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STATEMENT

Gambia: ACHPR and APRM hold inaugural meeting on Freedom of Expression

The first ever formal meeting between the two African Union bodies charged with promotion and protection of good governance and human rights on the continent took place in Gambia on 12 of November to discuss freedom of expression. ARTICLE 19, in collaboration with the Special Rapporteur of the African Commission on Human and People's Rights (ACHPR), organised the high level meeting between the African Union (AU), the African Peer Review Mechanism (APRM) Secretariat and key freedom of expression experts from across the continent.

Key concerns highlighted by ARTICLE 19 during the meeting included: the impact of the lack of collaboration by the two African Union institutions; the weakness of the assessment tools used by the APRM; the press freedom and access to information situation on the continent; the lack of consultative process relating to the APRM; lack of transparency relating to country reports submitted for review under the APRM.

The high level meeting reiterated the significance of the two institutions in advancing human rights and good governance, and made commitments to work together to enhance their effectiveness. However, a number of serious issues and challenges were identified within the APRM process, most notably the lack of direct involvement of the AU Department of Political Affairs and the absence of an outreach strategy of the APRM to facilitate civil society and media involvement in a country's review process. While twenty-nine countries have acceded to the APRM and twelve of them have since completed the first cycle of review, the APRM neither sought the input of the ACHPR nor referred country reports to the ACHPR. As a result, the two institutions have not mutually benefited from each other's work, preventing an effective and comprehensive review of the human rights situation, particularly in relation to freedom of expression, press freedom and the right to access information in each of the reviewed countries

Freedom of expression across the continent

Implementation of the right to freedom of expression in Africa is mixed. Some progress has been made in parts of the continent, with the adoption of progressive legislation, liberalisation of the airwaves and the penetration of new media and communication technologies. In many countries, however, there is continued violence and intimidation to suppress freedom of expression and divergent views through the use of regressive laws such as criminal defamation, restrictions on freedom of

assembly and national security laws. In addition, undue administrative measures such as unreasonable licensing conditions and discriminatory allocation of government advertisement continue to hamper press freedom in many countries. There is continued impunity for the killing of journalists and for violence against journalists, with government often failing to ensure that their cases are investigated effectively.

Therefore, in light of the critical situation of freedom of expression on the continent and the opportunity to increase the impact of the African Union, the meeting agreed on the following:

- That the APRM and the ACHPR establish without delay clear systems of engagement and collaboration;
- That the APRM questionnaire now under review includes comprehensive indicators on FOE and FOI and that these indicators draw on existing standards outlined in the Declaration of the Principles of FOE in Africa and the African Charter on Democracy, Elections and Good Governance;
- That this review process be open and transparent and involves CSOs and other Pan-African bodies such as the ACHPR;
- That the APRM secretariat with immediate effect tables before the ACHPR all national reports of countries that have completed the four stages of the review;
- That APRM Secretariat gives an opportunity to CSOs to submit detailed shadow/alternative reports during the country review processes and finalise its outreach programme with the view to increase awareness of its work on the continent;
- That the new continental governance architecture under discussion includes freedom of expression as one of the shared values within the African Union.

The meeting was held alongside the 48th Ordinary Session of the African Commission on Human and Peoples' Rights, in Banjul, the Gambia. It brought together over 30 representatives from different human rights and freedom of expression organisations, journalists, members of the ACHPR, the Deputy CEO of the APRM, senior representatives from the AU and UNDP.

FURTHER INFORMATION:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.