

KAMPALA DECLARATION OF PAN-AFRICAN CONFERENCE ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

INTRODUCTION

On 25-26, March 2017 over 50 civil society leaders from 29 countries met in Kampala during the Pan African Conference on Freedom of Expression and Access to Information in Africa. The conference was organised by the African Union-European Union (AU-EU) Civil Society Steering Committee on Human Rights and Democratic Governance and hosted by the Africa Freedom of Information Centre (AFIC) and the Government of Uganda with support from the European Union.

Recognizing the special role freedom of expression and access to online and offline information play in enhancing other human rights, rule of law and democratic rule;

Reaffirming the fundamental right to freedom of expression and access to online and offline information, as enshrined in Article 19 of the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) as well as under Article 9 of the African Charter on Human and Peoples' Rights;

Welcoming the commitment of both the African Union and European Union to promote the right of freedom of expression and access to online and offline information in their 2014-2017 Roadmap;

Acknowledging that 22 African Union member states have so far adopted comprehensive freedom of information laws and 16 states have adopted data protection laws;

Deeply concerned by the threats, harassment, intimidation, physical violence and even killings of journalists continue while carrying out their journalism work;

Stressing that many cases of attacks, intimidation and killing of journalists are neither investigated nor perpetrators punished;

Recalling the United Nations General Assembly Resolution, A/RES/68/163 adopted at the 68th Session proclaiming November 2 as the International Day to End Impunity for Crimes against Journalists;

Acknowledging the significant contribution of the African Commission on Human and People's Rights (ACHPR) human rights protection mechanisms in its efforts to protect freedom of expression and access to online and offline

information, including the practices of urgent communications and country visits, and its collaboration with civil society;

Deeply disturbed by the continued violation of the rights of human rights defenders in the various sub-regions of Africa, in their efforts to promote and protect universal right to freedom of expression, where they are routinely subjected to harassment, stigmatisation, arbitrary arrest, unfair trials and torture;

Welcoming the recent ruling by the African Court of Human Rights in a freedom of expression case holding that defamation should be criminalized only in limited circumstances and that imprisonment for defamation violates the right to free speech;

AT THE END OF CONFERENCE, THE PARTICIPANTS:

The African Union and the European Union have in the last decade jointly made clear efforts to guarantee human rights in general and freedom of expression, right to access online and offline information and the right to privacy and data protection.

However, there is still a gap between policy pronouncements and practice on the ground. Cases of violence, attacks, harassment and undue prosecution of journalists, media workers, and human rights defenders are on the rise.

Also, many States continue to retain laws that are inimical to their international human rights obligations. These have resulted in shrinking civic space, recession in democratic practice and a high number of journalists and human rights activists/defenders who have been killed or forced into exile.

The growing democratic deficit has caused continued and growing state secrecy which has led to an increase in lack of trust in public institutions.

It is our belief that we can reverse these trends if we dialogue and engage with each other-States, Inter-Governmental bodies, CSOs and media.

Recommendations to the African Union

Initiate and/or support processes and mechanisms that:

- Ensure the African Union Commission and the other AU bodies establish a clear and comprehensive access to information framework;

- Popularise ratification, support for, and implementation of the African Charter on Democracy, Elections and Governance, and the five other treaties that recognise the right to information;
- Support ratification and implementation of laws and practices that protect the right to privacy and data protection, starting with the African Convention on Cybersecurity and Personal Data Protection;
- Support processes that will facilitate AU member states to make special declarations allowing citizens and civil society organisations direct access to the African Court on Human and People’s Rights;

Recommendations to EU

Support programmes, initiatives and platforms for civil society organisations working in Africa including but not limited to:

- Combating corruption, violence, persecution, harassment and intimidation of individuals, including journalists and other media actors, because of their exercise of the right to freedom of expression online and offline and contribute to end impunity for these crimes,
- Laws and practices that protect freedom of opinion and online and offline expression ;
- Laws and practices that protect the right to privacy and data protection;
- Laws and practices that protect the right of access to information;
- Media freedom, diversity and pluralism and foster an understanding among public officials, especially security agencies and judicial officials, and other government on the role of the media in a democratic society;
- Ensure that human rights including freedom of online expression, right to privacy and right to access online and offline information, are properly integrated/mainstreamed in trade policies and programmes.

Recommendations to AU Member States

- The governments in Africa to bring an immediate end to all forms of harassment, intimidation and attacks on journalists and advocates of freedom of online and offline expression;

- African governments must ensure that domestic legislation conforms with African and international standards of freedom of expression;
- African governments must initiate thorough, impartial and effective investigations into killings of journalists to tackle impunity for crimes committed against journalists;
- African governments to implement, in good faith and in a timely manner, decisions and rulings of the African Commission of Human and People's Rights and the African Court of Human and People's Rights respectively as well as other such bodies;
- Promote media pluralism and diversity and any regulatory actions must seek to promote and protect media freedom;
- African governments to adopt policy and legal measures to guarantee, respect and protect citizens' right to information and freedom of expression through access to affordable Internet services;

Recommendations to Civil Society [and All Media Organisations]

- Support the professionalization of media in their respective countries and across the nations;
- Develop programmes that utilise access to information as a tool to enhance public service delivery as espoused in AU Agenda 2063 and the UN SDGS;
- Provide equitable access to airwaves to diverse groups irrespective of their political affiliations, gender, ethnicity, race, sexual orientation etcetera;
- Develop clear safety and protection protocols for journalists in general and women journalist in particular;
- Provide an environment for journalists, media workers and other professionals to freely organise, assemble and participate in trade union activities without undue restrictions;
- Engage and dialogue with businesses/corporates to embrace and implement the UN Guidelines on Business and Human Rights (Ruggie Principles) with special focus on freedom of expression, right to privacy and data protection;

- CSOs shall promote media education and public awareness as part of the process of citizen mobilisation for the defence of freedom of online and offline expression;
- Media owners must commit to paying journalists and media workers a living wages.