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ACTIVITY REPORT

OF

ADVOCATE. PANSY TLAKULA SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

**Presented during the 56th Ordinary Session
of the African Commission on Human and Peoples' Rights**

**Banjul, The Gambia
21 April - 07 May 2015**

INTRODUCTION

1. This Report details the activities undertaken by **Adv. Pansy Tlakula**, in her capacity as the Special Rapporteur on Freedom of Expression and Access to Information in Africa (the Special Rapporteur),¹ and as a Member of the African Commission on Human and Peoples' Rights (the Commission) during the intersession period from May 2014 to April 2015.
2. The Report is structured in four Parts: **Part I** covers the activities undertaken by Adv. Tlakula in both capacities; **Part II** gives an overview of the status of adoption of access to information legislation in Africa; **Part III** highlights the activities undertaken in the Decriminalization of Expression Campaign; and finally **Part IV** presents the conclusions and recommendations of the Report.

¹ This Special Mechanism was established during the 36th Ordinary Session of the Commission, held in Dakar, Senegal, from 23 November to 5 December 2004. Commissioner Tlakula was appointed pursuant to Resolution on Freedom of Expression and Access to Information in Africa, **ACHPR/Res.84 (XXXXV) 05**, adopted by the Commission on 5 December 2005.

PART I

ACTIVITIES UNDERTAKEN IN THE PERIOD UNDER REVIEW

3. The activities of Adv. Tlakula during the reporting period are divided into three sections: **Section one** deals with activities carried out in her capacity as Special Rapporteur; **Section two** deals with activities undertaken in her capacity as Commissioner; and in **Section three**, she reports on the letters of appeal forwarded to State Parties addressing alleged violations of freedom of expression and access to information brought to her attention, in addition to press releases issued by the special mechanism.

SECTION ONE

Activities as Special Rapporteur

Advocacy visit to Mozambique on the Mozambican Right to Information Bill

4. On 26 June 2014, the Special Rapporteur, accompanied by her team of three (3) experts of the Working Group which developed the Model Law (the Working Group), undertook an advocacy visit to Maputo, Republic of Mozambique. The purpose of the visit was to meet with Government officials in order to advocate for the speedy adoption of the Mozambican Right to Information Bill, in accordance with regional and international standards on access to information as embodied in the **Model Law on Access to Information for Africa** (the Model Law).
5. During her visit, the Special Rapporteur met with Honourable Alfred Gamito, the Chairman of the Committee on Public Administration and Social Communication, which is the Parliamentary Committee responsible for the Right to Information Bill, the Minister of Justice Honourable Benvinda Levy, in addition

to both the outgoing and the incoming President of the Supreme Court of Mozambique, Mr. Ozias Pondja, and Mr. Adelino Muchanga respectively.

6. An important outcome of the Special Rapporteur's visit was the acceptance of the technical assistance offered by the special mechanism to Mozambique in the adoption of the Right to Information Bill, as well as for its future implementation. In this regard, the Special Rapporteur forwarded her comments on the draft Bill, ahead of plenary debate on the Bill by Parliament.
7. Following the Special Rapporteur's visit and advocacy initiatives, Mozambique's Assembly unanimously passed the Bill on 26 November 2014, and thereafter the outgoing President of Mozambique, Armando Guebuza, signed the legislation into law in December 2014. The Special Rapporteur would like to commend the Government of Mozambique for this laudable achievement, which will ensure protection of the right to information in Mozambique.

Advocacy visit to Ghana on the Ghanaian Right to Information Bill

8. From 01 to 02 July 2014, the Special Rapporteur undertook an advocacy visit to Accra, Republic of Ghana, in order to meet with Government officials to advocate for the prompt adoption of the Ghanaian Right to Information Bill, which is also currently before Parliament. Four (4) experts of the Working Group accompanied the Special Rapporteur during this visit.
9. In the course of her visit, the Special Rapporteur met with the leadership of Parliament which included the Speaker of Parliament, Honourable Edward Ajaho, as well as the majority and minority leaders, the Chair and members of the select Committee on Constitutional and Parliamentary Affairs, which is the Parliamentary Committee responsible for the Right to Information Bill, the Minister of Information and Media Relations Honourable Mahama Ayariga and Honourable Nana Oye Lithur, the Minister for Gender, Children and Social Protection.

