



**Statement of the Working Group on Access to Information on African  
At the 51<sup>st</sup> Session of the African Commission on Human and  
Peoples' Rights**

**Banjul April 2012**

**Madame Chairperson  
Commissioners,  
State delegates,  
Ladies and Gentlemen,**

**MISA on behalf of the working group on APAI composed of MISA, AFIC, Article 19, IFJ, MFWA, Highway Africa, TAEF, MRA, and ODAC, thank you for this opportunity to address the 51<sup>st</sup> session of the African Commission on Human and People's Rights.**

**We would to reiterate our resolve to support the mandate of the Special Rapporteur on Freedom of Expression and Information in Africa and the ACHPR in general to advance freedom of expression and access to information on the continent.**

**Chair,**

Access to Information forms an integral part of Freedom of Expression, guaranteed by article IV of the Declaration of Principles on Freedom of Expression in Africa. This year marks the tenth anniversary of the Declaration of Principles on Freedom of Expression in Africa.

2011 marked the 20<sup>th</sup> anniversary of the Windhoek Declaration on Promoting an Independent and Pluralistic African Press under the theme Access to Information, and saw the number of countries with Freedom of Information legislation increase in number from five to ten.

In September of 2011, the Pan African Conference on Access to Information convened in Cape Town, which represented the largest gathering of experts on access to information on the continent, and brought together representatives from more than 300 people from African governments, African Union Commission, UNESCO, the UN Special Rapporteur on Freedom of Expression and

Opinion, the Special Rapporteur on Freedom of Expression and Information in Africa, human rights, civil society organizations and the media.

The conference resulted in the adoption of the African Platform on Access to Information declaration, which reiterates the centrality of access to information and its importance in the promotion and protection of fundamental human rights and in advancing democratic values and accountability.

The Declaration acknowledges the gains made at the regional and international levels especially by the ACHPR through the adoption of the Declaration of Principles on Freedom of Expression in Africa, in October 2002, and the recent initiative to develop a Model Law for AU Member States on Access to Information, aimed at assisting Member States in formulating, adopting or reviewing access to information legislation and its implementation.

Chair person

To date, 91 countries around the world have adopted Access to Information laws, out of this number, 10 are in Africa. These are South Africa, Liberia, Uganda, Nigeria, Ethiopia, Tunisia, Guinea-Conakry, Niger, Angola and Zimbabwe; besides many countries in Africa have joined the Extractive Industries Transparency Initiative, the International Aid Transparency Initiative and the Open Government Partnership; and that the Economic Community of West African States is moving towards adoption of a binding Supplementary Act for a Uniform Legal Framework on Freedom of Expression and Right to Information;

**Despite this major strides, we are concerned** that most African countries have not yet adopted comprehensive ATI laws or regulations and that significant problems remain with both the substantive provisions of many of those that have adopted laws and the full implementation of the laws;

Civil society organisations and government bodies around the world have adopted 28 September as International Right to Know Day.

We appreciate the endorsement of APAI Declaration by the NGO Forum preceding the 51<sup>st</sup> session of this session and support their resolutions and call upon ACHPR to:

1. Pass a resolution authorizing the ACHPR Special Rapporteur on Freedom of Expression and Access to Information in Africa to expand Part IV of the Declaration of Freedom of Expression in Africa to include principles of APAI Declaration
2. Pass a resolution requesting the AU Heads of State Summit of January 2012 to adopt September 28 as an International Right to Information Day

3. Urge AU member states to adopt and implement national Access to Information laws in that comply with the APAI Declaration **and the model law on ATI developed by the Special Rapporteur on Freedom of Expression and Information in Africa.**
4. Pass a resolution requesting the African Union Summit of January 2012 to initiate an Experts meeting to develop a continental wide instrument on the right of Access to Information.

Thank you for your kind attention