to prescribe a fully independent council. The intended press council was not a self-regulatory but a body with its proceedings would be determined by the Council of Ministers. Thus, it can be said that the press was not given enough mandate to regulate and determine its activities.

Nonetheless, during the course of the interviews, respondents were implying their hope that a press council would be established and would potentially provide a consistent guideline for regulating corrections and replies, which did not come into existence. This is a fatal flaw of the regulation of the press in Ethiopia. With no arbitration from an independent oversight body, it would possibly mean that all complaints should get resolved in court. And all complaints are expected to be resolved with one side being the winner: the winner takes all.

All the consecutive laws were lacking the basic ingredient of providing the press a platform to exercise independently. Although early newspapers had their own problems of absence of ethical standards and lack of professionalism for various reasons, the law by itself was not setting rules for journalism. It might have set out penalties for failing to accept and publish corrections and replies, but may not provide guidelines that ensure the right way. As Lord Wakeham(1998) said, "The law would allow those who want to extract perhaps hefty damages from newspapers for

the expense of undermining one of the pillars of our  
s, the law may provide a penalty for damages, but cannot

show a guideline for the correct way of amending inaccuracies.

The previous press proclamation had its own failures. As noted redundantly in the research, it did make corrections and replies statutory rights. Also, it was mentioned earlier in the research that the proclamation merely repeated already established articles of the Civil Code and the Penal Code. On the other hand, the recent proclamation seems to give rise to a new thought: it allows journalists to have freedom to join or form professional associations of their choice. Thus, it could also mean that establishment of independent oversight bodies is a real possibility.

This study is not an end to suggesting the way how corrections and replies are or should be handled or should be handled in Ethiopia. It is also not an absolute end to suggest that self-regulation as the best way of making journalists accountable to their reports. As already explained in the literature, even Lord Wakeham asserts that there is no clear cut answer to which is better for regulating the press òwhether law or self-regulation is a better system for the maintenance of a free, responsible press.ö Thus, intention of this research paper was only to show some of the easily notable gaps left by the press laws. As noted above, there is no justification to say that self-regulation is the only solution, nor could press laws ensure accountability to the maximum. But at least, a fair mix of media self-regulation (media codes developed by journalists themselves) and the law may bring about a better freedom and good guideline for the press.

This research has only outlined the evolution and some of the basic aspects underlying the corrections and replies in the Ethiopian case. It also presented views and practices of the private press. The topic is still open for discussion and others may fill the possible areas not touched by the research.

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## Interviews

Interviews were conducted between May 20 and June 3, 2008

1. Mesfin Negash: worked for *Reporter* for four years and is currently a managing editor for *Addis Neger*.
2. Editor of *Reporter*: worked for a newspaper called *ABBI Weekly* and is currently an editor for the Amharic *Reporter*.
3. Editor of *Capital*: Formerly a reporter at the weekly English newspaper, *Fortune* and also for *ABBI Weekly*, he is currently an editor for *Capital*.
4. Thomas Ayalew: This journalist was an editor for two defunct newspapersó *Moged* and *Menlik*.
5. Solomon: Served as a reporter and editor for two defunct newspapersó *Moged* and *Menlik*.
6. Yohannes: Formerly a reporter for the Amharic *Reporter* and *ABBI Weekly*.

## **A PROCLAMATION TO PROVIDE FOR THE FREEDOM OF THE PRESS**

### **PROCLAMATION No. 34/1992**

WHEREAS the existence, promotion and expansion of a free and strong press are prerequisites for the full translation into practice of freedom of expression;

WHEREAS free press, not only provides a forum for citizens to freely express their opinions, but also plays a prominent role in the protection of individual and peoples' rights and the development of a democratic culture as well as in affording citizens the opportunity to form balanced views on various topical issues and to forward their opinions on the directions and operations of government:

WHEREAS press can play this role only when appropriate conditions are created under which it can operate freely and responsibly without any censorship and restrictions of a similar nature;

WHEREAS, to this effect, it is necessary to issue the appropriate law providing for the freedom, rights and duties of the press;

NOW, THEREFORE, in accordance with Article 9 (d) of the Transitional Period Charter of Ethiopia, it is hereby proclaimed as follows:

### **PART ONE**

#### **General**

##### **1. Short Title**

This Proclamation may be cited as "Press Proclamation No. 34/1992".

