

**Chapter Six**  
**Sixth Annual Activity Report of the**  
**African Commission**  
**1992 - 1993**

## **I. ORGANISATION OF WORK**

### **A. Period covered by the report**

1. The Fifth Annual Activity Report was adopted by the Twenty-eighth ordinary session of the Assembly of Heads of State and Government of the OAU by its resolution AHG/Res. 207 (XXVIII). The present report covers the Twelfth and Thirteenth ordinary sessions which were held in Banjul from 12 - 21 October 1992, and from 29 March to 7 April 1993 respectively.

### **B. Status of ratification**

2. As at the date of the 13<sup>th</sup> session, 48 Member States had ratified the Charter. The list of those which have ratified the Charter is attached to this Volume as Appendix III.

### **C. Sessions and agenda**

3. The Commission has held two ordinary sessions since its fifth annual activity report was adopted.
  - the Twelfth ordinary session was held in Banjul, The Gambia, 12 to 21 October 1992;
  - the Thirteenth ordinary session was held in Banjul, The Gambia, from 29 March to 7 April 1993.

The agenda of both sessions are attached hereto as Annexes I and II respectively.

### **D. Composition and participation**

4. The composition of the Commission has changed since the adoption of the last report. Mr. Mohammed Hatem Ben Salem was elected by the 28<sup>th</sup> Session of the Assembly of Heads of State and Government, on 1 July 1992, following the vacancy created by the death of Commissioner CLC Mubanga- Chipoya. The list of the other Commissioners is attached to this report as Annex III.

5. The attendance at both sessions has been as follows:

The following commissioners attended the Twelfth session:

1. Prof. Isaac Nguema
2. Ali Mahmoud Buhedma
3. Mr. Sourahata B.S Janneh
4. Justice Robert H. Kisanga
5. Dr. Ibrahim A Badawi EL Sheikh
6. Prof. U.O Umozurike

7. Mr. CLC Mubanga-Chipoya
8. Dr. Mohammed Hatem Ben Salem
9. Alione Blondin Beye

Justice Moleleki D Mokama was absent with apology, while Mr. Alexis Gabou was absent.

The following commissioners attended the Thirteenth session:

1. Prof. Isaac Nguema
2. Ali Mahmoud Buhedma
3. Mr. Sourahata B.S Janneh
4. Justice Robert H. Kisanga
5. Dr. Ibrahim A Badawi EL Sheikh
6. Prof. U.O Umozurike
7. Dr. Mohammed Hatem Ben Salem
8. Moleleki D Mokama
9. Alione Blondin Beye
10. Mr. Alexis Gabou

Mr. Youssoupha Ndiaye was absent with apology.

#### **E. Chairman and Vice-Chairman of the Commission**

6. Dr. Ibrahim A. Badawi El Sheikh and Mr. Sourahata BS Janneh are respectively Chairman and Vice-Chairman.

#### **F. Adoption of the Sixth Annual Activity Report**

7. On the 7<sup>th</sup> of April 1993, the Commission considered and adopted its sixth annual activity report.

## **II. ACTIVITIES OF THE COMMISSION**

### *A. Examination of Periodic Reports*

8. At its Twelfth and Thirteenth ordinary session, the Commission considered the initial reports submitted by The Gambia, Zimbabwe, Togo and Nigeria, and the initial and second reports of Senegal. The Commission expressed its appreciation to the said governments for submitting their reports and sending representatives to have a dialogue with the Commission. In the Commission's view, the conduct of Egypt and Tanzania reflected the will of the governments to co-operate with the Commission in the implementation of the Charter.
9. The Commissioners made comments and asked a number of questions on the reports submitted, and the representatives of the governments concerned responded verbally at the session. They further indicated that they would later provide the Commission with additional information.

10. It is to be noted that in accordance with Article 62, each State undertakes to submit every two years, from the date the Charter comes into force, a report on legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the Charter. In this regard, as at the start of the Thirteenth ordinary session of the Commission, only 14 States had submitted periodic reports, namely: the Jamahiriya of Libya, Rwanda, Tunisia (9<sup>th</sup> session), Egypt, Tanzania, (11<sup>th</sup> session), Zimbabwe, Gambia, Senegal (12<sup>th</sup> session) Nigeria, Togo (13<sup>th</sup> session). Benin, Ghana, Cape Verde and Mozambique (remain to be examined). This means that 37 States are yet to submit their reports.
11. The Assembly of Heads of State and Government of the OAU adopted a resolution - AHG/Res. (XXVIII), in which it, among other things, urges States Parties to the Charter which have not yet submitted their initial report to submit them as soon as possible. It requested that the States should report not only on legislative measures, but also on other measures taken to give effect to each of the rights and freedoms. The Assembly also encouraged States Parties which encounter difficulties in preparing and submitting their reports to seek help as soon as possible from the African Commission which will arrange for assistance in this task through its own or other resources.

#### *B. Promotional Activities*

##### **i) Activities of the Commissioners**

12. The Chairman of the Commission met on the 20<sup>th</sup> of October, 1992 with His Excellency President Abdou Diouf, President of the Republic of Senegal and the Chairman of the OAU to brief His Excellency the President on the activities of the Commission. The Chairman also met on several occasions with His Excellency Dr. Salim Ahmed Salim, Secretary General of the OAU and discussed with His Excellency issues relevant to the Commission.
13. The Chairman and commissioners undertook promotional activities to a number of African countries. Such activities were undertaken with the co-operation of the competent authorities of the States visited by the commissioners. The object of the activities was to publicise the African Charter and explain the work of the African Commission.
14. In addition, some commissioners gave lectures and attended seminars, and initiated contacts in Africa and elsewhere.

