

# Special Rapporteur on Freedom of Expression and Access to Information in Africa - 51OS

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## ACTIVITY REPORT

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### THE SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

*Presented during the 51<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' Rights*

**Banjul, The Gambia, 18 April - 2 May 2012**

#### Introduction

1. This Report outlines the activities undertaken by the Special Rapporteur on Freedom of Expression and Access to Information in Africa (the Special Rapporteur) during the intersession period, November 2011 to April 2012.
2. The Report is divided into three (3) parts: **Part I** gives an overview of achievements/challenges of the Special Rapporteur during her 1<sup>st</sup> term of office-2005-2011, **Part II** covers the activities undertaken by the Special Rapporteur in the period under review; and **Part III** deals with the planned activities of the Special Rapporteur.

#### PART I

##### **Overview of achievements/challenges of the Special Rapporteur during her 1<sup>st</sup> term of office-2005-2011.**

3. The Special Mechanism on Freedom of Expression was established at the 36<sup>th</sup> Ordinary Session of the African Commission held in Dakar, Senegal from 23 November to 5 December 2004.[\[1\]](#)
4. **Adv Pansy Tlakula** was appointed as the Special Rapporteur on Freedom of Expression pursuant to the **Resolution on Freedom of Expression in Africa ACHPR/Res.84 (XXXXV) 05**, adopted at the 38<sup>th</sup> Ordinary Session of the African Commission held from 21<sup>st</sup> November to 5<sup>th</sup> December 2005 in Banjul, The Gambia;
5. The mandate of the Special Rapporteur on Freedom of Expression was amended to include Access to Information by **ACHPR/Res.122 (XXXXII) 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**, adopted during the 42<sup>nd</sup> Ordinary Session of the African Commission held from 15 - 28 November 2007, in Brazzaville, Republic of Congo.

6. The Plan of Action of the Special Rapporteur which identified all the areas of focus was adopted by the African Commission in 2006, after she took charge of the mandate. Her achievements therefore fall under the following heads, which are also part of her Plan of Action:

***Access to information-adoption of Access to Information Laws by States Parties.***

7. The Special Rapporteur undertook to encourage States Parties to the African Charter (States Parties) to adopt Access to Information Laws and commends States Parties that have already adopted such laws. Furthermore, in line with her mandate to “*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,*” [2] the Special Rapporteur has made it a practice to give an audit of the status of adoption of Access to Information legislation in Africa every reporting period.[3]

8. In order to assist States Parties to draft their laws on Access to Information in accordance with regional and international standards, the Special Rapporteur made comments on draft Bills related to Access to Information in order to amend them.

9. Furthermore, it would be recalled that the African Commission adopted **Resolution 167 (XLVIII)** on “*Securing the Effective Realization of Access to Information in Africa,*” which amongst other things, authorised the Special Rapporteur to initiate the process of developing a model Access to Information Law in Africa. On the basis of this Resolution, the Special Rapporteur has since started the process of developing this Model Law as reported in her Activity Reports submitted during the 49<sup>th</sup> and 50<sup>th</sup> Ordinary Session of the African Commission.[4] Consultations on the Model Law have already taken place in the East, West, South, and Central sub-regions of Africa.

10. Although the Model law process is still to be completed, it has already created a very positive impact for the African continent. In this regard, according to the Right to Information Rating, “*The African Union’s Draft Model Law for AU Member States (which has not yet been finalised) sets a high standard with 138 points out of 150, while the average for the region’s ten access to information laws is 91 out of 150..*” [5]

11. Since undertaking this project, the following countries have adopted Access to Information Law: The Republic of Guinea, the Republic of Liberia, the Federal Republic of Nigeria, and the Republic of Niger. Meanwhile, **the following countries still have Bills pending adoption;** Botswana, Burundi, Egypt, Ghana, Kenya, Malawi, Mozambique, Rwanda, Senegal, Sierra Leone, South Sudan, Tanzania, Tunisia, and Zambia.

12. In March 2012 however, ECOWAS started the process of adopting a Regional Legal Framework for Freedom of Expression and the Right to Information in West Africa.

13. The Legal Framework will go a long way to supplement Freedom of Information Laws that have been adopted by the **Republic of** Guinea, the Republic of Liberia, the Republic of Liberia, Federal Republic of Nigeria, the Republic of Niger, and subsequent laws that will be enacted by West African countries.

