

81st Ordinary Session of the African Commission on Human and Peoples' Rights

Item 5: Freedom of Expression and Access to Information in Africa

Honourable Chairperson,

Distinguished Commissioners,

State delegates,

Representatives of national human rights institutions and non-governmental organisations,

We welcome the opportunity to highlight issues pertaining to freedom of opinion and expression in Africa. The right to free expression, including its access to information, pluralism, and intellectual inquiry components, is a cornerstone of any democracy.

Yet precisely because it has the potential to enable citizens to critically review government actions, assess alternatives, including proposals by opposition groups and shadow cabinets, and challenge those in power, it is one of the most restricted rights on the African continent. We are witnessing a backlash against free expression in all sub-regions.

In the Horn of Africa, **Djibouti** and **Eritrea** continue to severely restrict any expression of dissent, rendering civic space virtually non-existent. We urge the Commission to meaningfully address the situation on Djibouti, a blind spot for human rights in the Horn, and to follow-up on its recommendations to **Eritrea**, including on arbitrarily detained journalists.

In North Africa, repression of media figures, dissidents, and human rights defenders continue unabated, including in **Egypt** and **Algeria**, where “foreign funds” charges have been used to silence independent NGOs and HRDs. The political cost of repression should now be raised for authorities in these countries. We are deeply concerned over the mounting climate of fear in **Tunisia**, including for HRDs and journalists, as well as for Sub-Saharan migrants as a result of hate speech propagated at the highest level.

In **Eswatini**, no independent investigation has been conducted into the January 2023 killing of Advocate and lawyer Thulani Maseko. The ongoing impunity gives credence to allegations of state involvement – and at the very least inaction in response to this cowardly assassination.

In **Cameroon**, in a context marked by multiple security and political crises, we condemn the abduction and murder of journalists, including Martinez Zogo, Jean-Jacques Ola Bebe, and Anye Nde Nsoh, and the lack of accountability to date. Many journalists continue to be harassed. Cameroon is now the second worst jailer of journalists in sub-Saharan Africa, after Eritrea.

In the Sahel and West Africa, restrictions on free expression multiply. While we condemn military coups, which are never an adequate answer to people's frustrations and grievances, we stress that civic space, including people's right to criticise their leaders, is key to building fairer societies in which governments are accountable and can change peacefully. Unconstitutional changes will lead, we fear, to further violations in **Burkina Faso**, **Guinea**, **Mali**, and **Niger**. We urge transitional authorities to release those detained for peacefully expressing their views, stop using vague provisions on “defamation,” “national security” or “treason” to crack down on dissent, and lift bans and suspensions on media outlets. The situation in Mali and Burkina Faso is particularly alarming – and we urge the Commission to formulate an official response,

in line with its mandate, to send the de facto authorities the message that their conduct is being watched.

In conflict-affected countries, including **Libya, Sudan**, Ethiopia and large swathes of **South Sudan**, independent voices, including journalists and HRDs, are often targeted first. In **Ethiopia**, even calling for peace and accountability for atrocities exposes you to legal harassment and attacks against your physical integrity, as the Federal Government has embarked on a campaign to silence any form of criticism of its policies and practices. We urge the Commission to address the human rights situation in Ethiopia as a matter of priority.

Elsewhere, freedom of opinion and expression is under pressure. Suggestions to ban VPNs set a dangerous tone for political debate, in a context that is already marked by internet shutdowns and undue restrictions on information. The African Union Declaration of Principles of Freedom of Expression and Access to Information in Africa requires internet-based restrictions to be strictly necessary and proportionate.

In this election season, and as more elections are upcoming, for instance in Burundi, Tanzania and Uganda, we suggest that the Commission allocate resources and dedicate attention to studying and exposing the problem of **internet shutdowns**, including by articulating key principles and safeguards in line with the right to free expression and access to information.

All governments should scrupulously observe the principle behind African and international standards: freedom must be the rule and restrictions, the exception.

Thank you for your kind attention.