##### **ii) Programme of Activities**

15. It is to be recalled that at its Tenth and Eleventh sessions, the Commission adopted a programme of Activities which has a number of components including the establishment of a documentation and information centre, organisation of seminars and workshops and training courses. The following paragraph point out to seminar activities during the period covered by this report.

- a) The Commission organised in collaboration with Raoul Wallenberg Institute of Sweden, a seminar on the National Implementation of the African Charter on Human and Peoples' Rights in the Internal legal systems in Africa, held in Banjul, The Gambia, 26 - 30 October, 1992.
- b) The Commission organised in co-operation with the Union of African Journalists, the Tunisian Association of Journalists and others, a seminar on the role of the African Media in the promotion and protection of human rights, held in Tunis, Tunisia, 31 October to 1 November 1992.
- c) The Commission will be convening in Harare, Zimbabwe, from 12 to 16 July 1993 a seminar on African Refugees and Internally Displaced Persons.
- d) At its Thirteenth session, the Commission decided to organise in collaboration with the Arab Lawyers Union and some other Non- Governmental Organisations a seminar on the right to fair trial with specific reference to legal assistance.
- e) The Commission also decided to organise in collaboration with the Raoul Wallenberg Institute of Sweden two seminars on the implementation of the African Charter with a special reference to the reporting procedure.
- f) Furthermore, the Commission decided to initiate contacts for the preparation and organisation of a seminar on the role of the African Media in the promotion and protection of human rights and a seminar on the role of women under the African Charter.

### **iii) Right to Development**

16. The Commission examined at its Twelfth and Thirteenth sessions the right to Development in the light of the provisions of the African Charter.

### **iv) Regional and International Co-operation**

17. The Commission has participated in a number of regional and International human rights related activities, notably:
- a) The African preparatory conference in Tunis, from 2 to 6 November, 1992 on the World Conference on Human Rights;
  - b) The World Congress concerning Education on Human Rights and Democracy from 8 to 12 March, 1993, organised by UNESCO in Montréal, Canada.
  - c) The Commission will be participating in the World Conference on Human Rights which will be convened in Vienna, June 1993. In this regard, the Commission has communicated to the Secretariat of the Conference the Conclusions and recommendations of its seminar on the National implementation of the African Charter in the Internal legal systems in Africa, held in Banjul. In addition, the Commission entrusted its Chairman to submit a

report to the Conference on the major activities of the Commission as a contribution to the World Conference.

#### **v. Publications**

18. The Commission published a booklet in French and English on the African Commission. This booklet contains a brief summary of the organisation and functions of the Commission as well as of its procedure concerning communications. Hopefully, this publication will also soon come out in Arabic.

#### **D. Administrative and Financial matters**

19. The Commission, at its 13<sup>th</sup> session, decided to draw the kind attention of the Assembly of Heads of State and Government to the very alarming situation of the Commission in terms of logistics as follows:
20. Since the entry into force of the African Charter on Human and Peoples' Rights and the establishment of the African Commission, the latter has suffered from a chronic lack of staff, resources and services necessary for the effective discharge of its functions. No funds are allocated in the Commission's budget for promotional activities.
21. The considerable delay registered in the processing and management of communications could be attributed to the fact that the Commission deals mainly with legal matters and that it was only recently that it was provided with the service of a legal officer.
22. The Secretariat has only a skeleton staff and is not endowed with the basic facilities for the execution of certain basic functions such as producing documents on time.
23. In spite of the serious administrative and financial shortcomings and the repeated requests of the Commission, no substantial measure has been taken to resolve the situation. Instead drastic cuts are being made on the operational budget, with a total of about 25% for the year 1993/1994 alone.
24. In the light of all these alarming developments and conscious of the dire financial situation of the OAU, and the efforts of the Secretary General of the OAU to support the Commission, the Commission expresses the hope that the Assembly of Heads of State and Government will ensure the necessary support for the execution of the noble assignment it has entrusted the Commission with and under its direct authority.
25. Meanwhile, the Commission notes with gratitude the voluntary contributions which it had received from the United Nations Centre for Human Rights, the European Community, the Swedish, Danish and Austrian Governments.

## **E. Observers**

26. In accordance with the provisions of rules 76 and 77 of its Rules of Procedure, the Commission granted observer status to a certain number of NGOs. The Organisations which enjoy observer status are indicated in Annex VIII.
27. At its 12<sup>th</sup> and 13<sup>th</sup> sessions, the Commission listened in public meetings to a number of NGOs observers under relevant agenda items.

## **F. Protective Activities**

28. At its 12<sup>th</sup> and 13<sup>th</sup> sessions, the Commission received 14 communications under article 55 of the African Charter, that is communications from sources other than States. With regards to these communications, the Commission took measures in accordance with the provisions of the African Charter and the Commission's Rules of Procedure. The Commission also followed up on 41 communications. The communications were examined in closed meetings.
29. In accordance with article 59 of the African Charter, the details of the above communications are contained in a confidential Annex.

## **III. CONCLUSIONS AND RECOMMENDATIONS**

### **i) Conclusions**

30. The African Commission, basing itself on the political will of Africa as manifested basically in the African Charter on Human and Peoples' Rights has been pursuing its mission of promoting and ensuring protection of human and peoples' rights in the spirit of understanding, co-operation and dialogue with States, Inter-governmental organisations and Non-Governmental organisations.
31. The Commission has been heartened by the Declaration adopted on 11 July 1990 by the Assembly of Heads of State of the Organisation of African Unity on the political and socio-economic situation in Africa and the fundamental changes taking place in the world which, among other things, linked the process of socio-economic transformation and integration with the need to promote popular participation and political environment which guarantees human rights and observance of the rule of law.
32. The African Commission, in spite of the financial and administrative problems it is encountering will continue to strive to realise its mission in accordance with the provisions of the African Charter and for the sake of the cause of human and peoples' rights in Africa which is the cause of justice, peace, stability and development.

