

ACHPR/Res.71(XXXVI)04: RESOLUTION ON THE MANDATE AND APPOINTMENT OF A SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION IN AFRICA

The African Commission on Human and Peoples' Rights meeting at its 36th Ordinary Session held from 23rd November to 7th December 2004, in Dakar, Senegal;

Recalling the Resolution on Freedom of Expression adopted at its 29th Ordinary Session held from 23rd April to 7th May 2001, in Tripoli, Libya to initiate an appropriate mechanism to assist it review and monitor adherence to freedom of expression standards and to investigate violations and make appropriate recommendations to the African Commission;

Recalling the Declaration of Principles on Freedom of Expression in Africa adopted at its 32nd Ordinary Session held from 17th to 23rd October 2002, in Banjul, The Gambia;

Recalling further the decision taken at its 33rd Ordinary Session held in Niamey, Niger from 15 – 29 May 2003 to nominate a Focal Point responsible for overseeing any activity relating to the implementation of the Declaration of Principles on Freedom of Expression in Africa in line with the resolution adopting the Declaration;

Bearing in mind the recommendations of the Johannesburg Consultative Meeting on Freedom of Expression held in Johannesburg in August 2003 and the African Conference on Freedom of Expression held in Pretoria in February 2004;

Recalling the decision taken at its 35th Ordinary Session held from 21 May – 4 June 2004, in Banjul, The Gambia to postpone the appointment of a Special Rapporteur on Freedom of Expression pending the elaboration of an appropriate mandate;

Reaffirming the commitment of the African Commission on Human and Peoples' Rights to promote the right to freedom of expression and monitor the implementation of the Declaration of Principles on Freedom of Expression in Africa within Member States of the African Union;

1. **Decides** to appoint a Special Rapporteur on Freedom of Expression in Africa with the following mandate:
 - a. analyse national media legislation, policies and practice within Member States, monitor their compliance with freedom of expression standards in general and the Declaration of Principles on Freedom of Expression in particular, and advise Member States accordingly;
 - b. undertake investigative missions to Member States where reports of massive violations of the right to freedom of expression are made and make appropriate recommendations to the African Commission;

- c. undertake country Missions and any other promotional activity that would strengthen the full enjoyment of the right to freedom of expression in Africa;
 - d. make public interventions where violations of the right to freedom of expression have been brought to his/her attention. This could be in the form of issuing public statements, press releases, urgent appeals;
 - e. keep a proper record of violations of the right to freedom of expression and publish this in his/her reports submitted to the African Commission; and
 - f. submit reports at each Ordinary Session of the African Commission on the status of the enjoyment of the right to freedom of expression in Africa.
2. **Further decides** to appoint Commissioner Andrew Ranganayi Chigovera as Special Rapporteur on the Right to Freedom of Expression in Africa for the remainder of his mandate;
3. **Calls upon** Member States of the African Union to take all necessary measures to ensure the protection of the right to freedom of expression and to include information on measures taken to ensure the enjoyment of the right to freedom of expression in their periodic reports to the African Commission;
4. **Urges** Member States of the African Union to co-operate with and assist the Special Rapporteur in the performance of his tasks and to provide all necessary information for the fulfilment of his mandate;
5. **Invites** its Members to incorporate the issue of freedom of expression in their promotional activities to Member States;
6. **Requests** the African Union to provide adequate resources, assistance and support for the implementation of this Resolution.

Adopted at the 36th Ordinary Session of the African Commission on Human and Peoples' Rights in Dakar, Senegal, on 7th December 2004.