

**FINAL COMMUNIQUE OF**  
**THE 41st ORDINARY SESSION OF**  
**THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**  
**HELD IN ACCRA, GHANA, FROM 16 th to 30 th May 2007**

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- The African Commission on Human and Peoples' Rights (the African Commission) held its 41 st Ordinary Session in Accra, Ghana, from 16 - 30 May 2007, presided over by the Chairperson of the African Commission, H.E. Mrs. Salamata Sawadogo.
- The following Members participated at the Session:
  - Commissioner **Yassir Sid Ahmed El Hassan**, Vice-Chairperson;
  - Commissioner **Kamel Rezag-Bara**;
  - Commissioner **Musa Ngary Bitaye**;
  - Commissioner **Reine Alapini-Gansou**;
  - Commissioner **Mumba Malila**;
  - Commissioner **Angela Melo**;
  - Commissioner **Sanji Mmasenono Monageng**;
  - Commissioner **Bahame Tom Mukirya Nyanduga**; and
  - Commissioner **Faith Pansy Tlakula**.
- Honourable Kwame Osei Prempeh, Deputy Attorney General and Deputy Minister for Justice of the Republic of Ghana, welcomed the participants to the opening ceremony - which was also attended by representatives of the United Nations (UN), the Economic Community of West African States (ECOWAS), other international organisations, members of the Government of the Republic of Ghana, as well as the Diplomatic and Consular Corps. In a speech recalling the hey day of Pan Africanism, Honourable Kwame Osei Prempeh stated that the 41 st Ordinary Session affords Africa the occasion to engage in a dialogue to promote and protect human rights. He indicated that the forum also presents a unique opportunity to share experiences, forge new bonds of partnership, strengthen old ones, and renew Africa's commitment to the cause of human rights.
- H.E. Mrs. Salamata Sawadogo, the Chairperson of the African Commission, in her welcome address, thanked the government and the people of Ghana for hosting the 41 st Ordinary Session of the African Commission. She also congratulated H.E. Dr. John Kufuor, the President of the Republic of Ghana, for the successful celebration of the 50 th anniversary of Ghana's independence. She noted that it was Ghana's

independence in 1957 that broke the backbone of colonialism in Africa, galvanized and inspired Africa to realise its dream of freedom.

- She underscored the fact that though her term as Chairperson of the African Commission is coming to an end, the African Commission is at the crossroads of many changes and challenges that are presenting new opportunities to promote democracy and protect human rights. She stated that the Commission as the premier institution responsible for the promotion and protection of human rights in the continent is making use of the opportunities of change occasioned by the peoples' quest for freedom, African leaders' desire for change, and the dynamism of civil society.
- In conclusion, she encouraged Member States of the AU to implement the provisions of the Constitutive Act of the AU in the promotion and protection of human rights on the continent.
- H.E. Mrs. Julia Joiner, the Commissioner for Political Affairs of the Commission of the African Union, in her speech, conveyed greetings from H.E. Professor Alpha Oumar Konaré, the Chairperson of the Commission of the African Union, before declaring that the AU is aware of the fact that the effective functioning of the African Commission is critical for the actualisation of the AU's human rights agenda. In conclusion, Mrs. Joiner congratulated members of the African Commission as they celebrate 20 years of human rights work, and paid a special tribute to all past and present Commissioners for their untiring efforts to guarantee the enjoyment of fundamental human rights by all Africans.
- Honourable Mr Patrick Chinamasa, Minister of Justice, Legal and Parliamentary Affairs of the Republic of Zimbabwe, delivered a statement on behalf of the States Parties. He however cautioned that, while the African Commission celebrates any achievements made in the area of human rights, the universal respect, promotion and protection of human rights is a process fraught with innumerable challenges.
- Mrs Kahinde Ajoni delivered a statement on behalf of the Coordinating Committee of African National Institutions in which she encouraged closer collaboration between the African Commission and national human rights institutions in Africa.
- Mrs. Hannah Forster, Executive Director of the African Centre for Democracy and Human Rights Studies, addressed the session on behalf of the NGO Community. She expressed her hopes as well as her concerns on the general human rights situation on the continent; Mrs. Forster voiced her satisfaction with the relations existing between the ACHPR and the NGOs, who ceaselessly combine their efforts in the promotion and protection of human rights in Africa. Finally, Mrs. Forster lauded the efforts of the African Commission reiterating the determination and willingness of the NGOs to endure in their task of protecting human rights in Africa.
- Honourable Joe Ghartey, Attorney General and Minister for Justice of the Republic of Ghana, on behalf of H.E. Dr. John Kufour, President of the Republic of Ghana,