**ii) Recommendation**

33. The Commission recommends for consideration and adoption by the Assembly of Heads of State and Government the following resolution:

## **Resolution on the African Commission on Human and Peoples' Rights**

The Assembly of Heads of State and Government of the Organisation of African Unity, meeting at its Twenty-ninth Ordinary session in Cairo, from 28 -30 June 1993;

*Considering* the Sixth Annual Activity Report of the African Commission on Human and Peoples Rights, submitted by the Chairman, Dr. Ibrahim A Badawi El Sheikh in conformity with article 54 of the African Charter on Human and Peoples' Rights;

*Recalling* that the Charter of the Organisation of African Unity declares that freedom, justice and dignity are essential objectives for the achievement of the legitimate aspirations by the African peoples

*Recalling also* the entry into force of the African Charter on Human and Peoples' Rights on the 21<sup>st</sup> of October 1986 and the Declaration on the Political and socio-economic situation in Africa and the on-going changes in the world, adopted by the twenty-sixth Ordinary session of the Assemble of Heads of State and Government in July 1990;

*Convinced* of the need to provide the African Commission on Human and Peoples' Rights with all possible human and material resources it needs to carry out its work;

*Considering* that pursuant to Article 1 of the African Charter, State Party to the Charter shall recognise the rights, freedoms and duties enshrined in it and shall undertake to adopt legislative or other measures to give effect to them;

*Noting with satisfaction* that the African Charter is the first treaty that sanctions the right to development as a human right.

### **The Activities of the Commission**

1. *Underlines* the importance of ensuring respect for human and peoples' rights with the view of enhancing peace, stability and development in Africa;
2. *Reaffirms* that the right to development is an inalienable human right by virtue of which every human being is entitled to participate in, contribute to and enjoy the economic, social, cultural and political development of the society;
3. *Strongly* supports and encourages the activities of the African Commission on Human and Peoples' Rights to promote and protect human and peoples' rights in Africa, particularly in its efforts aimed to encourage States Parties to ensure strict implementation of their obligations under the African Charter on Human and Peoples' Rights to promote and protect the rights recognised and guaranteed in the African Charter;
4. *Recommends* that States Parties to the African Charter designate high ranking officials to act as focal points in the relation between the Commission and the States as such focal points would facilitate the follow up on the Commission's recommendations and contact between States and the Commission;

5. *Requests* the Secretary-General of the Organisation of African Unity to consider possible ways and means to respond as a matter of urgency, to the requirements of the African Commission to enable it fulfil its mission.

### **Overdue Periodic Reports**

1. *Expresses* its deep appreciation to their States Parties which have submitted their initial and periodic reports, namely: Benin, Cape Verde, The Gambia, Ghana, Egypt, Libya, Mozambique, Nigeria, Rwanda, Senegal, Tanzania, Tunisia and Zimbabwe;
2. *Urges* the States Parties to the African Charter on Human and Peoples' Rights which have not yet submitted their reports to submit them as soon as possible;
3. *Requests* that the States should report not only on the legislative or other measures taken to give effect to each of the rights and freedoms recognised and guaranteed by the African Charter on Human and Peoples' Rights but also on the problems encountered in giving effect to these rights and freedoms;
4. *Recommends* that the States in their periodic reports give information on the implementation of the right to development;
5. *Encourages* States Parties which encounter difficulties in preparing and submitting their periodic reports to seek help as soon as possible from the African Commission on Human and Peoples' Rights which will arrange for assistance in this task through its own or other resources.

### **Promotional activities**

1. *Urges* all States Parties to the African Charter on Human and Peoples' Rights to reflect the rights and freedoms recognised and guaranteed by the African Charter in their law and practice, and to ensure availability of the appropriate recourse procedure in case of abuse of the said rights;
2. *Requests* that all States Parties should implement article 26 of the African Charter on Human and Peoples' Rights by establishing national institutions with responsibility for promoting and protecting human and peoples' rights where they do not exist and strengthen all such institutions;
3. *Further requests* that all States should ensure among other things:
  - a) that human rights are included in the curriculum at all levels of public and private education and in the training of law enforcement officials, and
  - b) that education for human rights and democracy should involve every organ of the society as well as the media.

**Publication of the Sixth Annual Activity Report**

*Takes note* with appreciation of the Sixth Annual Activity Report of the African Commission on Human and Peoples' Rights and authorises its publication.

**ANNEXES**

**ANNEX I**

**AGENDA OF THE TWELTH ORDINARY SESSION 12TH TO 21ST  
OCTOBER 1992 (Banjul, The Gambia)**

1. Opening Session
2. Oath by the newly elected members of the Commission
3. Adoption of the Agenda
4. Organisation of work
  - a) Appointment of rapporteur
  - b) Working hours
5. Observers
  - a) Consideration of applications for observer status
  - b) Relationship with Observers
6. Consideration of Periodic Reports
7. Protective Activities
8. Promotional Activities
9. Administrative and Financial Matters
  - a) Commission's Annual Activity Report to the OAU Summit
  - b) Report of the Secretary to the Commission
10. Work Methods of the Commission including the Rules of Procedure
11. Report of the activities of the OAU relevant to the Commission
12. Examination of the Right to Development
13. Date, Venue and agenda of the 13th session
14. Any other business
15. Adoption of the report of the 12th session
16. Final Communiqué
17. Closing Ceremony

