

## Turning freedom of expression resolutions into reality

Rights such as freedom of expression and access to information are often associated with journalists, but they belong to everyone. It takes strong commitment to ensure they become reality, not just words on paper.

By Pansy Tlakula <sup>3</sup> May 2016



2016 is a significant year for Africa. It marks the 30th anniversary of the African Charter on Human and Peoples' Rights and the 25th anniversary of the Windhoek Declaration on press freedom. The African Union (AU) has also declared 2016 as the Year for Human Rights with an emphasis on women's rights.

As we celebrate these milestones, it's important to reflect on our achievements while looking at the challenges still ahead – particularly around the rights to freedom of expression and access to information.

Both the African Charter and the Windhoek Declaration provide a sound framework for the realisation of freedom of expression and information as well as press freedom.

The Charter grants every individual the right to receive information and the right to express and disseminate his or her opinion within the law. The main thrust of the Declaration is to promote an independent and pluralistic media. It stresses that freedom of expression and information are fundamental aspects of human aspiration and recognises that an independent press is essential for a participatory democracy.

### Principles of Freedom of Expression in Africa

In 2002, the African Commission on Human and Peoples' Rights (ACHPR) adopted the Declaration of Principles on Freedom of Expression in Africa, in collaboration with civil society organisations led by Article 19. It was meant to expand the scope of the right to freedom of expression and access to information in the African Charter. A few years later, the Special Rapporteur on Freedom of Expression in Africa was established to monitor its implementation.

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Over the years, the Declaration of Principles has been used extensively on the African continent and elsewhere. Its principles serve to promote and protect the right to freedom of expression and access to information. Principle IV of the Declaration says: "Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information."

This statement debunks the idea that the right to information is meant only for journalists. It is a right for all us, playing a vital role in fostering democracy, good governance, transparency and accountability. It is a prerequisite to the enjoyment of economic and social rights.

Without information, people cannot access government services or exercise their right to vote. Without information, the cultures of secrecy embedded in many governments across the globe remain in place.

## **Free expression – a critical foundation**

Like the right to information, the right to freedom of expression is necessary for the enjoyment of all other human rights. In addition, it enables the media and others to shine a spotlight on corruption, poor administration and service delivery, and mismanagement of public funds.

Unfortunately in most countries, a number of laws limit the right to free expression, and journalists who exercise this right still sometimes must flee their countries, and are harassed, arrested and intimidated – even murdered.

The African Commission has over the years adopted a number of resolutions regarding freedom of expression and press freedom. They include the 2010 Resolution on the Deteriorating Situation of Freedom of Expression and Access to Information in Africa and the Resolution on the Safety of Journalists and Media Practitioners in Africa, from 2011.

The Commission has also adopted a number of country resolutions condemning violence against journalists including resolutions around freedom of expression and elections in Zimbabwe, regarding attacks against journalists and media practitioners in Somalia, and on freedom of expression in the Kingdom of Swaziland

Of course, resolutions are not enough. In commemorating the 25th Anniversary of the Windhoek Declaration, all of us should double our efforts to ensure that the right to freedom of expression and information becomes a living reality for all the people of Africa.

## **Resolutions vs reality**

But it takes time to translate declarations, no matter how forceful, into action. So far, very few countries in Africa have adopted laws that strengthen the right to information.

To assist African states in drafting national legislation, in 2013 the ACHPR adopted the Model Law on Access to Information. It reinforces the principle that the right to information is a right for everyone in the country – not only citizens. It calls for transparency in public administration and with regards to private organisations financed publicly or which perform a public function, such as private water or electricity providers.

Currently, 17 countries have adopted access to information laws, but this is only a third of the countries in Africa. And the implementation of these laws remains a struggle even in countries where they've been adopted.

## **Reason to celebrate**

While a lot still needs to be done, we have to celebrate our achievements. On 17 November 2015, the UNESCO General Conference declared 28 September the International Day for Universal Access to

Information. African civil society organisations played a crucial role in this major initiative.

We must lobby the AU to endorse this declaration at its summit in June this year. This will be a fitting commemoration of 2016 as the Year for Human Rights.

We should use this milestone to recommit ourselves to living the ideals of the African Charter, which provides in its preamble that “freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African Peoples”. This will be a fitting tribute to all those who sacrificed their lives to keep us informed.

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## ABOUT THE AUTHOR

Pansy Tlakula is the Chairperson of the African Commission on Human and Peoples' Rights (ACHPR) and its Special Rapporteur on Freedom of Expression and Access to Information.

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