



Invitation

A Side Event on the 77th Ordinary Session of the African Commission on Human and Peoples' Rights

Surveillance and Human Rights in Rights in Africa

21 October 2023

13:00 – 14:30 EAT

Palace Hotel, Arusha

Background

The Centre for Human Rights, University of Pretoria (CHR), International Center for Not-for-Profit Law (ICNL) and ARTICLE 19 Eastern Africa will be hosting a side event on “the Surveillance and human rights in Africa,” to promote human rights based approaches to the practice of surveillance and raise awareness on its human rights implications. Principle 41 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa (the Declaration), calls on States to undertake lawful targeted surveillance instead of indiscriminate and untargeted collection, storage, analysis or sharing of a person’s communications. Targeted surveillance should be authorised by law, that conforms with international human rights law and standards, and that is premised on specific and reasonable suspicion that a serious crime has been or is being carried out or for any other legitimate aim. Also, when targeted surveillance is undertaken, States are obliged to ensure that any law authorising targeted communication surveillance provides adequate safeguards for the right to privacy, including: the prior authorisation of an independent and impartial judicial authority; due process safeguards; specific limitation on the time, manner, place and scope of the surveillance; notification of the decision authorising surveillance within a reasonable time of the conclusion of such surveillance; proactive transparency on the nature and scope of its use; and effective monitoring and regular review by an independent oversight mechanism. The side event is being held on the basis of the concerning prevalence of mass surveillance and unlawful targeted communication surveillance that does not conform with international human rights law and standards, and the disproportionate targeting of journalists, human rights defenders, civil society organisations, whistleblowers and opposition political activists, without appropriate safeguards for privacy rights. A recent report paints a picture of the yearly expenditure on digital surveillance technology in Nigeria, Ghana, Morocco, Malawi, and Zambia, which is estimated to be about \$1bn, collectively.

The objectives of the side event are :

- To assess the State obligations regarding surveillance and their implementation in practice across Africa.
- To discuss the human rights question in surveillance and the threats posed to civil society.
- To consider possible recommendations on further engagements to address prevailing threats as a collective.

Moderator:

Maxwell Kadiri (OSF Africa)

Speakers

- **Hlengiwe Dube** (CHR)
- **Arnold Tsunga** (Southern Defenders)
- **Florence Nakazibwe** (ICNL)
- **Jane Muhia** (ARTICLE 19 Eastern Africa)
- **Japhet Biegon** (Amnesty International)