**ANNEX II**

**AGENDA OF THE THIRTEENTH ORDINARY SESSION 29TH March to 7th April 1993 (Banjul, The Gambia)**

1. Opening Session
2. Adoption of the Agenda
3. Organisation of work
  - a) Appointment of rapporteur
  - b) Working hours
  - c) Programme of work
4. Observers
  - a) Consideration of applications for observer status
  - b) Relationship with NGOs
5. Consideration of Periodic Reports
6. Promotional Activities
7. Administrative and Financial Matters
  - a) Report of the Chairman
  - b) Report of the Secretary to the Commission
  - c) Implementation of the Recommendation of the previous sessions
  - d) Budget proposals 1994-1995
8. Protective Activities
9. Work Methods of the Commission: Consideration of amendments to the Rules of Procedure
10. Report of the activities of the OAU relevant to the Commission
11. Examination of the Right to Development
12. World Conference on Human Rights
13. Date, Venue and agenda of the 14th session
14. Any other business
15. Adoption of the report of the 12th session
16. Adoption of the Report of the 13<sup>th</sup> session
17. Adoption of the Sixth Annual Activity Report of the Commission
18. Final Communiqué and Closing Ceremony

**ANNEX III**

**LIST AND ADDRESSES OF MEMBERS OF THE AFRICAN COMMISSION  
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5. **Mrs. Vera Valentina De Melo Duarte Martins** Member  
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6. **Mr. Robert Habesh Kisanga** Member  
Court of Appeal  
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7. **Mr. Emmanuel Victor O Dankwa** Member  
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## **Annex IV**

### **Distribution of countries for Promotional work**

1. **Mr. Alexis Gabou**  
Central African Republic  
Burundi  
Chad  
Gabon
  
2. **Dr. Ibrahim A. Badawi EL Sheikh**  
Comoro  
Seychelles  
Mauritius  
Madagascar  
Egypt
  
3. **Mr. Alione Blondin Beye**  
Benin  
Equatorial Guinea  
Sao Tome and Principe  
Togo
  
4. **Mr. Ali Mahmoud Buhedma**  
Algeria  
Libya  
Mauritania  
Djibouti  
Sahwahari Democratic Republic
  
5. **Mr. Souharata Baboucar Semega Janneh**  
Gambia  
Liberia  
Sierra Leone
  
6. **Mr. Robert H Kisanga**  
Ethiopia  
Kenya  
Somalia  
Uganda  
Mozambique  
Tanzania  
Zambia

7. **Mr. Moleleki D Mokama**  
Botswana  
Lesotho  
Angola  
Malawi  
Swaziland  
Zimbabwe  
Namibia
  
8. **Mr Youssoupha Ndiaye**  
Cape Verde  
Niger  
Senegal  
Republic of Guinea  
Guinea Bissau
  
9. **Prof. Isaac Nguema**  
Zaire  
Burkina Faso  
Congo  
Rwanda
  
10. **Prof. Mohammed H Ben Salem**  
Tunisia  
Sudan  
Cote d'Ivoire  
Mali
  
11. **Prof. U Oji Umozurike**  
Nigeria  
Cameroon  
Ghana

## **ANNEX V**

### **African Commission on Human and Peoples' Rights: Programme of activities 1992 - 1996**

#### **Introduction**

##### *Mandate of the Commission*

1. The African Commission on Human and Peoples' Rights has a permanent mission defined in Article 45 of the African Charter on Human and Peoples' Rights as follows:
  - A. To promote human and peoples' rights and in particular:
    - i) To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its view or make recommendations to governments.
    - ii) To formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation.
    - iii) Co-operate with other international institutions concerned with the promotion and protection of human and peoples' rights.
  - B. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter
  - C. Interpret all the provisions of the present Charter at the request of a State Party, an institution of the OAU, or an African organisation recognised by the OAU.
  - D. Perform any other task which may be entrusted to it by the Assembly of Heads of State and Government.

##### *Preliminary Programme of Action*

2. At its Second Ordinary Session (Dakar, Senegal, 8-13 February 1988), the Commission adopted a Preliminary Programme of Action.

##### *Adoption of Programme of Activities (1992 - 1996)*

3. At its Sixth Session (Banjul, The Gambia, 23 October - 3<sup>rd</sup> November 1989), and on the proposal of commissioner Ibrahim Badawi, the Commission decided to elaborate a concrete Programme of Activities. Commissioner Badawi was entrusted to prepare the Terms of Reference for Consultants to submit a report on the subject with the view to facilitating the task of the Commission in elaborating and adopting the said Programme.

4. At its Seventh Session (Banjul, The Gambia 18 -28 April 1990), the Commission adopted the terms of reference to the above. It also entrusted Mr. Adama Dieng and Wolfgang Benedek to prepare as Consultants, the report mentioned in paragraph 3 on the basis of the said terms of reference.
5. The consultants submitted their final report to the tenth ordinary session (Banjul, 8 - 17 October 1991).
6. The Commission, taking into consideration the said report, and on the basis of elaborate discussions, adopted at its 9<sup>th</sup> meeting on 6<sup>th</sup> March 1992 at its 11<sup>th</sup> session (Tunis, Tunisia, 2 - 9 March 1992) its Programme of Activities for the years 1992 - 1996.

### **The Components of the Programme of Activities**

7. In adopting the Programme of Activities, the Commission underlined the following:
  - A. The execution of the said Programme of Activities is of capital importance for fulfilling the Commission's mandate.
  - B. The financing of the programme is the primary responsibility of the OAU. However, given the present financial crisis of the OAU, it is hoped that international co-operation would be forthcoming in support of this programme.
8. The programme as adopted by the Commission contains the following main components:
  - A. Establishment of an Information and Documentation Centre
  - B. Convening seminars, workshops and training courses
  - C. Promotional activities by commissioners
  - D. Translation and distribution of public documents of the Commission including State reports and relevant summary records
  - E. Publication of Annual Activity reports of the Commission, the Review, newsletter, brochure and other publications
  - F. Convening intersession working groups
  - G. Recruiting personnel urgently needed starting with one jurist, one documentalist, one Administrative Officer and one translator.