14. In this regard, the Special Rapporteur commends the progress made by ECOWAS, and hopes that it will be emulated by other sub-regional bodies in the continent.

*Complementing efforts of the AU to encourage Member States to ratify the African Charter on Democracy, Elections, and Governance*

15. The Special Rapporteur has also been very instrumental in the coming into effect of the African Charter on Democracy, Elections and Governance (the African Charter on Democracy). As reported in her Activity Report presented during the 50<sup>th</sup> Ordinary Session, in order to give impetus to the initiatives of the AU to get as many countries as possible to ratify the African Charter on Democracy, the sub-regional Consultative meetings on the Model law included a discussion on the said Charter and strategies to fast track its ratification.

16. As a matter of fact, the Republic of Zambia ratified the African Charter on Democracy on 31 May 2011, coincidentally after the Consultative Meeting in Maputo, Mozambique, and deposited the instrument of ratification to the AU on 8 July 2011.

17. It is worth noting and celebrating that on 15 February 2012, the African Charter on Democracy finally came into effect after the 15<sup>th</sup> instrument of ratification was deposited by the Republic of Cameroon.

#### *Collaboration with UN and other international mandates on Freedom of Expression*

18. The gains of the mandate of the Special Rapporteur also emanate from her cooperation with Special Rapporteurs from other systems, namely: the Special Rapporteur for Freedom of Expression in the Inter-American Commission for Human Rights, the Representative on Freedom of the Media in the Organization for Security and Co-operation in Europe and the Special Rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression of the United Nations (UN).

19. In the spirit of collaboration, every year, the Special Rapporteurs issue joint Declarations. The most current being the Declaration on Freedom of Expression and the Internet issued on 1 June 2011.

20. The Special Rapporteur was also part of the UN Inter Agency Meeting on “*The Safety of Journalists and the Issue of Impunity*” which took place on 13 September 2011, in Paris, France, at UNESCO Headquarters, which was also attended by her counter-parts.

#### *Strengthen collaboration with African Peer Review Mechanism,*

21. The Special Rapporteur, in collaboration with Article 19 organized a workshop aimed at strengthening collaboration between the African Commission and the African Peer Review Mechanism (APRM), in the sidelines of the 48<sup>th</sup> Ordinary Session which took place from 10 to 24 November 2010, in Banjul, The Gambia.

22. Following the said Workshop, the African Commission adopted **ACHPR/Res168 (XLVIII) 2010: Resolution on the Cooperation between the African Commission on Human and Peoples’ Rights and the African Peer Review Mechanism** during its 48<sup>th</sup> Ordinary Session. **The Special Rapporteur was** appointed as the focal point between the African Commission and the APRM to coordinate and enhance cooperation between the APRM and the African Commission.

#### *Monitor situation of Freedom of Expression and Access to Information*

23. Since her appointment, the Special Rapporteur has sent about sixty (60) urgent letters of Appeal to over forty (40) States Parties in the continent. These letters relate to the following issues: Intimidation, harassment, kidnapping, threats, unwarranted detention/arrest and murder of journalists and media practitioners, closure of newspapers and media houses.

24. Some of the letters also expressed concerns about the content of laws related to freedom of expression and access to information, and called for an amendment of such laws to bring them in line with *the African Charter, and the Declaration*.

## Challenges

25. Despite the achievements made by the Special Rapporteur in her mandate, there are still some challenging aspects of her work attributed, but not limited to the following:

1 Adoption of restrictive Media legislations by some States Parties with a potential to restrict the enjoyment of the right to freedom of expression in general, and media freedom in particular;

2 The slow pace of the adoption of Access to information laws by States Parties;

3 Lack of responses from some States Parties on the Appeals of the Special Rapporteur;

4 The safety of journalists; and

5 Failure by some States Parties to implement the recommendations of the Special Rapporteur.

## Conclusion

26. The situation of freedom of expression and access to information in Africa over the last decade has deteriorated and continues to pose challenges in the continent. Since her appointment in 2005, the Special Rapporteur has taken a series of actions to protect the rights of victims of human rights violations related to freedom of expression and access to information, through transmitting urgent letters of Appeal to States Parties, and generally, through her operational modalities. Other actions include interacting closely with stakeholders who keep her abreast with the situation of the right to freedom of expression and access to information in Africa.

27. Her collaboration with Non-Governmental Organizations (NGOs) and other stakeholders has gone a long way to strengthen and support her mandate, and has set a pace for various initiatives, some of which are still ongoing.

