

ACHPR/Res.166 (XLVII) 10: RESOLUTION ON THE DETORATING SITUATION OF FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

The African Commission on Human and Peoples' Rights (the African Commission) meeting at its 47th Ordinary Session, held in Banjul, The Gambia, from 12 – 26 May 2010,

Recalling its mandate to promote and protect human and peoples' rights under 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*, and other international and regional human rights treaties, with particular reference to Article 19 of the *Universal Declaration of Human Rights*, and Article 19 of the *International Covenant on Civil and Political Right*;

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 scope of Article 9 of the *African Charter*;

Recalling further Resolutions on the Situation of Freedom of Expression in Africa: ACHPR/Res.54 (XXIX) 01, adopted at its 29th Ordinary Session in Tripoli, the Great Socialist People's Libyan Arab Jamahiriya, from 23 April to 7 May 2001; and ACHPR/Res.99 (XXXX) 06, adopted at its 40th Ordinary Session held in Banjul, The Gambia, from 15 to 29 November 2006, respectively;

Noting that freedom of expression and access to information are not only fundamental human rights, but also important components for the promotion of participation, accountability and democracy on the continent;

Concerned by the continuous violations of the right to freedom of expression and access to information on the continent, including: arbitrary arrests and detention, prosecution, kidnapping, imprisonment, harassment, intimidation, extra-judicial killings, disappearance, death threats, physical attacks and suspension of journalists and media practitioners; banning or destruction of media houses, and unlawful closure of newspapers that criticise the government;

Further concerned that many States Parties to the African Charter adopt repressive laws which impose unwarranted restrictions to publish materials, and encourage government interference with the Media. Consequently limiting the enjoyment of freedom of expression and access to information;

Deeply concerned about the deteriorating state of freedom of expression and access to information in Africa;

1. **Calls** on AU Members States, to take all necessary measures to uphold their obligations under the *African Charter* 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 and access to information;
2. **Urges** AU Members States, to implement the *Declaration of Principles on Freedom of Expression in Africa*;
3. **Urges** AU Member States to adopt legislations that promote and protect the rights to freedom of expression and access to information, guided by international and regional standards which would act as a check to curtail undue violations of these rights;
4. **Appeals** to AU Member States to investigate allegations on violations of the rights of freedom of expression and access to information, particularly in relation to the death of detained journalists, and bring perpetrators to justice;
5. **Calls** on journalists and Media Practitioners to be professional, ethical, and accountable for their actions, so as to ensure credibility in their reporting and to avoid irreparable harm to the State and individuals;
6. **Ultimately urges** AU Members States, to collaborate with the Special Rapporteur on Freedom of Expression and Access to Information in Africa, to address and prevent restrictions to the right to freedom of expression and access to information, and realise a concerted move towards a continent, free from repressive media laws and conflict;
7. **Urges** AU Member States and Media Practitioners to engage in a dialogue, aimed at improving the situation of freedom of expression and access to information on the continent.