



THE ACCRA COMMUNIQUE ON HUMAN RIGHTS AND DIGITAL JUSTICE (2025)

Adopted in a workshop by selected Justices of High Courts of Ghana and Nigeria at the Judicial Exchange on Digital Rights and Human Rights Adjudication

PREAMBLE

Mindful of the Constitution of the Republic of Ghana, which guarantees the fundamental human rights and freedoms of every person;

Affirming our understanding of the international human rights instruments, including the African Charter on Human and Peoples' Rights, the ECOWAS Revised Treaty, and the International Covenant on Civil and Political Rights;

Conscious of the rapid evolution of the digital environment and the increasing intersection between technology and the administration of justice;

Concerned about emerging threats such as unlawful surveillance, misuse of personal data, online harassment, disinformation, cybercrime, digital exclusion, and technology-facilitated gender-based violence;

Acknowledging the increasing

risks of digital harms, including cyberbullying, online harassment, digital discrimination, and technology-facilitated gender-based violence;

Recognising the judiciary's central role in shaping jurisprudence that protects rights in the digital age;

Recognising that Journalists, Human Rights Defenders and other vulnerable groups are at-risk communities

Determined to strengthen our judicial capacity, uphold constitutional safeguards, and lead with clarity, fairness and independence;

We, the participants, gathered in Accra for the Judicial Exchange on Digital Rights and Human Rights Adjudication, recognising our constitutional mandate to uphold justice, safeguard the rights of all persons, and protect the integrity of the judicial system, hereby adopt the following communique.

COMMITMENTS

1. Protection of Fundamental Rights in the Digital Era

We affirm that fundamental human rights must be respected, protected and fulfilled online as they are offline. This includes the rights to privacy, freedom of expression, access to information, dignity, equality, due process and fair trial.

2. Commitment to Judicial Independence and Impartiality

We reaffirm that the interpretation of digital rights shall be grounded in the Constitution and guided by principles of independence, impartiality and integrity.

3. Advancement of the Right to Privacy and Data Protection

We commit to:

- Ensuring that cases involving data protection, digital surveillance and personal information are adjudicated with a presumption in favour of privacy.
- Applying necessity, legality and proportionality tests in all matters involving state or private-sector interference with privacy.
- Encouraging adherence to national data protection laws and regional standards.

4. Protection Against Digital Harms

We commit to interpreting the law in ways that offer meaningful redress and protection for victims, especially women, children, persons with disabilities and other vulnerable groups.

5. Promoting Access to Justice in a Digital Environment

We commit to strengthening judicial mechanisms that ensure timely, efficient and effective justice delivery in cases involving digital rights

violations, including through digital evidence management, improved court processes and a better understanding of cyber-related offences.

6. Strengthening Judicial Capacity in Emerging Technologies

We commit to improving our collective understanding of:

- Artificial Intelligence and automated decision-making
- Cross-border data flows
- Digital surveillance techniques
- Cybersecurity and digital forensics
- Online content governance
- Digital platforms and their influence on civic space

7. Encouraging Rights-Respecting Legislative Development

We pledge to provide reasoned and progressive judgments capable of guiding institutions, regulators and state agencies toward rights-respecting digital legislation and policy.

8. Upholding Freedom of Expression and Media Rights Online

We commit to:

- Protecting at-risk communities who exercise their right to free expression online.
- Ensuring that restrictions on speech meet constitutional standards of legality, necessity and proportionality.
- Advocating against the use of outdated or overbroad laws that stifle online expression.

9. Ensuring Fair Use of Digital Evidence

We commit to strengthening

jurisprudence on the admissibility, reliability, and integrity of digital evidence, with a focus on the chain of custody, authentication, and due process guarantees.

Justice (CHRAJ), African human rights bodies and judicial training institutions.

We call upon all branches of government, regulatory bodies, legal practitioners, civil society organisations and technology actors to respect and support this commitment.

10. Collaboration and Knowledge Sharing

We commit to continued engagement with national, regional and global judicial networks to advance emerging jurisprudence on digital rights, including collaboration with the Commission on Human Rights and Administrative

We adopt this Communique as a reaffirmation of the judiciary's constitutional duty to promote justice, safeguard rights and uphold the rule of law in the digital age.

Adopted in Accra, Republic of Ghana
This 18th day of November, 2025.

Signed: Participants of the Workshop

- **Selected members of the Judicial Training Institute**
- **Selected Judges of the High Courts in Ghana**