## PART II

### Intersession Activities

28. Activities of the Special Rapporteur during the reporting period are divided into two (2) sections: **Section one** deals with festivals, meetings, campaigns and workshops attended by the Special Rapporteur. **Section two** reports on the urgent letters of Appeal the Special Rapporteur transmitted to States Parties addressing alleged violations of freedom of expression and access to information that were brought to her attention. This part also includes the response received from the Republic of The Gambia regarding the urgent letter of Appeal addressed to the same

#### Section one

##### *International Festival of Freedom of Expression and the Press – (FILEP 2011)*

29. On **23 November 2011**, the Special Rapporteur was invited to the International Festival of Freedom of Expression and the Press – (FILEP 2011) in Ouagadougou, Burkina Faso. The Theme of the festival was “*Media, Election, Democracy and Governance in Africa.*”

30. During the Festival, the Special Rapporteur was requested to Chair a Panel discussion on Access to Information/African Platform on Access to Information. Due to unforeseen circumstances however, the Special Rapporteur’s presentation was made in *absentia*.

##### *Oral submissions at the Press Freedom Commission of South Africa on the regulation of print Media*

31. On **1 February 2012**, the Special Rapporteur made a submission at the Press Freedom Commission of South Africa, in Johannesburg, South Africa. The Commission has been established by the Print Media to investigate the ways of strengthening the self-regulatory mechanisms of print media. In her submission, she advocated for an effective self regulatory system instead of statutory regulation.

*Experts Meeting on the Safety of Journalists*

32. From **28 February to 1 March 2012**, the Special Rapporteur was invited to participate at the “*Experts Meeting on the Safety of Journalists*,” in Cambridge, United Kingdom.

33. The Expert Meeting was held in preparation of the Report of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution of the United Nations (UN) to be submitted to the Human Rights Council in May 2012. The Report focuses on the killing of journalists. The Special Rapporteur was requested to make an input on the killing of journalists in Africa.

*Launch of the new Kenyan Guidelines for Election Coverage*

34. On **2 April 2012**, the Special Rapporteur was invited by the Media Council of Kenya, to participate in the launch of the new Kenyan Guidelines for Election Coverage in Nairobi, Kenya. She made a presentation on “*How and why the media and the Electoral Commission must closely work together throughout the election process to make an election successful.*”

## **Section two**

*Urgent letters of Appeal*

35. In line with her mandate to “*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,*” the Special Rapporteur forwarded urgent letters of Appeal to the Republic of The Gambia, Republic of Liberia, and the Somali Republic during the period under review.

*Republic of The Gambia*

36. The Special Rapporteur received information that former Minister of Information and Communication of the Republic of The Gambia, **Dr. Amadou Scattred Janneh**, was allegedly arrested and detained with three other individuals, namely: **Modou Keita, Ebrima Jallow, and Micheal C. Ucheh Thomas**, on Tuesday 7 June 2011. They were arrested for allegedly printing and distributing T-shirts with a slogan: “*Coalition for Change The Gambia, End Dictatorship Now.*” It is alleged that before the arrest of Dr. Janneh, his home was ransacked by agents of the National Intelligence Agency.

37. It is alleged that, on Count one and two (Treason), Dr. Janneh is to serve life imprisonment, while on Counts three and four (Seditious acts), he, and the other three individuals are to serve three years in prison with hard labour. It is further alleged that pain and trauma is being inflicted on the families of the printers, who by virtue of the fact that they printed the t-shirts, are being criminalized by the state authorities.

38. In the letter of Appeal transmitted to His Excellency, Professor Sheikh [Yahya A.J.J. Jammeh](#), President of the Republic of The Gambia on 22 March 2012, in which she mentioned that she had not made any conclusions on these allegations, the Special Rapporteur underlined **Principles I (1) and II** of the *Declaration on the principles of Freedom of Expression (the Declaration)*. This Principle states that Freedom of Expression and Information, “*Is a fundamental and inalienable human right and an indispensable component of democracy*” and

*“Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society”.*

39. She also highlighted **Principle XII** of the *Declaration* which provides that:

*No one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;*

*Public figures shall be required to tolerate a greater degree of criticism; and*

*Sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others*

40. The Special Rapporteur respectfully urged the Government of the Republic of The Gambia, to repeal or review the laws in the Criminal Code to conform with the *African Charter*, the *Declaration*, the Constitution of the Gambia and other regional and international instruments that relate to freedom of expression and association.