##### **2. Definitions**

In this Proclamation, unless the context otherwise requires:

1. "Press" means any establishment of mass medium activity such as newspapers, magazines, periodicals, journals, pamphlets, news agencies, radio, television, motion pictures, pictures, films, cartons, books, music, electronic publishing, plays and includes all media of mass communication;
2. "Journalist" means any person who is engaged as an editor, reporter, cartoonist, graphic

...nician exercising such professional activity as seeking, information;

3. "Safety of the State" means the national security of the State;
4. "Person" means any natural or juridical person.

### **3. Freedom of the Press**

1. Freedom of the press is recognized and respected in Ethiopia.
2. Censorship of the press and any restriction of a similar nature are hereby prohibited.

### **4. Purposes of the Press**

1. Press stands for the pursuit of fundamental freedom, peace, democracy, justice, and equality and for the acceleration of social and economic development.
2. Accordingly, press:
  - a. Gathers and disseminates news;
  - b. Expresses opinions on various issues;
  - c. Forwards criticisms on various issues
  - d. Participates in forming public opinion by employing various other methods
  - e. Undertakes other activities necessary for the accomplishment of its purposes.

## **PART TWO**

### **Right to Engage in Press Activities**

#### **5. Right to carry on Press Activity**

1. Any person who is an Ethiopian national may singly or jointly with other persons having Ethiopian nationality, carry on any press activity.
2. Sub-article 1 of this Article does not affect:
  - a. The right of any person who is an agent of a foreign press to gather reports of events in Ethiopia and to transmit same to his organization abroad;
  - b. The right of embassies, international organizations and foreign aid organizations to carry on such press activities as are necessary and customary for the accomplishment of their missions.

1. Any Ethiopian national who desires to carry on any press activity shall be registered in accordance with the law appropriate to the nature of the press activity he intends to carry on.
2. Where the purpose in respect of which an organization is registered requires for its accomplishment, the carrying on of any press activity, such organization shall, for the purpose of this Proclamation, be deemed to have been registered in respect of such press activity.
3. Where the activity given by law to any government office or organization requires the carrying on of any press activity, such office or organization shall, for the purpose of this Proclamation, be deemed to have been registered.
4. The relevant provisions of the Commercial Code shall apply to any press activity carried on professionally and for gain.

#### **7. Requirement of Press License**

1. Any person registered in accordance with Article 6 of this Proclamation who is prepared to commence any press activity shall have to obtain a license issued by the Minister of Information or, in the case of any press whose circulation is confined within the limits of a regional self-government, by the Information Bureau of the regional self-government. The application for license shall contain the following particulars:
  - a. The name of the proprietor of the press;
  - b. The editor-in-chief and the deputy editor-in-chief of the press;
  - c. The type of press activity;
  - d. The address of the head office of the press;
  - e. The name of the press;
  - f. The name and address of the publisher.
2. The Minister of Information or the regional Information Bureau shall issue the license within 30 days from the date of submission of application for a license. The License shall be deemed granted where the Minister or the Information Bureau fails to issue it within this time limit.
3. The allocation and utilization of radio waves shall be determined by law to be issued in

n of presently existing press.

4. The proprietor of a press shall forthwith notify the licensing authority of any changes made in the particulars referred to under sub-article 1 of this Article.

5. A license once issued shall unless suspended or cancelled by an order of the court, be renewed automatically annually upon payment of the prescribed renewal fee.

## **PART THREE**

### **Right of Access to Information**

#### **8. Right of the Press to Have Access to, and to Disseminate Information**

1. Any press and its agents shall, without prejudice to rights conformed by other laws, have the right to seek, obtain and report news and information from any government source of news and information.

2. Any press and its agents shall have the right to disseminate news, information and other products of press in their possession.

3. Sub-articles 1 and 2 of this Article shall not apply to:

a. Information designated as secret by the Council of Representatives or the Council of Ministers;

b. Information which is secret by virtue of other laws;

c. Unless the court decides otherwise, information relating to any case heard by a court in camera;

d. Information relating to a case pending before any court;

e. Unless the person concerned consents, information which is private to a victim of a crime;

4. a) The publisher or the editor of any press may not be compelled to disclose the source of any news or information which has been used in the preparation of his press.

b) The court may order the publisher or editor of the press to disclose his source of information in the case of a crime committed against the safety of the state or of the administration established in accordance with the Charter or of the national defense force, constituting a clear and present danger, or in the case of proceedings of a serious crime, where such source does not



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the outcome of the case.

