

ACHPR/Res.128(XXXII)07: RESOLUTION ON FREEDOM OF EXPRESSION AND THE UPCOMING ELECTIONS IN ZIMBABWE

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

Recalling further Article 9 of the African Charter which provides that every individual shall have the right to receive information and to express and disseminate his opinions within the law;

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;

Emphasising that respect for the right to freedom of expression includes respect for a free press, freedom of association and access to information, which are pre-requisite for free, fair and credible elections;

Recalling the *OAU/AU Declaration on the Principles Governing Democratic Elections in Africa*, adopted on 8 July 2002 at the 38th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Durban, South Africa,

Recalling the recommendations issued by the African Commission following its fact-finding mission to Zimbabwe in June 2002, in particular those underlining the need to create an environment conducive to democracy and human rights;

Noting with appreciation the statement made by the Zimbabwean delegate, on 16 November 2007, at the 42nd Ordinary Session of the African Commission, held in Brazzaville, Republic of Congo, that, as a result of the ongoing dialogue between the Government of Zimbabwe and opposition political parties, a number of laws are in the process of being amended;

Welcoming the adoption of the African Charter on Democracy, Elections and Governance (the Charter on Democracy), at the 8th Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in Addis Ababa, Ethiopia, on 30 January 2007,

Noting that, in accordance with Article 2(10) of the Charter on Democracy, its objectives include the promotion of "the establishment of the necessary

conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs”;

Underlining that, according to Article 17 (3) of the Charter on Democracy, by ratifying the latter, States Parties re-affirm their commitment to regularly hold transparent, free and fair elections in accordance with the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa and, to this end, shall *inter alia* “Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections”;

Underlining further that Article 27 (7) and (8) of the Charter on Democracy provide that, in order to advance political, economic and social governance, States Parties shall commit themselves to the “Development and utilisation of information and communication technologies” and to “Promoting freedom of expression, in particular freedom of the press and fostering a professional media”;

Encourages the Government of the Republic of Zimbabwe to ensure that it creates conditions conducive to free, fair and credible elections, through, *inter alia*, pursuing the ongoing dialogue with opposition political parties on a number of laws that are in the process of being amended;

Requests the Government of the Republic of Zimbabwe to ensure that contesting parties and candidates for elections are given equitable access to state controlled media;

Avails itself to work with the Government of the Republic of Zimbabwe in order to achieve this.