10. In each of these meetings, the Special Rapporteur received assurances of Ghana's commitment to the adoption of a Right to Information law, which takes into account the Model Law, before the expiration of the tenure of the present Government in 2016.

Meeting with SADC Secretariat on the Model Law on Access to Information

11. On 07 July 2014, the Special Rapporteur undertook an advocacy visit to the Southern African Development Community (SADC) Secretariat in Gaborone, Republic of Botswana.

12. The purpose of the visit was to meet with the Executive Secretary, Dr. Stergomenna Lawrence Tax, to discuss possible areas of collaboration on implementation of the Model Law.

13. Specifically, the meeting sought to explore the possibility of the adoption of the Model Law by the SADC Secretariat, as the sub-regional standard on access to information and through that to encourage Member States to utilise the Model Law in the adoption, or review, of access to information legislation in the SADC region.

14. A major outcome of the discussions was the agreement to set up a technical committee comprising of relevant staff of the SADC Secretariat and technical experts appointed by the Special Rapporteur, to develop in detail the adoption of the Model Law as the SADC standard on access to information, and to work with Member States to adopt and review access to information laws to comply with the Model Law.

15. The technical committee is also expected to develop and facilitate the implementation of a plan of action on mainstreaming access to information into the day to day operations of the SADC Secretariat.

Meeting with Zimbabwe Information and Media panel of Inquiry (IMPI)

16. On 18 August 2014, the Special Rapporteur met with the Zimbabwe Information and Media Panel of Inquiry (IMPI) in Johannesburg, Republic of South Africa. The meeting was held at the request of IMPI to solicit the views of the Special Rapporteur on need for law reform on issues of media freedom and access to information in Zimbabwe.
17. One of the outcomes of the meeting was the undertaking by the Special Rapporteur to forward her comments on media freedom, with specific focus on the need for the decriminalization of laws limiting freedom of expression and access to information, to IMPI for inclusion in their report.

Presentation given during a Regional Meeting on press freedom and policy reform in the Arab World

18. From 28 to 30 October 2014, the Special Rapporteur attended a meeting held by the International Federation of Journalists, held in Casablanca, Kingdom of Morocco, which was convened to hold discussions on the possibility of proposing the establishment of a Special Rapporteur on Press Freedoms for the Arab World. During the meeting, Commissioner Tlakula gave a presentation on '*The establishment of the mechanism on freedom of expression and access to information in Africa: the reasons for its establishment, and the successes and challenges of the mechanism.*'

Advocacy visit to Seychelles

19. From 19 to 21 January 2015, the Special Rapporteur, accompanied by three (3) expert members of the Working Group, undertook an advocacy visit to the Republic of Seychelles in order to advocate for the adoption of an access to information law.

20. During the visit, the Special Rapporteur met with high-level Government officials including: His Excellency, President James Michel, President of the Republic of Seychelles; H.E. Mr. Jean-Paul Adam, the Minister of Foreign Affairs; Justice D. Karunakaran, the Acting Chief Justice of the Supreme Court; H.E. Dr. Patrick Herminie, Speaker of the National Assembly; Mr. Rony Govinden, the Attorney General; Mr. Ibrahim Afif, Chair of the Seychelles Media Commission, in addition to other members of the Commission. The Special Rapporteur's delegation also held a meeting with civil society organizations, including members of the recently constituted Citizen Engagement Platform of Seychelles (CESP).
21. An important outcome of the Special Rapporteur's visit was the agreement by stakeholders to hold a consultation to discuss the need for adoption of an Access to Information Law and the process to be adopted in formulating such law.
22. This advocacy visit is part of a three phased project funded by the United Nations Democracy Fund (UNDEF), and is being implemented by the Centre for Human Rights on behalf of the Special Rapporteur.

Keynote address at a Meeting on Access to Information

23. On 17 March 2015, the Special Rapporteur delivered the keynote address at the Africa wide meeting on access to information, held in Johannesburg, South Africa, convened under the aegis of the Global Network of Open Society Foundation.

