

RESOLUTION ON FREEDOM OF EXPRESSION AND PROTECTION OF JOURNALISTS

We, Participants at the NGO Forum in preparation of the 48th Ordinary Session of the African Commission on Human and Peoples' Rights; from 7th – 9th Nov. 2010, in Banjul, The Gambia,

Considering that article 9 of the African Charter on Human and Peoples' Rights guarantees freedom of expression;

Considering that the Declaration of Principles on the freedom of expression in Africa (Declaration) reiterates the importance of freedom of expression in promoting and protecting fundamental human rights and democratic values;

Considering that the Declaration enjoins member states to prevent attacks and intimidation of journalists and media practitioners and to fully investigate crimes perpetrated against them;

Considering that the Declaration urges member states of the African Union to review criminal restrictions on content that inhibit the free flow of information and prevent open debate on issues of national interest;

Considering the role of the media and journalists in promoting free speech, and accountability and assisting people to make informed choices;

Considering that despite progress in some parts of the Continent, major setbacks have been noted especially with the wave of anti-terrorism and national security legislation.

Deeply concerned about the:

- continued deterioration of freedom of expression in many parts of Africa in 2010;
- Increased and continued killings of journalists and associated media personnel in Africa, particularly in Somalia, Nigeria, Angola, Uganda and the Democratic Republic of Congo;
- lack of independence of the judiciary and its detrimental consequences on Freedom of Expression (FOE) and media rights in many African Countries, particularly in Tunisia, The Gambia, Burundi, Uganda and the Democratic Republic of Congo;
- the existence of repressive legal provisions such as false news, seditious libel, criminal defamation;
- enactment of new emergency and terrorism laws in many African countries;
- increasing pressure on journalists to disclose their source of information;
- use of indirect restrictions and abuse of administrative procedures i.e. taxes, licensing equipments, unfair allocation of advertisement and frivolous legal actions among others;

Condemning

- the harassments, threats, intimidations, arbitrary arrests, illegal detentions, kidnapping, beatings, jailing and censorship of journalists particularly in Eritrea, Egypt, The Gambia,

Togo, Cameroon, Tunisia, Burundi, Democratic Republic of Congo, Uganda, Nigeria, Zimbabwe and Somalia;

- the ill-treatment of journalists in prison and the lack of appropriate medical assistance, which led in the past to the death of journalists in prison in Eritrea, DRC and Cameroun.
- the continued detention of journalist Fahem Boukaddous despite serious health challenges; disappearance of Chief Ebrima Manneh of the Gambia since 2006; and the continued detention of Dozens of Eritrean Journalists despite a decision of the ACHPR;
- The recent attempt by the South African Government to create a statutory media regulatory body as well as the Protection of Information Bill which if passed without amendments will undermine the implementation of the Access to information law and will have a negative impact on the rest of the Continent.

Supporting

- Existing self regulatory bodies and any other initiatives to set up such bodies in African Union member states according to Article 9 of the Banjul Declaration on Freedom of Expression;

Commending

- The African Union Commission (AUC) in cooperating with the Federation of African Journalists (FAJ) in promoting safety and protection of African journalists;
- The government of Liberia for the passage of a Right to Information Act;
- All governments that have repealed seditious libel and criminal defamation laws;

Welcoming the African Union Commission's stance on promoting press freedom illustrated by the Commission's statement marking the World Press Freedom day on 3 May 2010;

Endorsing the outcome of the continental Workshop on Safety and Protection of African Journalists organized by the Federation of African Journalists and the department of Communications and Information of the African Union Commission in collaboration with ARTICLE 19 and International Trade Union Confederation – African Regional Organization (ITUC-Africa) in September 2010 in Addis Ababa;

We hereby call on the African Commission on Human and Peoples' Rights to:

1. Follow up its decisions on communications and resolutions and ensure that members states comply with them;
2. Endorse the Declaration of Table Mountain (DTM) adopted by World Association of Newspapers and News Publishers (WAN-IFRA) in Cape Town in 2007 to repeal in all African Countries insult and criminal defamation laws;
3. Convene at the next session of the African Commission of Human and Peoples Rights a high level panel on freedom of expression and protection of journalists;
4. Take all necessary measures to ensure that member states comply with their obligations under the African Charter and the Declaration of principles on the Freedom of expression in Africa;

5. Call for the intervention of the Special Rapporteur on Freedom of Expression and Access to Information and the Chair of the Commission to provide technical support and guidance to South Africa in its deliberation on these potential threats to Freedom of Expression;
6. Call upon member states of the African Union to adopt freedom of Information law and repeal all laws and provisions that inhibit free speech;
7. Call upon member states of the African Union to respect the provisions of their various constitutions with regards to the independence of the judiciary and separation of powers;
8. Put pressure on African Union member states to release all journalists and other Free Expression advocates in detention and make the safety and protection of journalists a priority;
9. Encourage African governments to respect the plurality of the print media and allow state broadcasters to operate as true independent public service broadcasters.
10. Pressurize member States of the African Union to probe all violent actions against journalists which have occurred in their territories when their armed or security forces may have been involved in them;
11. Urge the African Union and its member states to adopt the proposed resolution on safety and protection of African journalists in the upcoming African Union summit.
12. African Union member States to investigate crimes against journalists and bring perpetrators to justice; and to offer witness protection for those testifying against perpetrators;
13. Call on member states of the African Union to release all prisoners of conscience imprisoned for peaceful exercise of their rights of expression, assembly and association;