

ACHPR/Res.99(XXXX)06: RESOLUTION ON THE SITUATION OF FREEDOM OF EXPRESSION IN AFRICA

The African Commission on Human and Peoples' Rights meeting at its 40th Ordinary Session, held in Banjul, The Gambia, from 15 - 29 November 2006,

Emphasizing that freedom of expression is a fundamental human right guaranteed on the one hand by Article 9 of the *African Charter on Human and Peoples' Rights* which provides that every individual shall have the right to receive information and express and disseminate his opinions within the law, and on the other hand, by the *Universal Declaration of Human Rights* (in particular, in its Article 19), the *International Covenant on Civil and Political Rights* (in particular, in its Article 19) and other treaties, resolutions, international instruments and national constitutions;

Recalling ACHPR/Res.62 (XXXII) 02 on the adoption of the *Declaration of Principles on Freedom of Expression in Africa* (2002) which elaborates on the nature and on the content and extent of the right to freedom of expression provided for under Article 9 of the *African Charter*;

Reaffirming the fundamental importance of freedom of expression and information as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms; as well as the need to ensure the full realization of the right to freedom of expression and information in Africa;

Concerned that, despite the adoption of the above-mentioned *Declaration of Principles on Freedom of Expression in Africa* and recent regional instruments, there has been a deterioration of the situation of freedom of expression in some parts of the African continent;

Concerned by recent reports of on-going and widespread violations of the right to freedom of expression by some States Parties to the Charter;

Concerned by the harassment, threats and intimidation of media practitioners, undue political interference with the media, victimisation of media houses deemed critical of government policies, seizure of publications and destruction of equipment, and the closure of private media establishments;

Concerned by the adoption of repressive laws or amendment to existing legislation that limit freedom of expression and the free flow of information;

Concerned by reports of disappearances, arbitrary arrests and detention of journalists and media practitioners, in some cases *incommunicado* and for extended period of time without charges or due process;

Particularly concerned about allegations of murder of journalists with impunity, torture and other forms of ill-treatment as well as death in custody of media practitioners;

1. **CALLS ON** Members States to take all necessary measures in order to uphold their obligations under the *African Charter on Human and Peoples' Rights* and other international instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* providing for the right to freedom of expression;
2. **CALLS ON** Members States to extend their full collaboration with the mandate of the Special Rapporteur on Freedom of Expression in Africa, in order to strengthen the right to freedom of expression on the African continent and work towards the effective implementation of the principles enshrined in the *Declaration of Principles on Freedom of Expression in Africa* and other applicable human rights standards in the region in order to achieve this goal.