

The International Press Institute's submission on the ACHPR General Comment on the Right to Environment through ERA

CONTRIBUTION TO SECTION ON "PROCEDURAL OBLIGATIONS"

Media freedom

Freedom of expression and access to information are fundamental rights protected under the African Charter and other international human rights laws and standards.¹ The right to freedom of expression encompasses media freedom.

Media freedom is premised on the ability of the press to operate independently of undue government and economic interference, as articulated in international and regional frameworks.²

The General Comment should explicitly recognise the indispensable role played by the media in the realisation of the right to a healthy environment under Article 24. Climate and environmental journalists are at the forefront of facilitating public access to critical information on climate change, environmental degradation, pollution, biodiversity loss, natural resource extraction and environmental governance, driving decision-making by communities and accountability efforts against environmental harms.

Robust climate and environmental reporting can only flourish where media freedom is guaranteed. The General Comment should underscore that states must promote the necessary conditions for free, independent, and diverse media, including public service, private and community media, as per the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa (ACHPR 2019 Declaration).³

Climate and environmental journalists face grave threats from state actors, businesses and community members seeking to muzzle reporting of sensitive environmental stories. If left unaddressed, their contribution to the enjoyment of Article 24 will be curtailed.

The General Comment should expressly recognise the threats faced by climate and environmental journalists and the need for States to fulfil their obligation to promote and protect their work, and to take positive action to facilitate it

¹ Principles 11-15 2019 ACHPR Declaration. Also see Para 40 General Comment 34 of the ICCPR.

² Article 19 International Covenant on Civil and Political Rights (ICCPR); Article 9 African Charter on Human and Peoples' Rights; Para 40 General Comment 34 of the ICCPR & Principle 11 & 12 [ACHPR 2019 Declaration](#).

³ Principles 11-15 2019 ACHPR Declaration. Also see Para 40 General Comment 34 of the ICCPR.

According to research and monitoring reports by the International Press Institute (IPI), these violations include:⁴

- Physical attacks, including killings of journalists
- Restrictions on access to information
- Enforced disappearances and abductions
- Threats, intimidation and harassment
- Unlawful and arbitrary detention and arrests
- Online attacks, including targeted disinformation and cyberattacks
- Illegal surveillance
- Censorship
- Legal harassment, including Strategic Litigation Against Public Participation (SLAPPs)

The General Comment should call on governments to guarantee the safety of journalists, implement legal and other measures to prevent attacks, and facilitate timely access to justice as per Principles 19 and 20 of the ACHPR 2019 Declaration and other relevant frameworks.⁵

The General Comment should underscore the importance of an enabling legal and policy environment to fulfil the right to freedom of expression, including critical voices who promote the realisation of Article 24. The General Comment should call on states to decriminalise defamation and false news offences in compliance with Principle 22 of the ACHPR 2019 Declaration, General Comment 34 of the ICCPR, and the African Court on Human and Peoples' Rights decision in *Lohe Issa Konate v Burkina Faso*.⁶

Media economic challenges may lead to the deprioritisation of climate and environmental stories that may not be viewed as a popular subject, muting a vital information channel for actualising the right to the environment. The General Comment should call on the state to take measures to promote media development and sustainability and incentivise climate and environmental public interest reporting as a public good with strong safeguards for independence.

⁴ [IPI Monitoring Report: Climate and environmental journalism in Africa: March-September 2025; IPI Climate and Environmental Journalism Under Fire 2024](#)

⁵ Also see [Resolution on the Safety of Journalists and Media Practitioners in Africa](#) & [A/HRC/RES/59/15 UN Human Rights Council Resolution: Safety of Journalists](#) & [A/RES/80/217 UN General Assembly Resolution on the safety of journalists and the issue of impunity](#)

⁶ [Lohe Issa Konate v Burkina Faso, Application 004/2013](#). Also see [ACHPR/Res.169 \(XLVIII\)10 Resolution on Repealing Criminal Defamation Laws in Africa](#).

Access to information

Access to credible, accurate and reliable information is a cornerstone of effective climate action and the enjoyment of Article 24. Everyone has the right to access information held by public bodies, relevant private bodies and private bodies for the exercise or protection of any right.⁷ Journalists and environmental defenders must have access to accurate environmental information.

The General Comment should call for information holders, including public bodies, and relevant private bodies, to proactively disclose public interest environmental information as per Principle 29 of the 2019 Declaration.⁸

The General Comment should call for the full implementation of the African Commission Resolution on Access to Information and the Right to a Healthy Environment.⁹ In this regard, it must emphasise state responsibility to:

- Provide timely, accurate, accessible, and proactive disclosure of climate and environmental information
- Guarantee meaningful public participation and access to justice in environmental decision-making
- Ensure an open, pluralistic, and enabling information environment
- Facilitate unimpeded access to information for journalists, human rights defenders, and relevant communities
- Enact strong access to information laws in compliance with regional and international standards.
- Prevent, investigate, and remedy attacks against environmental defenders, including journalists
- Take legislative, administrative and judicial measures to prevent and address malicious or abusive litigation

CONTRIBUTION TO SECTION ON “GROUPS IN SITUATIONS OF VULNERABILITY AND ENVIRONMENTAL DEFENDERS”

Protection measures for environmental defenders: Protection against SLAPPs

SLAPPs are a form of judicial harassment that is increasingly used to silence climate and environmental defenders and journalists.¹⁰ SLAPPs are ‘meritless litigation, whether civil,

⁷ Principle 26 2019 Declaration

⁸ Subject to adoption by the ACHPR, please also see Guidelines 6, 20 & [Appendix A African Guidelines on Promoting and Harnessing Data Access as a Tool for Advancing Human Rights and Sustainable Development in the Digital Age](#)

⁹ [ACHPR ‘Resolution on Access to Information and the Right to a Healthy Environment - ACHPR/Res.657\(LXXXVI\) 2026’.](#)

¹⁰ [IPI “SLAPPs against environmental and climate journalists in Africa: A perfect storm for harassment” \(2026\).](#)

criminal or administrative, instituted by powerful individuals or entities to obstruct public participation, silence critics and watchdogs, impede investigative reporting, and evade accountability in matters of public interest through long, arduous and costly litigation, typifying a gross abuse of the judicial or administrative processes.’¹¹ According to a recent report by IPI, there is a dearth of data on SLAPPs affecting climate reporting, despite the severity of the threat to critical voices, requiring broad interventions from states, civil society and development partners.¹²

The General Comment should expressly recognise the serious threat posed by SLAPPS on environmental defenders and journalists and their critical role in advancing the right to a healthy environment. The General Comment should provide that the enjoyment of Article 24 requires states to address this threat through measures such as:

- Repealing criminal defamation, sedition, false news and insult laws.
- Enacting specific anti-SLAPP laws
- Strengthening judicial independence and integrating SLAPPs in judicial training curriculum
- Strengthening access to legal aid assistance for SLAPP victims
- Investigating allegations of misuse of court processes through abusive and oppressive litigation.

¹¹ Please note that there are ongoing efforts to introduce a SLAPPs Resolution for consideration by the African Commission. This definition is lifted from the Resolution to ensure definitional harmony in the African Commission frameworks.

¹² [IPI “SLAPPs against environmental and climate journalists in Africa: A perfect storm for harassment” \(2026\)](#)