#### 2. Right of Reply

1. Where any information or matter concerning any person is reported in a press, such person shall have the right to reply in the press in which the report appeared.
2. The press in which such report appeared shall give to the person concerned the opportunity in due time to make a reply proportionate to the report and in such manner that those who knew about the original report can readily notice the reply.
3. The provisions of sub-articles 1 and 2 of this Article shall not affect the provisions of Article 2049 of the Civil Code.

## **PART FOUR**

### **Responsibilities of the press**

#### **10. Ensuring the Lawfulness of the Contents of Press Products**

1. Every press has the duty to ensure that any press product it circulates is free from any content that can give rise to criminal and civil liability.
2. Without prejudice to the generality of sub-article 1 of this Article, any press shall have the duty to ensure that any press product it issues or circulates is free from:
  - a. Any criminal offence against the safety of the State or of the administration established in accordance with the Charter or of the national defense force;
  - b. Any defamation or false accusation against any individual nation/nationality, people or organization;
  - c. Any criminal instigation of one nationality against another or incitement of conflict between peoples; and
  - d. Any agitation for war.
3. Responsibility for carrying out the duties specified under sub-articles 1 and 2 of this Article shall lie as follows:
  - a. In the case of a periodical press such as a newspaper, magazine or journal, on the concerned editor, journalists or publisher;

se specified under this sub-article 3(a), on the publisher;

c. In the case any press product disseminated by radio or television, on the concerned journalist and program editor.

### **11. Keeping a Record of Authors**

1. Any press shall keep a record of the name and address of the author or editor of every press product.
2. Where the author or editor of any press product uses a pen name, this shall be indicated in a prominent place in the press product itself.

### **12. Matters to be Indicated in Press Products**

1. a) Any press which disseminates its press product through publication shall print the name and address of the proprietor of the press, the names, addresses and residence of the editor-in-chief, the deputy editor-in-chief and the publisher.
- b. In the case of press products disseminated in other types of press, the name and address of the publisher as well as the name of the editor shall be printed in an appropriate place.
2. Where any press reproduces any news or report originating from a news agency or any press product obtained from any specified source, the proprietor responsible for the press product including the editor shall be declared.
3. Where any change occurs in the proprietor, editor, journalist or any other member of any press, such change and the full names of the substitutes shall be declared in the press.
4. Where any press disseminates any press product for consideration, it shall show such press product under a "classified" column or in any such manner as can clearly indicate this fact.

### **13. Gratuitous Copies**

Every press shall, within not more than twenty-four (24) hours of dissemination, submit two gratuitous copies of every press product it disseminates:

- a. To the head of the Information Bureau of the region where dissemination is confined within the limits of a region; or
- b. To the Minister of Information where dissemination extends beyond the confines of a region.

1. Responsibilities of press arising from criminal offences and/or civil damages shall be as laid down in the Penal Code and the Civil Code.
2. Notwithstanding any other law to the contrary:
  - a. The concerned press as an organization shall have joint liability for any criminal acts committed and/or any civil damages caused by press.
  - b. Where, in any civil suit, the liability of any press for any civil damage is established pursuant to this sub-article 2(a), the court may award, in the case of a non-profit making press, reasonable compensation having regard to the seriousness of the damage, and, in the case of a profit-making press, compensation up to double the capital of the press registered under the Commercial Code, having regard to the seriousness of the damage.

## **PART FIVE**

### **Taking of Lawful Measures**

#### **15. Powers of the Prosecutor**

1. The prosecutor of the Central Government or of a region as the case may be, may where he has sufficient reason to believe that a press is ready to disseminate any illegal press product which may cause serious damage, enjoin the dissemination of such press product.
2. Whenever any measures of enjoinder are taken pursuant to sub-article 1 of this Article, such measure shall be submitted to the Central High Court or to the regional high court, as the case may be, within not more than twenty-four (24) hours of taking the measure.
3. The prosecutor shall be legally liable for any unjustified exercise of his powers under this Article.

#### **16. Powers of the High Court**

1. The Central High Court or a regional High Court may, upon receipt of a measure of enjoinder in accordance with sub-article 2 of Article 15:
  - a. Where it finds that the press products is illegal and can cause serious damage, prohibit the dissemination of the press product or, where necessary, order its confiscation and destruction within a fixed time; or

8. where it finds that the press product is not illegal or that it cannot cause serious damage, quash the measure of enjoinder taken by the prosecutor of the Central Government or by a regional prosecutor.

