

Resolution on the Need for a Study on the Extent of Implementation of the ACHPR Soft Laws on Access to Information in Africa - ACHPR.Res.581 (LXXVIII)2024

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 78th Private Ordinary Session, held virtually from 23 February to 08 March 2024:

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Underscoring that freedom of expression and access to information are fundamental human rights guaranteed by Article 9 of the African Charter;

Reaffirming Article 1 of the African Charter which provides that "Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them;"

Recalling the adoption of relevant soft law instruments on access to information in Africa including the Declaration of Principles on Freedom of Expression and Access to Information in Africa, the Model Law on Access to Information for Africa, and the Guidelines on Access to Information and Elections in Africa;

Cognizant of the Commission's Resolution on Securing the Effective Realization of Access to Information in Africa;

Conscious that access to information is important for the realization of all other human rights, including socio-economic rights, in addition to the potential of this right to contribute to the socio-economic transformation of the continent;

Recognizing the role of new digital technologies in the realization of the right to access to information and the role of open government data in fostering transparency, efficiency and innovation;

Noting Resolution on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa which, inter alia, tasked the Special Rapporteur to analyze national media legislation, policies and practice within Member States, monitor their compliance with freedom of expression and access to information standards and advise Member States accordingly;

Concerned that, despite the potential of access to information legislation to foster good governance through enhancing transparency, accountability and the participation of persons in public affairs, including exposing corruption and issues associated with underdevelopment on the continent, the adoption of national legislation on access to information in Africa has not progressed meaningfully;

Wanting to have credible data on the status of access to information in Africa and its relationship to the implementation of the Commission's soft law documents;

Intent on improving the special mechanism's interventions on access to information in Africa with the aid of research conducted;

The Commission:

- i. **Decides** to task the Special Rapporteur on Freedom of Expression and Access to Information in Africa to undertake a study on the extent of implementation of the ACHPR soft laws on Access to information in Africa;
- ii. **Requests** the Special Rapporteur to report on progress made on the study at a forthcoming ordinary session;
- iii. **Appeals** to all stakeholders to cooperate with the Special Rapporteur and support this study.

Done virtually, 08 March 2024