### **Major Steps in implementing the Programme**

#### *Establishment of an Information and Documentation Centre*

9. Commissioners Ndiaye and Janneh were entrusted with assisting the Secretary to the Commission in setting out the qualifications and the conditions of service of the personnel to be recruited for the Centre. The Secretary would then as a matter of urgency, proceed to recruit one jurist, one documentalist, one Administrative officer and one translator.

10. Commissioners Ndiaye and Janneh were also requested to monitor the process of establishing the Centre and to advise the Secretary as relevant to speed up the establishment of the Centre.

*Decisions to convene seminars:*

11. At its 10<sup>th</sup> and 11<sup>th</sup> sessions, the Commission decided to convene the following seminars:
- A. How the African Charter on Human and Peoples' Rights has been received, in the local systems of States Parties to the Charter;
  - B. African refugees and internally displaced persons;
  - C. Popular participation and non-formal education;
  - D. The role of women under the African Charter, in relation to specific socio-economic problems;
  - E. The right to fair trial and legal assistance
  - F. Post-apartheid South Africa
  - G. The role of African media in the promotion and protection of human rights

*International co-operation*

12. While adopting its programme of activities, the Commission noted with gratitude that several international and regional organisations as well as governments were willing to support in principle its programme

**Conclusion**

13. Since its inception in 1987, the Commission has tried to effect a number of activities to fulfil its mandate in spite the lack of resources. The adoption of the programme of activities, (1992-1996) would help, on one hand, the Commission to plan and execute its activities, on the other hand, donors to appreciate and support these activities.
14. The programme of activities would be executed in a flexible manner so as to adjust to the needs and priorities of Africans in the field of human rights.

**Information and Documentation Centre (IDOC)**

The Information and Documentation Centre (IDOC) will provide the necessary infrastructure for the African Commission to pursue its activities in the field of promotion of human and peoples' rights in Africa. The IDOC will be an integral part of the Secretariat, but will have the autonomy necessary to carry out the following tasks:

## **Documentation**

### *Documentation of the African Commission*

The documents of the African Commission and all other pertinent OAU documents will be catalogued and made available in sufficient number to meet the needs of the African Commission, observers and the public. To facilitate retrieval of these documents, they will be catalogued, classified and indexed on a computed database.

### *Documents essential to the work of the Commission*

The IDOC will collect basic documents essential to the work of the Commission: on human rights law, international law, African constitutions, and relevant African legislation and jurisprudence; and major African and international journals dealing with human rights. The IDOC will also be responsible for the acquisition of relevant documents and publications of intergovernmental and non-governmental organisations.

### *Academic and Research Literature*

The IDOC will collect academic and research literature, while bearing in mind the competent and complimentary activities of institutions such as the African Centre for Democracy and Human Rights Studies.

### *Information activities of the Commission*

The IDOC will be responsible for disseminating information for the African Commission and in particular:

1. The African Charter in various African languages
2. Public documents of the African Commission
3. Publications of the African Commission as noted in C below.

### **Publications of the African Commission**

The IDOC will be responsible for the publications of the African Commission, including:

- i) The Annual Activity Reports of the Commission;
- ii) The bulletin of the Commission, at least twice a year;
- iii) The Review of the African Commission on Human and Peoples' Rights, twice a year;
- iv) The summary records of the Commission;
- v) Reports of seminars, workshops and other activities of the Commission;
- vi) Reference works on the African Charter and the work of the African Commission;
- vii) Research, studies of, or undertaken on behalf of, the African Commission; and
- viii) Educational materials produced by, or on behalf of, the African Commission.

### **Translation and distribution of documents**

The IDOC will be responsible for the translation and distribution of documents for the African Commission including translation and distribution of:

- i) The annual activity reports of the Commission;
- ii) Reports of States Parties;
- iii) Summary records of sessions of the African Commission, especially the summary records relating to the public examinations of States reports.

### **Research programme of the Commission**

The IDOC will undertake research for the African Commission on issues relating to the African Charter, especially on the substantive content of the rights and duties in the Charter, and on human rights in Africa and outside the continent, such as comparative studies of the rules and practices of other human rights instruments and bodies to elucidate the possible impact of the "applicable principles" in Articles 60 and 61 of the Charter; customary law and human rights in Africa; ongoing human rights research in Africa and on Africa; the role and problems of African human rights NGOs; and African cultures and human and peoples' rights as well as other topics related to the priorities and needs of human rights in Africa.

## The structure of IDOC

The IDOC will be structured and equipped in such a way as to make possible the efficient performance of the above-mentioned tasks, and any other tasks that might be entrusted to it by the Commission. The budget and structure would be as follows:

### *Staff*

- Information officer
- Documentalist
- Legal Officer
- Administrative Officer
- Translator
- Typist
- Intern

### *Equipment*

- Details are being worked out

### *Acquisition of documents*

- Initial purchase \$50,000
- Annual supplement \$30,000

### *Publications (printing)*

- African Charter \$10,000
- Bulletin (2/year) \$ 7,000
- Review (2/year) \$19,000
- Annual reports \$ 6,000
- Special reports \$ 6,000

5. *Translation* \$ 3,000

6. *Research* \$50,000

### 7. *Mailing*

- Bulletin: 1,500 copies \$ 3000
- Review: 200 copies \$ 4,000

8. *Xeroxing , Supplies, etc.* \$ 5,000

## Human Rights Conferences and Workshops

The African Commission will assist in the development of:

- i) Curricula in human rights education for primary and secondary education;
- ii) Courses for adult education;
- iii) Courses for non-formal education;
- iv) Training courses for government officials working in different fields such as Ministries of Justice, Interior, Defence, Education, Information, and Social Affairs, persons with direct responsibility for ensuring human rights protection, such as police, prison officials, or other officers, different professional groups, such as lawyers, judges, journalists, and human rights activists.

