

222: Resolution to modify the Declaration of Principles on Freedom of Expression to include Access to Information and Request for a Commemorative Day on Freedom of Information

The African Commission on Human and Peoples' Rights (the African Commission) meeting at its 50th Ordinary Session held in Banjul, The Gambia, from 18 April to 2 May 2012;

Recognising its mandate to promote and protect human and peoples' rights pursuant to the *African Charter on Human and Peoples' Rights (the African Charter)*;

Underscoring that the right of access to information is enshrined in Article 9 of the *African Charter*, and other international human rights instruments, including Article 19 of the *Universal Declaration of Human Rights (UDHR)*, and the *International Covenant on Civil and Political Rights (ICCPR)*;

Underlining that access to information is essential for the recognition and achievement of every person's civil, political and socio-economic rights, and as a mechanism to promote democratic accountability, and good governance;

Recalling Resolution ACHPR/Res.62 (XXXII) 02 on the adoption of the *Declaration of Principles on Freedom of Expression in Africa (the Declaration)* of 2002, which elaborates on the scope of Article 9 of the *African Charter*;

Underscoring Principle IV (1) of the Declaration, which provides that “*public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law,*” and Principle IV (2) which stipulates that “*the right to information shall be guaranteed by law in accordance with the principles*” set out in the Declaration;

Recalling Resolution ACHPR/Res.122 (XXXXII) 07, adopted during its 42nd Ordinary Session held from 15 to 28 November 2007, in Brazzaville, Republic of Congo, which expanded the mandate of the Special Rapporteur on Freedom of Expression in Africa (the Special Rapporteur) to include access to information;

Noting ACHPR/Res.167 (XLVIII) 10: Resolution on Securing the Effective Realization of Access to Information in Africa adopted during its 48th Ordinary Session, held in Banjul, The Gambia, from 10 to 24 November 2010, which authorised the Special Rapporteur to develop a Model Law on Access to Information for African Union (AU) Member States to assist them in formulating, adopting or reviewing access to information legislations and their implementation;

Noting further the African Platform on Access to Information adopted by the Pan African Conference on Access to Information held from 17 to 19 September 2011 in Cape Town, South Africa;

Convinced that it is of critical importance that clear and comprehensive principles are established to guide the promotion and protection of the right of access to information in Africa through the adoption and effective implementation of appropriate national laws and regulations;

Recognising the work of the African Union Commission(AUC) to give practical effect to the various instruments of the AU on freedom of expression and access to information, through such initiatives as the Pan African Media Network, the media center, as well as its efforts to promote Information and Communications Technology (ICTs) in Africa;

Underlining the importance of setting aside a day to commemorate access to information as a way to raise awareness and emphasise the importance of this right, and promote the ideals of good governance and accountability;

Acknowledging that civil society organisations and government bodies around the world have adopted 28 September as 'International Right to Know Day';

i. **Authorises** the Special Rapporteur to initiate the process of expanding Article IV of the Declaration of Principles on Freedom of Expression in Africa to include access to information;

ii. **Solemnly request** the AU to consider proclaiming 28 September as International Right to Information Day in Africa;

iii. **Calls** on the AU to support the work of the Special Rapporteur by endorsing the Model Law on Access to Information following its adoption by the African Commission.

Done in Banjul, The Gambia, 2 May 2012