Advocacy visit to Mauritius

24. From 08 to 10 April 2015, the Special Rapporteur, accompanied by four (4) expert members of the Working Group, undertook an advocacy visit to the Republic of Mauritius in order to advocate for the adoption of an access to information law.
25. During her visit, the Special Rapporteur met with several Government Ministers, including: Honourable Pravind Jugnauth, Minister of Technology,

Communication and Innovation; Honourable Fazila Daureeawoo, Minister of Social Security, National Solidarity and Reform Institutions; Honourable Prithvirajsing Roopun, Minister of Social Integration, Empowerment and Training and Honourable Soodesh Callichurn, Minister for Labour, Industrial Relations, Employment and Training.

26. Other high ranking government officials met include: Justice Kheshoe P. Matadeen, Chief Justice of the Supreme Court; Honourable Mahen Jughroo, Chief Whip of Government; Honourable Nando Bodha, Acting Attorney General; Mr. Dheerujall Seetulsingh, Chair of the Mauritius National Human Rights Commission; the Electoral Commission, Mr. M. Irfan Abdool- Rahman, as well as several members of civil society, facilitated by the umbrella body of Non-governmental organizations, the Mauritian Council of Social Sciences (MACOSS).

27. The Special Rapporteur and her delegation also sat through a session of Parliament, following which they very briefly interacted with the Prime Minister, Honourable Anerood Jugnauth and the Speaker, Honourable S. Maya Hanoomanjee.

SECTION TWO

Activities as Commissioner

Advocacy visit to the Kingdom of Swaziland

28. From 18 to 21 August 2014, the Special Rapporteur undertook an advocacy visit to the Kingdom of Swaziland, in both her capacities as Special Rapporteur and as the Commissioner responsible for the promotion and monitoring of human rights in the Kingdom of Swaziland.

29. The purpose of the visit was to meet with civil society and Government officials, in order to discuss the situation of human rights in general, and freedom of expression in particular, in the Kingdom of Swaziland.

30. During her visit, the Special Rapporteur met with members of civil society, family members and lawyers of Mr. Thulani Maseko and Mr. Bheki Makhubu, who were recently convicted for contempt of court and sentenced to two years in prison, as well as Mr. Mario Masuku, who was in detention awaiting trial on charges of sedition and terrorism. The Special Rapporteur also met with Government officials, including the Prime Minister Honourable Dr. Sibusiso Dlamini, the Minister of Justice Honourable Sibusiso Shongwe and Honourable Chief Mgwagwa Gamedze, the Minister of Foreign Affairs of the Kingdom of Swaziland.

Meeting of the Working Group on Communications from 15 to 17 July 2014

31. From 15 to 17 July 2014, Commissioner Tlakula participated in a meeting of the Commission's Working Group on Communications (WGC), in Kigali, Rwanda, which was convened in advance of the 16th Extra-Ordinary Session.

32. During the three day meeting, the WGC considered the following: Communications in which the Secretariat requested the Working Group's guidance; eight (8) Communications on Seizure, of which five (5) contained a request for provisional measures; twelve (12) Communications on Admissibility; one (1) Communication on review of the admissibility decision; and one (1) Communication which was struck out.

Third Annual Joint Meeting between the Commission and the African Court on Human and Peoples' Rights

33. From 18 to 19 July 2014, Commissioner Tlakula participated in the Third Annual Meeting between the African Court on Human and Peoples' Rights (the African Court) and the Commission, in Kigali, Rwanda.

34. During the meeting, discussions were held on, among others, the challenges faced in the complementary relationship between the two institutions, and discussions on Project 2016, which is proposed as the African Year of Human Rights.

16th Extra-Ordinary Session of the Commission

35. From 20 to 29 July 2014, Commissioner Tlakula participated in the Commission's 16th Extra-Ordinary Session, held in Kigali, Rwanda, which was convened to deal with the backlog of Communications and other outstanding matters.

Meeting of the Working Group on Specific Issues Related to the Work of the African Commission

36. From 04 to 06 September 2014, Commissioner Tlakula chaired a meeting of the Working Group on Specific Issues Related to the Work of the African Commission, held in Banjul, The Gambia, which was convened to review the draft Strategic Plan of the Commission, developed for the period 2015 to 2019.

PALU Training

37. From 21 to 22 November 2014, Commissioner Tlakula attended and participated in a training held by the Pan-African Lawyers Union (PALU) in Addis Ababa, Ethiopia.