### **Promotional Workshops and Seminars**

The Commission will organise a series of workshops and seminars on topics of importance to the promotion and protection of human and peoples' rights in Africa. Some identified as priorities for the African Commission itself, will be organised by the African Commission, with the Commission accepting the prime responsibility for the meetings. Other workshops and seminars will be organised in collaboration with African or other human rights organisations.

The following list is identified to be illustrative of the topics which the Commission considers to be high priority subjects, recognising, however, that topics may be redefined in the light of new developments or changing circumstances.

### **Topics already agreed by the Commission**

- How the African Charter on Human and Peoples' Rights has been received, in the local systems of States Parties to the Charter;
- African refugees and internally displaced persons;
- Popular participation and non-formal education;
- The role of women under the African Charter, in relation to specific socio-economic problems;
- The right to fair trial and legal assistance;
- Post-apartheid South Africa;
- The role of African media in the promotion and protection of human rights.

Other topics which could be selected for seminars, workshops or studies.

- a) Freedom of Expression, of Association and of Assembly in contemporary Africa;
- b) Economic, Social and Cultural rights and the Right to Development;
- c) Combating Torture in a global and a regional perspective;
- d) Human Rights of Children under the African Charter;

- e) The African Charter and the Independence of the Judiciary;
- f) African Culture and human and peoples' rights;
- g) Freedom of Movement and right to Asylum in Africa;
- h) The African Commission and National Structures for the promotion and protection of human and peoples' rights;
- i) The role of National institutions (Ombudsmen, Mediators, Parliamentary Commissions, etc.) responsible for the promotion and protection of human rights and the African Charter;
- j) State reporting in a comparative perspective;
- k) Protection of NGOs in the field of human rights;
- l) Structural Adjustment policies and their impact on human rights;
- m) The role of the African Commission in relation to Democracy, Nation Building and creation of a culture of human rights;
- n) The peaceful resolution of ethnic and social conflicts from a human rights perspective.

### **Training Courses**

Training courses as discussed in A4 above, such as:

1. Training courses on Reporting Obligations under the African Charter (article 62);
2. Training courses for police officials and other professional groups;
3. Training courses on human rights documentation in co-operation with such organisations as the African Centre for Democracy and Human Rights Studies, Human Rights Internet and Huridocs.

### **Cost of seminars and training courses**

Preliminary estimated cost for seminars and training courses are as follows:

#### **1. Cost per workshop**

- Travel cost of twenty participants of which 15 from each sub-region at US \$ 800.00 on average	\$ 16,000
- Per diem for twenty participants for 5 days at US \$ 100.00 on average	\$ 10,000
- 5 Resource persons at US \$ 1,800	\$ 9,000
- Facilities	\$ 1,000
- Xerox, Documents, Communication, etc.	\$ 2,000
- Staff from Banjul, Administration	\$ 2,000
- Contingency at 10%	\$ <u>3,350</u>
	<b>\$ 43,350</b>
	=====
2 workshops per year 1992 - 1996	\$ 86,700

#### **2. Cost per seminar**

- Air fares of 20 participants at US \$ 1,400.00	\$28,000
- 2 Consultants at US \$1000	\$ 2,000

- Per Diem for 20 participants for 5 days at US \$ 120.00	\$14,000
- Facilities	\$ 1,500
- Xerox, Documents, Communication, etc.	\$ 2,500
- Staff from Banjul, Administration	\$ 2,000
- Contingency at 10%	\$ <u>5,000</u>
	<b><u>\$54,000</u></b>
2 seminars per year 1992 - 1996	\$108,000

### **Promotional Activities by commissioners**

Commissioners are entrusted to promote human rights in Africa. The promotional activities include, among other things, contacts with officials, media and local NGOs as well as giving public lectures and attending relevant seminars and workshops.

Commissioners will basically conduct such activities in countries assigned to them according to the following list:

1. **Dr. Ibrahim A. Badawi EL Sheikh**  
Comoros  
Seychelles  
Mauritius  
Madagascar  
Egypt  
Tunisia  
Sudan
2. **Mr. Alione Blondin Beye**  
Benin  
Burkina Faso  
Cote d'Ivoire  
Togo  
Mali  
Gabon
3. **Mr. Ali Mahmoud Buhedma**  
Algeria  
Libya  
Mauritania  
Djibouti, Sahwahari Democratic Republic
4. **Mr. Souharata Baboucar Semega Janneh**  
Gambia

Liberia  
Sierra Leone  
Chad

5. **Mr. Robert H Kisanga**

Ethiopia  
Kenya  
Somalia  
Uganda  
Mozambique  
Tanzania  
Zambia

6. **Mr. Moleleki D Mokama**

Botswana  
Lesotho  
Angola  
Malawi  
Swaziland  
Zimbabwe  
Namibia

7. **Mr Youssoupha Ndiaye**

Cape Verde  
Niger  
Senegal  
Republic of Guinea  
Guinea Bissau

8. **Prof. Isaac Nguema**

Zaire  
Burkina Faso  
Congo  
Rwanda

9. **Prof. U Oji Umozurike**

Nigeria  
Cameroon  
Ghana

The preliminary cost of such activities could be US \$ 6,000 for each commissioner per year x 11 **\$ 66,000**

**Inter-session working group**

An inter-session working group composed of five commissioners would meet for five working days a year.

