

ACHPR/Res.122(XXXII)07: RESOLUTION ON THE EXPANSION OF THE MANDATE AND RE- APPOINTMENT OF THE SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 42nd Ordinary Session held from 15 - 28 November 2007, in Brazzaville, Republic of Congo;

Recalling its mandate to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Emphasizing that the right to freedom of expression and information is a fundamental human right guaranteed *inter alia* by Article 9 of the African Charter;

Underlining that Article 9 of the *African Charter* provides for every individual's right to express and disseminate his opinions within the law but also encompasses the right to receive information;

Recalling the adoption of the *Declaration of Principles on Freedom of Expression in Africa*, at its 32nd Ordinary Session held from 17 - 23 October 2002, in Banjul, The Gambia, which elaborates on the nature, content and extent of the right to freedom of expression and access to information provided for under Article 9 of the *African Charter*;

Echoing Principle I (1) of the *Declaration of Principles on Freedom of Expression in Africa* which provides that 'freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy';

Recalling Principle IV of the *Declaration* which elaborates on the right to freedom of information and sets a series of principles according to which the right shall be guaranteed by law;

Reaffirming the commitment of the African Commission to promote the right to freedom of expression and access to information and monitor the implementation of the *Declaration of Principles on Freedom of Expression in Africa* within Member States of the African Union;

Recalling the Resolution on the Mandate and Appointment of a Special Rapporteur on Freedom of Expression in Africa adopted at its 36th Ordinary Session held from 23 November - 7 December 2004 in Dakar, Senegal;

Considering that the term of Commissioner Faith Pansy Tlakula as Special Rapporteur on Freedom of Expression in Africa comes to an end on 5 December 2007 and the need for continuity;

Confirming that the right to access to information, which is a component of the fundamental right to freedom of expression, is indeed covered by the mandate of the Special Rapporteur;

Concerned that only a few African States have adopted legislation enabling the public and media access to information held by government and other public institutions or freedom of information laws;

DECIDES to renew the mandate of the Special Rapporteur on Freedom of Expression in Africa with the following amended title: ***Special Rapporteur on Freedom of Expression and Access to Information in Africa*** and to entrust the Special Rapporteur with the mandate to:

- analyse national media legislation, policies and practice within Member States, monitor their compliance with freedom of expression and access to information standards in general and the *Declaration of Principles on Freedom of Expression in Africa* in particular, and advise Member States accordingly;
- undertake fact-finding missions to Member States from where reports of systemic violations of the right to freedom of expression and denial of access to information have reached the attention of the Special Rapporteur and make appropriate recommendations to the African Commission;
- undertake promotional country Missions and any other activities that would strengthen the full enjoyment of the right to freedom of expression and the promotion of access to information in Africa;
- make public interventions where violations of the right to freedom of expression and access to information have been brought to her attention, including by issuing public statements, press releases, and sending appeals to Member States asking for clarifications;
- keep a proper record of violations of the right to freedom of expression and denial of access to information and publish this in her reports submitted to the African Commission; and
- submit reports at each Ordinary Session of the African Commission on the status of the enjoyment of the right to freedom of expression and access to information in Africa.

DECIDES FURTHER to re-appoint Commissioner **Faith Pansy Tlakula** as the *Special Rapporteur on Freedom of Expression and Access to Information in Africa* for a period of two years effective 28 November 2007.