officially opened the 41st Session. He welcomed all the participants to Ghana especially on the occasion of its Golden Jubilee. He recalled the mandate entrusted to the Commission by the African Charter on Human and Peoples' Rights, and observed that the 41 st Session of the Commission was being held in Ghana at a time when Africa was undergoing democratic changes. He recalled the fundamental principles of equality and freedom of people and congratulated the Commission for the excellent work accomplished over the years, but noted that it was also a time of stocktaking. He observed that lasting unity and integration could only be attained on a platform of true peace where each African is the other African's keeper, and where there is commitment to respect fundamental human rights for all. On the specific issue of Ghana's ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Attorney General gave an undertaking that Ghana will take immediate steps to ratify the Protocol.

- On the first day of the session, the Commission paid a courtesy call on the President of the Republic of Ghana. H.E. Mrs. Salamata Sawadogo thanked the President for inviting the Commission to hold this Session, on the occasion of the 50 th anniversary of Ghana. H.E. President John Kuffour lauded the efforts of the African Commission to promote and protect human rights and recognised the difficulties still faced by the African Commission to execute its mandate. He pledged that Ghana would always be at the vanguard of supporting the work of the African Commission.
- The Session was attended by over four hundred and eighty five (485) participants representing thirty two (32) State Parties, eleven (11) National Human Rights Institutions, and several African and International intergovernmental and non-governmental organizations.
- As is customary, the non-governmental organisations met, prior to the 41 st Ordinary Session of the African Commission, from the 12 th to 14 th May, in order to contribute to the deliberations of the Session. The valuable contributions which emanated from the Forum influenced the deliberations of the Commission.
- Along side the 41 st Ordinary Session, the African Commission organised a series of events, with members of Ghanaian civil society, around the margins of the Session, in order to contribute to the visibility of the Commission and maximise the participation of stakeholders. The highlight of these events was a two-mile march by hundreds of women to underscore the important role of securing the rights of women in Ghana. The Commission also made use of the press, radio and television to publicise its activities. A documentary entitled "Human Rights is Justice," commissioned by the African Commission and the Ministry of Justice of Ghana was broadcasted over Ghana Television.
- The Department of Political Affairs of the Commission of the African Union also organised the following activities prior to the 41 st Session, in which members of the African Commission participated:
- Implementation of AU Decisions on Human Rights, from the 12 to 14 May 2007

- National Human Rights Institutions and the Monitoring and Documentation of Human Rights, on the 15 and 16 May 2007
- Roundtable Discussion on Media in Africa, on 17 May 2007
- During the Session, the African Commission listened to statements relating to the human rights situation in Africa from representatives of State Parties, intergovernmental organisations, National Human Rights Institutions, and non-governmental organisations.
- Mr Patrice Vahard, speaking on behalf of the United Nations High Commissioner for Human Rights, said that the situation of human rights still remains a global concern. He expressed deep concern over the ongoing human rights and humanitarian law violations in Darfur. He observed that Africa has some of the most forward-looking regional human rights instruments, which can be used to achieve peace, respect for the rule of law, democracy, freedom, human dignity and human rights. He welcomed the opportunity for the UN Group of Human Rights Experts on Darfur to work with the African Commission for the protection of the rights of the people of Darfur.
- The African Commission conducted a special hearing on the situation of human rights in Zimbabwe in accordance with Article 46 of the Charter.
- In conformity with Article 62 of the Charter, the initial reports of Kenya and Zambia and the periodic report of Zimbabwe were presented and considered by the Commission.
- The African Commission adopted ‘Concluding Observations’ on the three reports mentioned above and transmitted them to the State Parties.
- The Chairperson presented a report of her intersession activities. The Vice-Chairperson and other members of the Commission also presented reports of their intersession activities, including reports of activities they undertook within the framework of the mandate of their various special mechanisms.
- The African Commission granted Observer Status to the following NGOs -:
  - African Women Organisation in the Diaspora (AWODO), of The Gambia;
  - Zimbabwe Association of Doctors for Human Rights, of Zimbabwe;
  - Zimbabwe Exiles Forum, of South Africa;
  - Federation of Women Lawyers, of Kenya; and
  - Centre for Democratic Governance of Burkina Faso.
- The applications of the following NGOs were deferred to the next session:
  - SOS Kinderdof, of The Gambia; and
  - International Displacement Monitoring Centre, of Switzerland.
- This brings the number of NGOs with Observer Status with the African Commission to three hundred and sixty seven (367).
- The African Commission considered the application for Affiliate Status of the National Commission for Human Rights and Freedoms of Cameroon and deferred the matter to the next session pending further information on the status of the