Preliminary estimated cost for such meeting is as follows:

i) Air fares (5x 2,000)	\$ 10,000
ii) Per diem of commissioners (5x5x130)	\$ 3,250
iii) Hiring of conference hall and facilities	\$ 2,000
iv) Interpreters:	
a) honorarium 5x300x6	\$ 9,000
b) Per diem 5x130x6	\$ 3,900
v. Translators	
a) honorarium 5x151.9x9	\$ 2,278.5
b) Per diem 5x130x3	\$ 1,950
vi. Bilingual Secretary 5x60	\$ 300
vii. Hiring of interpretation equipment	\$ 1,500
	<b>\$ 34,178.5</b>
+ Contingencies 5%	\$ 1,708
<b>Total</b>	<b>\$ 35,886.5</b>
	=====

**Preliminary Programme of Action adopted at the second session (Dakar, Senegal, 8 - 13 February, 1988)**

**Promotional Projects**

*Research and information activities*

1. Establishment of an African Library and a Documentation Centre on human rights
2. Printing and dissemination of the African Charter on Human Peoples' Rights
3. Publication of an African Review on Human and Peoples' Rights
4. Periodic radio broadcasts and television programmes on human rights in Africa
5. Integration of the teaching of human rights in the syllabi of secondary education
6. Proclamation of a human rights day
7. Participation in the Bicentennial activities of the Declaration of the Rights of Man and the Citizens, 1879
8. Institution of a prize for and a competition on human rights
9. Recommendations of the establishment of national human rights committees
10. Recommendation on the establishment of human rights institutions
11. Symposiums or seminars especially on Apartheid
12. Charter ratification campaign within countries which have not yet ratified it
13. Ratification of human rights treaties prepared by international organisations (United Nations, International Labour Organisations, etc.)
14. Introduction of the provisions of the Charter into the constitutions of States
15. Periodic Reports of States

*Co-operation Activities*

1. Co-operation with international, inter-state or non-governmental organisations;

## 2. Co-operation with African organisations.

Terms of reference of consultants with the view to preparing a report for consideration by the Commission.

### **Background information**

During its second ordinary session held in Dakar, Senegal, from 8 - 13 February 1988, the African Commission on Human and Peoples' Rights (hereinafter called the Commission) adopted a draft programme of action for carrying out its mission of promoting human and peoples' rights.

The Commission decided that this programme will be implemented in successive stages and that emphasis will be placed on:

- . Large scale popularisation on the African Charter and the Rules of Procedure of the Commission;
- . Promotion through education, teaching, communication and exchanges;
- . Preparation of samples of State Parties periodic reports and of the annual activity reports of the Commission;
- . Creation of appropriate reception facilities;
- . Constant dialogue with all organisations capable of relating and supporting the activities of the Commission.

During its sixth ordinary session, held in Banjul, The Gambia, from 23 October to 3 November 1989, the Commission mandated one of its members, Dr. Badawi El Sheikh, to prepare a draft terms of reference for a consultant mission relating to the programme of action of the Commission and submit it to the earliest session of the Commission.

### *Objectives*

The main objective of the envisaged consultancy mission was to translate into concrete and realistic project the key ideas contained in the draft programme of action.

There is need however to take into account achievements already made within the framework of the United Nations or other institutions pursuing the same objectives as far as the promotion of human and peoples' rights in Africa is concerned.

The planning of projects should be spread over a five-year period and should reflect a geographical and thematic distribution which takes into account the specific need of the African continent.

The objective is also to evaluate the cost of the project and explore the human and logistic resources for their implementation.

### *Scope of consultancy*

The task to be undertaken by the consultant without being necessarily restrictive, are:

- i) To identify priorities in the field of human and peoples' rights on the bases of the programme and directives of the Commission;
- ii) To formulate topics for seminars, symposia, workshops, training programmes and round-tables which are integrated into and incorporated adequately to national programmes on the promotion of human and peoples' rights;
- iii) To undertake, on the basis of the results in paragraph (b), a geographical distribution of meetings to be organised, at three levels: continental, sub-regional and national;
- iv) To identify, on the basis of proposals ensuing from paragraph (b) and ©, target groups capable of serving as agents for the popularisation of promotional activities;
- v) Make any inventory of and assess current United Nations programme for Africa, relating to consultancy services and the world-wide campaign for human rights, so as to avoid not only duplication of topics and targets, but also to benefit from the results obtained;
- vi) To draw up a list, at the level of the OAU, of all relevant texts pertaining to human and peoples' rights, as well as, of the activities undertaken by the organisation which have some bearing on human and peoples' rights, in order to better attain the common objectives of the Commission and other organs of the OAU;
- vii) To draw up an inventory of all the national and international institutions with which the Commission could establish co-operation ties in the promotion of human and peoples' rights;
- viii) To outline the main areas of possible co-operation between the Commission and other organisations, such as the African Centre for Democracy and Human Rights Studies in order to maximise the available resources at the Secretariat of the Commission. In the same vein, to define the nature of the relations which the Commission should maintain with organisations pursuing the same objectives;
- ix) To evaluate the human and materiel resources which the Secretariat of the African Commission needs to implement the Commission's programme of action;
- x) To prepare a draft budget for each project and identify possible sources of funding (for example: OAU'S ordinary budget, voluntary contributions from states parties to the charter; etc.)
- xi) To define any other mode of funding, particularly, the setting up of a special fund to be run autonomously by the Commission;
- xii) Apart from reports of seminars, symposia and other meetings which will be published (with cost estimates for each project), to evolve a policy for the publication of reference and popular works and to evaluate their cost;
- xiii) Taking into account the high rate of illiteracy in Africa, to spell out the main points of the policy of co-operation with State Parties for the production of radio and television programmes in national languages;
- xiv) To visit the Headquarters of the OAU, of the Commission, the United Nations Centre for Human Rights and the European Commission on Human Rights in order to collect maximum documents;
- xv) To formulate topics for studies which should be published by the Commission.