41. She also made an appeal for the President of The Gambia to use His powers to pardon Dr. Janneh who has been sentenced to life imprisonment, as well as the other three individuals who have been sentenced to three years imprisonment, and release them from jail.

42. Finally, the Special Rapporteur made a request to meet with the Government of The Gambia, so as to engage with its officials, in a constructive dialogue on the situation of freedom of expression in the country.

*Response from the Government of The Gambia*

43. We are pleased to report that on 13 March 2012, the Special Rapporteur received a full response from the Government of The Gambia to the urgent letter of Appeal. The Government also acceded to the request by the Special Rapporteur for an audience with the Government, to engage in constructive dialogue on the situation of freedom of expression in the Gambia.

44. We wish to express our gratitude to the Government of The Gambia for the response and invitation, and hope that other States Parties will emulate the Government of The Gambia by responding to the correspondences from the African Commission.

*Republic of Liberia*

45. On 8 March 2012, the Special Rapporteur received information regarding alleged death threats to Ms. Mae Azango, a Reporter for the daily newspaper, *FrontPage Africa*, and [New Narratives](#), a project supporting independent media in Africa in the Republic of Liberia.

46. According to the allegations Mae Azango, published an [article](#) on 8 March 2012 entitled “*Growing Pains: Sande Tradition of Genital Cutting Threatens Liberian Women’s Health*,” which described how tribes practice Female Genital Mutilation (FGM) on as many as two out of every three girls in the Republic of Liberia. It is alleged that after the article was published, Mae Azango received death threats. She purports; “*They left messages and told people to tell me that they will catch me and cut me so that will make me shut up;*” “*I have not been sleeping in my house.*” According to reports, the personnel of the newspaper, *FrontPage Africa* also received threatening phone calls.

47. In an urgent letter of Appeal transmitted to Her Excellency Mrs. Ellen Johnson Sirleaf President of the Republic of Liberia on 22 March 2012, the Special Rapporteur highlighted **Principle XI (1) and (2)** of the *Declaration* which provide that:

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.

2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.

48. The Special Rapporteur therefore respectfully urged the Government of the Republic of Liberia to kindly inform the African Commission of the progress it had made, or is making, to investigate the above allegations because failure to prosecute the perpetrators would amount to condoning or encouraging the practice of FGM in the country. She also urged the Government of the Republic of Liberia to inform the African Commission of the steps it has taken to ensure the safety of Mae Azango.

49. A response is still awaited with respect to this urgent letter of Appeal.

#### *Somali Republic*

50. Between December 2011 and January 2012, the Special Rapporteur received allegations that attacks and intimidation of journalists in the Somali Republic have increased considerably. According to reports, the governing entities in Somalia's Transitional Federal Government (TFG) continue to violate the rights of journalists in Southern Somalia. They are allegedly responsible for the arbitrary arrests of journalists, restraining them from accessing news in areas within the TFG offices, and undermining private media houses.

51. Reports allege that on 18 December 2011, **Abdisalan Sheik Hassan**, a Reporter from Horn Cable TV and evening news Presenter for Radio Hamar was murdered outside Horn Cable's Mogadishu offices. The murder was purportedly related to his coverage of political events in Somalia. Furthermore, **Hassan Osman Abdi** was allegedly murdered on 28 January 2012 in Mogadishu. He was a Senior Journalist, Director of Shabelle Media Network and also acclaimed for sighting politically complex issues and corruption within public institutions.

52. According to reports, attacks on journalists are allegedly common in war-ravaged Somalia, including numerous attacks in the Northern semi-autonomous region of Puntland.

53. In an urgent letter of Appeal transmitted to the His Excellency Sharif Ahmed, President of the Somali Republic on 16 March 2012, the Special Rapporteur underscored **Principles I (1) and II, XI (1) and (2)**, as well as **XII** of the *Declaration*.

54. Accordingly, she urged the Government of the Somali Republic to kindly inform the African Commission of the progress it has made, or is making to curb harassments, intimidation and detention of journalists and media practitioners in the country, who are only carrying out their profession, in compliance with the *African Charter* and the *Declaration*. The Special Rapporteur also appealed to the Government of the Somali Republic, to ensure that perpetrators of the murder mentioned above are brought to book.