- National Human Rights and Freedoms Committee of Cameroon- which already has an affiliate status with the Commission.
- The African Commission also considered and adopted the following reports:
    - Report of the Promotion Mission to the Republic of Burundi;
    - Report of the Promotion Mission to the Republic of Rwanda;
    - Report of the Promotion Mission to the Republic of Uganda;
    - Report of the Promotion Mission to the Republic of Mali;
    - Report of the Promotion Mission to the Republic of Burkina Faso;
    - Report of the Promotion Mission to the Kingdom of Swaziland;
    - Report of the Promotion Mission to the Republic of Cameroon;
    - Report of the 39 th Ordinary Session of the Commission;
    - Report of the 40 th Ordinary Session of the Commission; and
    - Report of the 41 st Ordinary Session of the Commission.
  
  - The African Commission considered and took note of the following reports with a view to be used as internal information for the Commission:
    - Report of the Information and Research visit of the African Commission's Working Group on Indigenous Populations/Communities in Africa to the Republic of Uganda; and
    - Report of the Information and Research visit of the African Commission's Working Group on Indigenous Populations/Communities in Africa to the Central African Republic.
  
  - The Commission also adopted an Advisory Opinion on the UN Declaration on the Rights of Indigenous Populations.
  
  - The African Commission reiterated its intention to organise seminars on a number of issues that are relevant to its mandate. These are-
    - Peaceful Settlement of Ethnic and Social Conflicts from a Human Rights Perspective;
    - Contemporary Forms of Slavery in Africa;
    - The Right to Education, Popular Participation, and Non-formal Education: An Essential Condition for Development in Africa;
    - The Rights of Persons with Disabilities;
    - The Situation of Refugees and Internally Displaced Persons;
    - Islam and Human Rights;
    - Terrorism and Human Rights;
    - Ethnic Conflict Resolution in a Human Rights Context;
    - Right to Development and the Right to Self-Determination;
    - Military and Police Seminars: Building a Culture of Peace and Human Rights;
    - Regional Conferences/ Seminar for Journalists; and
    - Regional Human Rights Education Seminar for Teachers.
  
  - The African Commission adopted the following Resolutions:

- Resolution on the rights of older persons in Africa;
  - Resolution on the situation of human rights defenders in Africa;
  - Resolution on the operationalisation of the United Nations – African Union Cooperation: framework for the Ten Year Capacity Building Programme for the African Union;
  - Resolution on the situation in Somalia;
  - Resolution on the health and reproductive rights of women;
  - Resolution on the prevention and prohibition of torture and other cruel, inhuman or degrading treatment or punishment; and
  - Resolution reiterating the importance of compliance with reporting obligations under the African Charter.
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- The African Commission considered Seventy three (73) communications; it was seized with ten (10) new communications, declared eight (8) admissible, finalised one (1), considered requests for review on three (3), deferred *sine die* consideration of one (1), and deferred fifty (50) to the next session for further consideration.
  - The African Commission adopted its Twenty Second (22 nd) Activity Report, which will be submitted to the 11 th Ordinary Session of the Executive Council of the African Union and the 9 th Ordinary Summit of the Heads of State and Government of the African Union, which is scheduled to take place in June/July 2007 in Accra, Ghana.
  - The African Commission decided to hold its 42 nd Ordinary Session from 14 – 28 November 2007, at a venue to be specified later.
  - The African Commission expresses its sincere appreciation and profound gratitude to the Government and people of the Republic of Ghana for the warm welcome and hospitality accorded to the participants, all of which contributed to the excellent outcome and success of the deliberations of the Session.
  - The closing ceremony of the Session took place on the 30 th May 2007 in Accra, Ghana.
  - The Chairperson of the African Commission held a Press Conference after the closing ceremony.

Done in Accra, Ghana, 30 May 2007

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