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**WEBINAR IN COMMEMORATION OF
THE INTERNATIONAL DAY FOR UNIVERSAL ACCESS TO
INFORMATION**

Opening remarks

Commissioner Jamesina King

**Special Rapporteur on Freedom of Expression and Access to Information in
Africa**

Tuesday 28 September 2021

09.00 GMT

Ladies and Gentlemen, Distinguished participants;

Let me at the outset welcome you all to the virtual event which is being held in commemoration of the **International Day for Universal Access to Information**. In my capacity as a Member of the African Commission on Human and Peoples' Rights and as the Special Rapporteur on Freedom of Expression and Access to Information in Africa, I would like to express my sincere gratitude for the presence of all who are in attendance at this webinar.

Ladies and Gentlemen;

We are gathered today in commemoration of the **International Day for Universal Access to Information**. Designation of a date to commemorate this important right was initially proclaimed by the UNESCO General Conference in November 2015, and later by the 74th UN General Assembly in October 2019.

The Commission similarly called for designation of this important right in its **Resolution ACHPR/Res.222 (LI) 2012 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**, adopted in May 2012, in which the Commission underscored *"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."*

Ladies and Gentlemen;

Freedom of access to information and freedom of expression are inter-related. In the African Charter on Human and Peoples' Rights, these rights are enshrined in Article 9(1)

and (2), which provide that *“every individual shall have the right to receive information;”* and *“shall have the right to express and disseminate his opinions within the law.”*

The degree of implementation of the rights of freedom of expression and access to information are indicators of citizen’s effective participation in the governance of a State. For democracy to succeed, it must be based on a human rights framework which includes the rights to free expression and information, which in turn facilitate others, such as the right to participate in the governance of one’s country, the rights to education and healthcare.

Article 1 of the African Charter obliges States Parties to ‘adopt legislative, or other measures to give effect to the rights, duties and freedoms enshrined. In order to assist States fulfil this obligation in relation to the rights of freedom of expression and access to information, the Commission sought to elaborate on their scope and content, in the **2002 Declaration of Principles on Freedom of Expression in Africa**, the **Model Law on Access to Information**, the **Guidelines on Access to Information and Elections in Africa** and most recently the **Declaration of Principles on Freedom of Expression and Access to Information in Africa**.

In the **Model Law on Access to Information for Africa**, adopted in 2013, the Commission sought to encourage States to prioritize the adoption of access to information legislation in Africa. This model law provides detailed and practical content to the legislative obligations of State Parties to the African Charter with respect to the right of access to information, while leaving the specific form in which such laws will be adopted to individual States Parties.

Currently, twenty-six (26) countries in Africa have enacted specific national access to information legislation: Angola; Botswana; Benin; Burkina Faso; Cote d’Ivoire; Ethiopia;

The Gambia; Ghana; Kenya; Liberia; Malawi; Morocco; Mozambique; Niger; Nigeria; Rwanda; Seychelles; Sierra Leone; South Africa; South Sudan; Sudan; Tanzania; Togo; Tunisia; Uganda; and Zimbabwe. I would like to take this opportunity to commend the Republic of The Gambia which enacted a law on access to information in August 2021.

However, as with all rights, effective implementation of ATI Laws is key to their realization; therefore I take this opportunity to call on State Parties with ATI Laws to establish independent and impartial oversight mechanisms mandated to ensure promotion, monitoring and protection of the right of access to information.

Ladies and Gentlemen;

As we are gathered to commemorate the **International Day for Universal Access to Information**, I would like to take this opportunity to give an overview of the soft law instrument on Article 9 which was most recently adopted by the Commission in 2019; that is the **Declaration of Principles on Freedom of Expression and Access to Information in Africa**.

Whereas the aforementioned 2002 Declaration included only one Principle, **Principle IV** on freedom of information, the revised Declaration expands the guidance to States on access to information and digital rights, while affirming the principles on freedom of expression.

The revised Declaration, which is available in the four AU languages, is divided into five parts: Part I establishes the general principles which apply to the whole Declaration; Part II sets out principles on freedom of expression; Part III sets out principles on access to information; Part IV addresses freedom of expression and access to information on the internet; and Part V establishes principles on the Declaration's implementation.

Today's webinar provides us with an opportunity to unpack and discuss the principles contained in the revised Declaration. Through this discussion, it is hoped that awareness will be raised on the relevant principles which will undoubtedly facilitate the promotion, protection and interpretation of Article 9 of the African Charter.

Ladies and Gentlemen;

Once again, allow me to welcome you to this commemorative event, which I hope will serve as an opportunity for all participants to renew commitment to creating an environment where the related rights of access to information and freedom of expression are promoted, protected and realized.

I thank you for your attention, and welcome you all to this discussion.



**Hon. Jamesina Essie L. King, Commissioner
Special Rapporteur on Freedom of Expression and Access to Information**