55. A response is also still awaited from the Government of the Somali Republic in relation to the said urgent letter of Appeal.

### **PART III**

#### **Planned activities**

56. It is the view of the Special Rapporteur that stakeholders should be informed about planned activities of Special Mechanisms to solicit their support.

57. The Special Rapporteur has identified a number of activities that will be carried out during of her term as the mandate holder. Some of these activities are still to be confirmed pending the availability of funds and other logistics. These are the following.

*Continuation of the Model Law on Access to Information and Access to Information Project*

58. The Special Rapporteur plans to continue the process of finalising the Model Law on Access to Information. As reported in her last Activity Report presented during the 50<sup>th</sup> Ordinary Session of the African Commission, consultations on the Model Law have already taken place in most regions in Africa, except North Africa where the Consultative Meeting will take place in June 2012.

59. Furthermore, after the North African Regional Consultation, the Model Law will be submitted to the African Commission for adoption at the 52<sup>nd</sup> Ordinary Session. Thereafter, sensitisation meetings will be held with the following organisations and Institutions:

i. The African Union (AU) Organs and Institutions, including the AU Commission to explore the best approach to integrate the Model law into the existing legal framework of the AU;

ii. The Pan African Parliament (PAP) to discuss the content of the Model Law, explore avenues of generating awareness on its existence among parliamentarians on the continent and encouraging the adoption of Access to Information legislation which conform to the key principles of the Model Law;

iii. NEPAD/APRM so that the right of access to information could be included in the APRM process; and

iv. Regional Economic Communities.

60. In addition to the meetings above, the Special Rapporteur also plans to carry out engagement/advocacy visits to some of the countries that are in the process of adopting Access to Information laws, namely: Botswana, Egypt, Ghana, Mozambique, Rwanda, Sierra Leone and Zambia. The *rationale* for the visits is to encourage these countries to adopt laws which comply with the minimum standards provided by the Model Law as well as identify the necessary steps that must be taken to create an environment for the implementation of these laws.

61. The Special Rapporteur will also hold training/meetings to strengthen implementation in countries with Access to Information laws.

*Decriminalisation of Libel/defamation Laws in Africa*

62. Article 9 of the African Charter provides that: “Every individual shall have the right to receive information” and “Every individual shall have the right to express and disseminate his opinions within the law.”

63. **Principle XII (1)** of the *Declaration* provides that;

*States should ensure that their laws relating to defamation conform to the following standards:*

- *no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;*



- *public figures shall be required to tolerate a greater degree of criticism; and*
- *sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.*

64. **Principle XIII (1)** of the *Declaration* also provides that: “States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.”

65. The African Commission also adopted a Resolution **ACHPR/Res.174 (XLV111)10: Resolution on Repealing Criminal Defamation Laws in Africa**, during its 48<sup>th</sup> Ordinary Session, held in Banjul, The Gambia from 10 to 24 November 2010. Amongst other things, the Resolution called on States Parties to repeal criminal defamation laws or insult laws which impede freedom of speech.

66. Some legislative provisions criminalise certain types of speech (defamation and other types of ‘insult’, sedition, false news) on the continent, which are used by government officials, politicians, and corporate interests, to punish disapproved legitimate critical expression. In this regard, the Special Rapporteur finds it crucial to support civil society and other interested actors in advocating for the repeal of such laws.

67. The objective of the project is therefore to advocate for the decriminalization of libel or defamation laws, especially since the Declaration of Table Mountain (DTM) commits its signatories, and advocates for the right to freedom of expression to work towards decriminalizing such laws.

68. The project will be launched on 5 May 2012 in Tunis, Tunisia, in the margins of World Press Freedom Day, organised by UNESCO. The Launch will be attended by all the Special Rapporteurs mentioned in paragraph 18 of this Report.

#### *Expansion of the Declaration to include Access to Information*

69. **Principle I(1)** of the *Declaration* 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.*

70. **Principles I (1) and II (2)** of the *Declaration* respectively state that Freedom of Expression and Information, “*is a fundamental and inalienable human right and an indispensable component of democracy*” and “*any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society*”. **Principle I (2)** of the *Declaration* also provides that “*Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.*”

71. In this regard, putting Access to Information on equal footing with Freedom of Expression in the *Declaration* will accentuate the importance of both rights which justifies the *raison d’etre* of expanding the *Declaration*.