17th Extra-Ordinary Session of the Commission

38. From 19 to 28 February 2015, Commissioner Tlakula participated in the Commission's 17th Extra-Ordinary Session, held in Banjul, The Gambia, which was convened to deal with the backlog of Communications and other outstanding matters, including adoption of the Commission's Strategic Plan (2015 - 2019).

Meeting between the South African Human Rights Commission and UN Mandate Holders

39. On 05 March 2015, the Special Rapporteur, gave a presentation on "The role of NHRIs in strengthening the work of the mandate holders of the African Commission on

Human and Peoples Rights,” at a meeting convened by the South African Human Rights Commission, in Johannesburg, Republic of South Africa.

Retreat hosted by IPAS Africa Alliance

40. From 24 to 26 March 2015, the Special Rapporteur attended a Retreat between IPAS Africa Alliance and the African Commission, convened to discuss the theme of “*Accountability for African Women’s Reproductive Health and Rights.*” The Retreat was held in Nairobi, Republic of Kenya.

Workshop on the Role of NHRIs

41. From 19 to 20 April 2015, the Special Rapporteur attended a workshop on the role of NHRIs in monitoring implementation of decisions on Communications of the African Human Rights Bodies, which was convened by the the Network of National Human Rights Institutes (NANHRI), in Banjul, Republic of The Gambia. At the workshop, the Special Rapporteur gave a presentation on “*The African Commission’s Communications procedure: Challenges and recommendations.*”

Launch of a Report on Freedom of Expression in Eritrea

42. On 21 April 2015, the Special Rapporteur participated in the launch of a report deploring the state of freedom of expression, specifically, and the rule of law, more broadly, in Eritrea. This report, entitled ‘*The Erosion of the Rule of Law in Eritrea: Silencing Freedom of Expression,*’ was prepared by students from the UN mandated University of Peace, in Costa Rica, and students and staff of the Centre for Human Rights.

SECTION THREE

Letter of Appeal and Press Releases

43. In line with her mandate to “*make public interventions where violations of the right to freedom of expression and access to information have been brought to her attention, including by issuing public statements, press releases, and sending appeals to Member States asking for clarifications,*” the Special Rapporteur issued the following:

I. Letters of Appeal

➤ *Letter of Appeal to the Federal Republic of Somalia*

44. On 02 October 2014, the Special Rapporteur sent a letter of appeal to His Excellency Abdiweli Sheikh Ahmed, the Prime Minister of the Federal Republic of Somalia, with respect to mass arrests of journalists by the National Security and Intelligence Agency (NISA) in Somalia, in addition to the continued detention of **Mr. Abdimalik Yusuf Mohamud, Mohamud Mohamed Dahir** and **Mr. Ahmed Abdi Hassan**, who were arrested on 15 August 2014.

45. In the letter of appeal, the Special Rapporteur respectfully called on the Government of the Federal Republic of Somalia to provide information on progress being made to curb harassments, intimidation and detention of journalists and media practitioners in the country.

➤ *Joint Letter of Appeal to the Republic of The Gambia*

46. On 08 October 2014, the Special Rapporteur together with Honourable Commissioner Lawrence Mute, the Commissioner Rapporteur responsible for the human rights situation in The Gambia, sent a joint letter of appeal to the Republic of The Gambia, addressing concerns on reports that **Journalist Ebrima Manneh**, who was arrested by two (2) officials of the National Intelligence Agency of The Gambia on 11 July 2006, continued to be held in *incommunicado* detention.

47. The letter appealed to His Excellency Sheikh Professor Alhaji Dr. Yahya AJJ. Jammeh Babili Mansa, President of the Republic of The Gambia, to investigate the circumstances under which Mr. Manneh was arrested and detained, including his whereabouts, and to enable Mr. Manneh to claim compensation for the unlawful arrest and *incommunicado* detention, as ordered by the ECOWAS Court in its judgment of 2008.

48. With regards to the Joint Appeal, the Special Rapporteur wishes to note that a response was received from the Government of The Gambia, Reference MEA/C/425/(75 - SCM), dated 17 November 2014.