2. The court shall render its decision within forty-eight (48) hours of the submission to it of the case.
3. The decision of the court shall be executed within seventy-two (72) hours unless a stay of execution is ordered by an appellate court.
4. Any court order issued in accordance with sub-article 1(a) of this Article, shall not affect any criminal and/or civil suits against the person responsible under criminal and/or civil law.

## **PART SIX**

### **Miscellaneous Provisions**

#### **17. Imported Press Products**

1. Any press product imported into Ethiopia shall be deemed to have been made in Ethiopia.
2. The importer, distributor and vendor, other than a person who permanently imports exclusively for his personal use, shall be liable for any criminal or civil offence arising from such press product as follows:
  - a. In the case of civil suits, jointly or severally;
  - b. In the case of criminal suits, punishment of one precludes punishment of the other.

#### **18. Transitory Provisions**

Every press which is established prior to the coming into force of this Proclamation and which is undertaking any press activity shall register in accordance with Article 6 and obtain license in accordance with Article 7 of this Proclamation within ninety (90) days from the effective date hereof.

#### **19. Duty to Cooperate With the Press**

Government officials shall have the duty to cooperate with the press in furtherance of the

## 20. Penalty

1. Where any press is found to have failed to carry out its duties under sub-articles 1 and 2 of Article 10 of this Proclamation, the person liable pursuant to sub-article 3 of Article 10 shall, without prejudice to the liabilities and penalties under the Penal Code, be punishable with imprisonment for not less than one (1) year and not more than three (3) years or with a fine of not less than Birr ten thousand (Birr 10,000) and not more than fifty thousand (Birr 50,000) or with both such imprisonment and fine.
2. Where any press is found to have contravened the provisions of Articles 6 and 7 of this Proclamation, the proprietor, the publisher or the editor-in-chief of the press shall be punishable with imprisonment not exceeding two (2) years or with fine not exceeding Birr ten thousand (Birr 10,000).
3. Where any press is found to have failed to carry out its duties under sub-article 2 of Article 11 and Part Four of this Proclamation, the proprietor, publisher or editor -in-chief of the press shall be punishable with imprisonment not exceeding one (1) year or with a fine not exceeding Birr five thousand (Birr 5,000) or with both such imprisonment and fine.
4. Whosoever violates or obstructs the implementation of this Proclamation, otherwise than is provided for under sub-articles 1, 2 and 3 of this Article, shall be punishable in accordance with the Penal Code.

## 21. Jurisdiction

The interpretation of this Proclamation and the principles relating to the press laid down in other laws shall lie within the jurisdiction of:

1. The regional High Court where the matter relates to a press whose dissemination is confined within the limits of a region;
2. The Central High Court where the matter relates to a press whose dissemination extends beyond the confines of a region.

## 22. Conflict with Other Laws



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or practices inconsistent with this Proclamation shall not herein.

### **23. Effective Date**

This Proclamation shall enter into force on the date of its publication in the Negarit Gazeta.

## THE FIRST DRAFT LAW

### CL 18 The right to give response

1. If a press reported about a person or a certain situation the concerned body has the right to give response without any payment.
2. In a daily newspaper, the editor-in-chief or his rep. should publish the response without any correction within three days after receiving the reply or within nine days if it is a weekly paper. If it doesn't fall within the above categories, it has to put out the response on the upcoming issue. If it is a radio or television program the editor, the journalist who produced this program and the producer have to present the response in the next program or in a similar program within 14 days from the day they received the response. The response should have relation with the report or the information and it should keep its legality and balance. The response should not be more than twice of the report. As presented on sub-article 1 of this article, if the report or the information is disseminated through the election process the deadline is shortened to 24 hours for 3 days period and the 14 day time gap is shortened to 48 hours. However, this sub-article will be applied if the press received the response 6 hours before the press products goes to print or the program was transmitted.
3. Anyone prohibited from responding can open his case to the court to force the editor or the reporter or program producer to publish his paper.
4. The court has to give decision within 10 days after receiving the application. But when any type of election is held, the court has to decide within 24 hours.
5. The court gives decision based on the application, in addition to giving order the response should be printed the producer of the press should be punished the punishment stated by the law for obeying the rule.
6. The rules stated in this article will not violate civil code number 2049.
7. Issues related to responding rights and that are mentioned in the above articles will be implemented only three months following the publication of the paper,



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will be applied if anyone tables complaints regarding the  
on.