#### *Strengthening collaboration with the APRM*

72. This would take forward the work that has already started as reflected in paragraphs 21 and 22 above.

#### *Celebration of the 10<sup>th</sup> Anniversary of the adoption of the Declaration*

73. Marking the 10<sup>th</sup> Anniversary of the *Declaration* will create more awareness of the same and hopefully prompt/encourage States Parties to comply with its Principles. The Activities to mark the 10<sup>th</sup> anniversary of the adoption of the *Declaration* will include an assessment of the enjoyment of the right to freedom of expression since its adoption, a colloquium and an award to the most outstanding woman for the promotion of the right to freedom of expression.

### **Conclusion**

74. In view of the fact that issues concerning the mandate of the Special Rapporteur continue to evolve, her responsibilities become more and more challenging. This notwithstanding, the Special Rapporteur remains committed to achieving her purpose of making freedom of expression and access to information a reality in Africa.

75. The Special Rapporteur thanks all partners who have supported her throughout the first term of her mandate-including States Parties, Department of Political Affairs of the AU, NGOs-in particular, the Centre for Human Rights, University of Pretoria; all regional journalists Associations, and development partners, especially Open Society in all its formations. Without their support, the mandate of the Special Rapporteur would not have achieved what it has to date.

76. The Special Rapporteur request them and other stakeholders to continue to support her mandate as she embarks on the journey of making the rights to freedom of expression and access to information a reality for the people of Africa.

### **Conclusion and recommendations of the Report**

77. The right to freedom of expression and access to information are without doubt core values of a democratic society. In other words, they are fundamental to the reality and consolidation of democracy. However, Africa continues to experience a steady and worrying erosion of these rights. This has impacted negatively on accountability and transparency of Governments.

78. The Special Rapporteur therefore calls on States Parties to provide greater access to information and ensure that the right to freedom of expression is guaranteed according to international and regional standards. A concrete way forward to the pushback against freedom of expression and access to information is to enact enabling national laws and implement these laws. It is hoped that once the Model Law is adopted, States Parties will be willing to use the law to bench mark their own laws.

79. Furthermore, the Special Rapporteur congratulates all States Parties that have ratified the African Charter on Democracy, and hopes that now that it is in force, efforts will be redoubled to ensure its implementation. She calls on States Parties who have not yet ratified the said Charter, to do so as soon as possible.

80. The Special Rapporteur would like to note that various initiatives have been taken, and continue to be taken in the African Human Rights System to promote the right to freedom of expression, including the *Declaration* of the African Commission which has developed standards and principles that supplement Article 9 of the *African Charter*. However, such initiatives will only remain on paper if States do not mainstream them in their national laws, and if stakeholders do not use them to create awareness of the importance of the right it sets out to protect. Accordingly, the Special Rapporteur is calling on all stakeholders to use the *Declaration* as a basis for all issues related to freedom of expression.

81. The Special Rapporteur would also like to appeal to individuals and NGOs to submit complaints to the African Commission related to freedom of expression and access to information, so as to improve/expand its jurisprudence in this area of the law.

82. As is the practice in her past Reports, the Special Rapporteur continues to make an appeal to States Parties to ensure that criminal defamation and insult laws are either repealed or amended so as to bring them in line with international and regional standards.

83. Finally, she once again urges all States Parties who have received her urgent letters of Appeal and Recommendations, to act on them and report on the measures they have taken to implement them.

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[1] Any further information concerning the Special Rapporteur on Freedom of Expression and Access to Information, including her previous reports can be assessed on the website of the African Commission on Human and Peoples' Rights, [www.achpr.org](http://www.achpr.org)

[2] See 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 adopted during the 42<sup>nd</sup> Ordinary Session of the African Commission that took place in Brazzaville, Congo from 15 to 28 November 2007, available at [http://www.achpr.org/english/resolutions/resolution122\\_en.ht](http://www.achpr.org/english/resolutions/resolution122_en.ht).

[3] See the past Activity Reports of the Special Rapporteur on the website of the African Commission.

[4] See paragraphs 7 to 9 of the Special Rapporteur's Activity Report submitted during the 49<sup>th</sup> Ordinary Session of the African Commission, and paragraphs 8 to 18 of her Activity Report presented to the 50<sup>th</sup> Ordinary Session

[5] See "RTI Rating Examines International RTI Frameworks" available at [www.RTI-Rating.org](http://www.RTI-Rating.org). See also <http://www.law-democracy.org/>