➤ *Joint Letter of Appeal to the Republic of The Sudan*

49. On 08 January 2015, the Special Rapporteur, together with Honourable Commissioner Lawrence Mute, the Commissioner Rapporteur responsible for the human rights situation in The Sudan and Honourable Commissioner Reine Alapini Gansou, the Special Rapporteur on Human Rights Defenders in Africa, sent a joint letter of appeal to His Excellency Omar Hassan al-Bashir, President of the Republic of The Sudan, regarding the alleged arrests and incommunicado detention of Sudanese human rights defenders and leaders of opposition political parties, including **Dr. Amin Mekki Medani, Dr. Farouq Abu Eissa and Dr. Earah Ibrahim Mohamed Alagar.**

50. The letter called on Sudanese authorities to, *inter alia*, release the detained persons or conduct of their trial according to relevant international human rights standards, conduct a thorough and impartial investigation into the cases and guarantee access of the detained persons to their families and lawyers.

➤ *Joint Letter of Appeal to the Republic of Angola*

51. On 24 March 2015, the Special Rapporteur, together with Mr. David Kaye, the United Nations Special Rapporteur on the Right to Freedom of Opinion and Expression, sent a joint letter of appeal to His Excellency José Eduardo dos Santos, President of the Republic of Angola, regarding the forthcoming trial of **Mr. Rafael Marques de Morais**, an Angolan journalist and human rights defender, on eleven (11) charges of criminal defamation, in relation to his book titled *“Blood Diamonds: Corruption and Torture in Angola”* which was published in 2011.

52. The letter called on the Government of Angola to fulfil its obligations and uphold the right to freedom of expression and further noted that the Commission has consistently called on Member States to the African Charter to repeal criminal defamation laws and to repeal or amend all other similar criminal laws. The letter made reference to Principle XII (I) of the Declaration, the Commission’s Resolution on Repealing Criminal Defamation Laws in Africa, Resolution 12/16 of the Human Rights Council and General Comment 34 of the Human Rights Committee to illustrate that imprisonment for defamation violates the right to freedom of expression.

53. Lastly, the letter called on the Angolan authorities to ensure protection of Mr. Marques’ rights guaranteed under the African Charter, in particular the right of all persons to a fair trial.

Meeting with the Angolan Delegation during the 56th OS

54. A meeting was held with H.E. Mr. Antonio Bento Bemba, the Secretary of State of Human Rights, in the Ministry of Justice, in addition to members of the Angolan Delegation attending the Ordinary Session, on Monday 27 April. During this meeting, H.E. Mr. Bemba provided clarification with regards to an urgent appeal letter sent to the President of Angola regarding the forthcoming trial of Mr. Rafael Marques de Morais, an Angolan journalist and human rights defender. The

Special Rapporteur thanks H.E. Mr. Bemba and the Angolan delegation for taking the time to meet with her and provide relevant information.

II. Press Releases

➤ *Press Release by the Special Rapporteur on Freedom of Expression and Access to Information in Africa on the arrest and imprisonment of Peter Greste, Mohamed Fahmy and Baher Mohamed*

55. On 25 June 2014, the Special Rapporteur issued a press release with regards to the arrest and imprisonment of **Peter Greste, Mohamed Fahmy** and **Baher Mohamed**, who are Al-Jazeera journalists. In the press release, the Special Rapporteur raised concerns on the sentencing of the three journalists by the Egyptian Judiciary authorities to over seven years imprisonment.

56. In this regard, the Special Rapporteur welcomes news of the release of three Al-Jazeera journalists: **Peter Greste** was released from prison on 01 February 2015, while **Mohamed Fahmy** and **Baher Mohamed** were released on bail on 12 February 2015, pending their re-trial on the same charges.

57. While commending Egyptian authorities for this encouraging development, the Special Rapporteur wishes to underscore the obligation of the Egyptian Government to uphold the right to freedom of expression. Furthermore, with regards to the re-trial of Mohamed Fahmy and Baher Mohamed, the Special Rapporteur calls on the Egyptian authorities to ensure protection of their rights guaranteed under the African Charter, in particular the right of all persons to a fair trial.

➤ *Joint Press Release on Protection of Journalists covering conflicts*

58. On 01 September 2014, the Special Rapporteur, in collaboration with the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media and the Special Rapporteur on Freedom of Expression of the Organization of American States, issued a joint press release which urged stronger protection of journalists covering conflicts.