9. Anyone prohibited from responding can open his case to the court to force the editor or the reporter or program producer to publish his paper.

## **Section 4**

### **Cl. 20 The Press Council**

It is proclaimed that a Press Council is formed. Keeping in mind Cl. 19/1/2, the task of the council is to originate and provide council to the government. It will also look into complaints regarding the press. The Press Council, It will promulgate regulations and guidelines that will be used to make decisions regarding complaints forwarded on the press. It is also obliged to come up with solutions regarding harmful practices of the press. It will make sure that the press gets information, that its independence is not curtailed. Furthermore, it should find remedies for practices that hinder the flow of information among the people. The Press Council is composed of 29 members of the Federal government, journalist associations, journalists, publishers and members of the community. The duties and obligations of the council and the election of officers will be decided by a regulation to be promulgated by the Council of Ministers.

## THE SECOND DRAFT LAW

### 37. Right of Reply

1. Where any factual information or matter injurious to the honor and reputation of any person is reported in a press, such person shall have his reply inserted, free of charge in publication in which the report appeared;

a. The editor or his deputy shall have a duty to publish free of charge and without correction any reply addressed to him, in case of a daily newspaper within three days of receipt or, in case of a weekly newspaper within nine days of receipt and in other publications in the next issue appearing after receipt;

b. Where the statement which has given rise the reply is made in broadcasted radio or television program, the responsible program editor shall, free of charge and without correction, insert the reply in the next part of the program or other similar program within fourteen days of receipt.

c. Any reply should be proportional, relevant to the report that has given rise to it and shall have a lawful content.

d. If the report or information is disseminated during the election process, the time limit referred to in sub-article (1)/a/ and/b/ shall be reduced, in the case of the three days limit to twenty four hours, in the case of fourteen days limit to forty eight hours.


e. The provisions of sub-article (1)/d/ shall only apply when the reply is submitted to the press six hours before the publication goes to print or the program on which it is to appear on air.

2. Any person whose right of reply is refused may apply to the court to compel the chief editor to insert the reply in the press.

3. The court before which the application is lodged shall give its decision within ten days from the day the petition is submitted to it, however, during election period the court shall pronounce its decision within twenty four hours.

4. The court may, when the responsible person under article 40 refuses to comply with its order to insert the reply, render him liable to punishment.

5. The provisions of this article shall not affect the provision of article 2049 of the civil code.



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3/,4/and /5/ are applicable only if the request for  
within three months from the day the report which has  
given rise to it was published or went on air.

7. The provisions of this article shall mutatis mutandis apply to enforce the right of a person to correct any falsely reported factual statement regarding him

## **THE NEW PRESS PROCLAMATION**

**(Endorsed by parliament on July 1, 2008)**

### **Article 38: Right to Correct or Respond**

1. A person whose honor and good name has suffered through a factual report in a mass media outlet has the right to respond in the same mass media outlet free of charge;
  - a. The editor or the person delegated by him has the duty to publish the response within three days if it is a daily newspaper, within 9 days if it is a weekly newspaper or in the next issue of the publication if it is another publication;
  - b. Where the report on which the response is based was transmitted in a television or radio program, the editor has the duty to transmit the response without editing and free of charge in the next part of the program or in a similar program within 14 days of receiving the response;
  - c. The response should be related to the report, appropriate and of legal content;
  - d. Where the report was disseminated at the time of elections, the 3 day period indicated under sub-articles /a/ and /b/ shall be reduced to 24 hours and the 14 day period to 48 hours;
  - e. The provisions of sub-article 1 /a/ will be applicable only where the response was received by the press not less than six hours before the publication or program in which the response is to be issued has been sent for printing or due to be aired.
2. Any person deprived of the right to respond may petition the Court to compel the editor or the publication or program to issue the response.
3. The Court having received the petition shall render a decision within 10 days. However, where the petition was submitted at the time of elections, the Court shall render a decision on the issue within 24 hours.
4. The Court may impose penalties where the person responsible under the provisions of the Criminal Code is not willing to issue the response.
5. The provisions of this article do not preclude the application of article 2049 of the Civil Code.
6. The provisions of sub-articles /1/ through /5/ of this article will only be applicable where the



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to the press within three months from the publication of  
ce.

7. The provisions of this article will similarly be applicable to the right of any person to cause the correction of press reports concerning him and that are factually incorrect.