59. The press release noted that the recent attacks, ongoing kidnappings, and arbitrary and unjustified incarcerations of journalists around the world must be condemned and opposed by the international community. Further, the international rapporteurs on freedom of expression stressed that “journalists covering armed conflicts do not lose their status as civilians; they are not participants in the conflicts they cover. As such, they continue to be protected by the applicable guarantees under human rights law and international humanitarian law.”²

➤ *Joint Press Release on the Verdict against Sanaa Seid, Yara Sallam and 21 Other co-accused in Egypt*

60. On 04 November 2014, the Special Rapporteur, in collaboration with Honourable Commissioner Reine Alapini Gansou, the Special Rapporteur on Human Rights Defenders in Africa and Mr. Michel Forst, the United Nations Special Rapporteur on the Situation of Human Rights Defenders, issued a joint press release expressing concern with regards to the sentences handed down against human rights defenders for participating in a demonstration, by the Heliopolis Misdemeanour Court of the Arab Republic of Egypt. The demonstration was part of a public demand for the repeal of Law No. 107 of 2013 on demonstrations and for the release of people detained under this law.

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14981&LangID=E>

61. The Special Rapporteurs noted that the Arab Republic of Egypt had seriously failed in its obligations to guarantee the fundamental freedoms of its citizens enshrined in its new Constitution, in addition to its regional and international human rights commitments, and further condemned the clampdown on human rights defenders.

PART II

STATUS OF ADOPTION OF ACCESS TO INFORMATION LEGISLATION IN AFRICA

62. Pursuant to the **Resolution on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa**, the Special Rapporteur is mandated to “*submit reports at each Ordinary Session of the African Commission on the status of the enjoyment of the right to freedom of expression and access to information in Africa.*”³ Thus, this part of the Report highlights the progress made in the adoption of access to information legislation on the continent since the last reporting period.
63. The Special Rapporteur notes that the adoption of the Model Law by the Commission continues to be a historic move towards the promotion and protection of the right to access to information on a continental scale. Significant progress which has been witnessed in the decade since 2004, has been the increase in the number of African States with freedom of information laws from four to fifteen including: Mozambique, Sierra Leone, Niger, Tunisia, Angola, Côte d’Ivoire, Ethiopia, Guinea, Liberia, Nigeria, Rwanda, South Africa, Uganda, Zimbabwe and South Sudan.⁴
64. The Special Rapporteur would like to commend the Government of Mozambique for adopting the Right to Information Law during the inter-session period referenced in this Report.

³ See ACHPR/Res.122 (XXXXII) 07: Resolution on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa, adopted during the 42nd Ordinary Session of the African Commission that took place in Brazzaville, Congo from 15 to 28 November 2007

⁴ Open Society Foundation, ‘Making Progress on Freedom of Information in Africa,’ <http://www.opensocietyfoundations.org/voices/making-progress-freedom-information-africa>

65. Further, the Special Rapporteur would like to commend the Ghanaian Parliamentary Select Committee on Constitutional, Legal and Parliamentary Affairs, a committee of Ghana's Parliament, which recommended the Right to Information Bill. The recommendations proposed by the Select Committee will be discussed when the Bill is tabled in Parliament.⁵

66. It is worth noting the commitment of the SADC towards advancing the cause of access to information in Southern Africa by partnering with the Special Rapporteur.

67. Additionally, the African Union Commission's Department of Political of Affairs is collaborating with the Special Rapporteur to develop a joint work-plan for the enhancement of access to information regionally which is proposed to commence operations in 2015.

⁵ Ghana Parliamentary Panel Praised for Passing RTI Bill, 11 September 2014
<http://www.freedominfo.org/2014/09/ghana-parliamentary-panel-praised-passing-rti-bill/>

PART III

THE DECRIMINALIZATION OF EXPRESSION CAMPAIGN

68. During the Commission's 48th Ordinary Session held in November 2010, Resolution ACHPR/Res.169 (XLV111) 10 on "Repealing Criminal Defamation Laws in Africa" was adopted which called on State Parties to repeal criminal defamation laws, or insult laws, which impede freedom of speech. Thereafter, the project to decriminalize defamation was launched in 2012 on the margins of the Commission's 52nd Ordinary Session. This part of the Report highlights the progress made in the Decriminalization of Expression Campaign.

I. Progress report of the Decriminalization of Expression Campaign

69. As part of the campaign aimed at the decriminalization of laws which limit freedom of expression in Africa, the Special Rapporteur commissioned research on six (6) Member States. The research sought to provide a solid evidence base of the effect of these laws on the continent, by analysing the overall legislative framework and provisions for the right to freedom of expression, the media landscape, and an overview on the legislation which criminalizes freedom of expression.

70. Six (6) countries were chosen for the initial research, namely: Benin, Burundi, Lesotho, Tanzania, Zambia and Zimbabwe. All the six country reports have been completed. The key findings and recommendations from these reports will guide the next phase of the Decriminalization Campaign.

II. Meetings conducted

Stakeholders meeting on Decriminalisation of Laws Limiting Freedom of Expression in Tanzania

71. From 08 to 09 July 2014, the Special Rapporteur, in collaboration with partners in the Decriminalisation of Expression Campaign, organised a stakeholders meeting on the decriminalisation of laws limiting freedom of expression, in Dar-es-Salaam, United Republic of Tanzania. The meeting concluded with the adoption of an Action Plan to guide further action towards the repeal of laws criminalising expression in Tanzania.

Stakeholders meeting on Decriminalisation of Laws Limiting Freedom of Expression in Zambia

72. From 12 to 13 November 2014, the Special Rapporteur, in collaboration her partners organised a similar stakeholders meeting on the decriminalisation of laws in Lusaka, Republic of Zambia. The meeting also concluded with adoption of a National Plan of Action on repealing laws criminalising freedom of expression in Zambia.

73. Further, on 13 November 2014, the Special Rapporteur led a delegation that met with the Permanent Secretary in the Ministry of Information and Broadcasting Services, H.E. Mr. Bert M. Mushala, to discuss the need for the Government of Zambia to review its laws which criminalise free speech.

74. In between these two meetings, the Special Rapporteur gave a number of interviews, to both public and private media. Additionally the Special Rapporteur was a guest on a morning show on Zambia National Broadcasting Corporation (ZNBC), where she briefly talked about the continental campaign led by her mechanism, to decriminalise laws that limit freedom of expression.

PART IV

CONCLUSIONS AND RECOMMENDATIONS

75. The importance of the Model Law cannot be over-emphasized and as such the Special Rapporteur urges State Parties, as well as key stakeholders and actors, to take appropriate steps towards the implementation of the Model Law as it is not only key to the protection and realization of fundamental human rights, but also the eradication of corruption and promotion of good governance, accountability and democracy in Africa.

76. The Special Rapporteur urges the Republic of Ghana to ensure speedy adoption of the Right to Information Bill, which is currently before Parliament, in accordance with regional and international standards on access to information, and as embodied in the Model Law.

77. Furthermore, whilst appreciating the support received from key actors and stakeholders in the advocacy for the adoption of Access to Information laws, the Special Rapporteur continuously solicits for more support during the implementation phase of the Model Law.

78. Additionally, the Special Rapporteur wishes to commend the Constitutional Court of the Republic of Zimbabwe which removed from the statutes Section 31 (a) (iii) of the Criminal Law (Codification and Reform Act) which criminalized defamation, with the result that defamation is no longer a criminal offence in the Republic of Zimbabwe.⁶

79. Lastly, the Special Rapporteur would also like to welcome a decision of the African Court, in **Application No. 004/2013 – Lohé Issa Konaté v. Burkina Faso**, delivered on 05 December 2014, in which the Court unanimously ruled that

⁶ http://allafrica.com/stories/201407221170.html?aa_source=mf-hdlns

imprisonment for defamation violates the right to freedom of expression and that criminal defamation laws should only be used in restricted circumstances.

80. Notwithstanding the progress made, the Special Rapporteur remains concerned about increasingly alarming reports of arbitrary arrest, intimidation and harassment of media practitioners, in addition to persisting limitations on the right to access to information and freedom of expression.

81. In light of this, the Special Rapporteur reiterates her call to State Parties to fulfil their obligations to ensure promotion and protection of these fundamental human rights.