#### *Profile of the Consultant*

The person who will be charged by the Commission with undertaking the envisaged consultancy should be a national of a member State of the OAU. He should have wide experience in the area of human rights in Africa, in activities relating to human rights

within the United Nations and regional organisations concerned with human rights, as well as on non-governmental organisations.

The consultant should be capable of writing in the two working languages of the OAU and shall undertake to submit his consultancy report within a maximum period of six months as from the date of signing of the contract.

In the event where the Commission does not have the necessary resources to recruit a consultant, it could solicit the good offices of the United Nations Centre for Human Rights.

## ANNEX VI

### **Conclusions and Recommendations of the Seminar on the National Implementation of the African Charter on Human and Peoples' Rights in the Internal Legal Systems in Africa**

**26 - 30 October 1992, Banjul, The Gambia**

The Seminar on the National Implementation of the African Charter on Human and Peoples' Rights in the internal legal systems in Africa held in Banjul, The Gambia from 26 to 30 October 1992 adopted the following conclusions and recommendations:

1. The seminar notes the following in relation to the status of the Charter:
  - a) States Parties to the African Charter shall accord the Charter a definitive legal status in their national legal systems;
  - b) In the event of a conflict involving a provision of the Charter and national legislation the Charter provision shall prevail;
  - c) The African Charter is a treaty within the definition of the Vienna Convention on the Law of Treaties. It enshrines the fundamental principle *pacta sunt servanda* and an obligation is imposed on parties thereto not to invoke their municipal laws as an excuse for failure to perform an obligation imposed by the Charter;
  - d) The provisions of the Charter as are enforce shall not be repealed, amended or suspended save in accordance with general principles of international law.

The seminar considers that:

2. The following points should be observed in relation to the incorporation of the African Charter in the internal legal systems:
  - a) The automatic incorporation of the African Charter into the internal legal systems of the parties thereto could be advantageous to the States Parties to the Charter in the sense of sparing them the difficulties of reviewing their present legislation so as to conform to the African Charter;
  - b) Whatever means a State Party to the African Charter may choose in order to make the Charter applicable in its internal legal system, the provisions of the Charter are nevertheless to be fully observed with the requirements of international law.
3. The seminar believes that human rights must primarily be secured within the national legal system of each State Party to the Charter. In this regard it is vital that:
  - a) The rule of law is strictly observed in all activities of the State and all branches of public administration;
  - b) The judiciary is guaranteed full independence. In this regard States to the Charter are requested to facilitate the establishment and improvement of appropriate national institutions for the promotion and protection of the rights and freedoms guaranteed by the Charter in accordance with article 26 of the Charter;

- c) Access to courts of law are secured to all individuals regardless of their financial means.
4. The seminar is of the view that:
    - a) The African Charter should be interpreted in the light of the impressive body of jurisprudence which has developed on similar provisions in other universal and regional instruments on human rights and related matters. Such instruments could be of practical relevance and value and should as often as possible be referred to;
    - b) It is within the proper nature of the judicial process and well established judicial functions for national courts to have regard to international obligations which a country undertakes whether or not they have been incorporated into domestic law - for the purpose of removing ambiguity or uncertainty from national constitutions and laws written or unwritten;
    - c) Judges and lawyers have a special contribution to make in the administration of justice in fostering universal respect for fundamental rights and freedoms;
    - d) It is particularly important to ensure that all persons, including judges and lawyers, litigants and others are made aware of applicable human rights norms wherever they may be stated and particularly those in the Charter. In this respect, the seminar underlines the importance of Article 25 of the African Charter which obligates States Parties to the Charter to promote and ensure through teaching, education and publication, respect for the rights and freedoms expressed in the Charter.
  5. The seminar welcomes the fact the 47 African States have ratified the Charter. It is hoped that such ratification is followed by compliance by the States of their obligations to submit reports under Article 62 of the Charter on the measures taken with a view to implement the African Charter.
  6. The seminar notes with interest the activities undertaken so far by the African Commission on Human and Peoples' Rights and expresses the views that:
    - a) It is important that the States reports submitted to the African Commission should indicate:
      - i) Whether the rights, fundamental freedoms and duties expressed in the Charter are protected by the constitution of the State or by a "Bill of Rights" and whether there are provisions for derogation and in what circumstances;
      - ii) What judicial, administrative or other authorities have jurisdiction affecting human rights;
      - iii) Whether the provisions of the Charter can be invoked before the courts, other tribunals or administrative authorities for direct implementation or whether they have to be incorporated into internal laws or regulations before they are enforceable by the authorities;
      - iv) What remedies are available to an individual whose rights are violated;
      - v) Non-legislative measures adopted to implement the Charter
      - vi) Difficulties encountered in the process of implementing the Charter.
    - b) It would facilitate the work of the Commission and of OAU Member States if the States designate high ranking officials to act as focal points in the relations between

- the Commission and the States. Such focal points would facilitate the follow-up on the Commission's recommendations and contacts between States and the Commission;
- c) It is noted that the lack of legal aid services in Africa precludes the majority of the African population from asserting their human rights. It is recommended that the question of legal aid and recourse procedures should be accorded greater attention in the work of the African Commission and that States and NGOs should take the initiative to promote the establishment of legal aid services;
  - d) The Commission should find ways to provide advisory services upon request to States, in relation to the incorporation of the African Charter in their internal legal systems, preparation of reports and other matters relating to the implementation of the Charter;
  - e) The resources and time allocated for the work of the Commission are inadequate. In this regard, the Assembly of Heads of State and Government of the OAU is requested to provide the Commission with full political, financial and administrative support with a view to enabling the Commission to properly carry out its mandate in accordance with the Charter which is vital for ensuring promotion of respect for and protection of the rights expressed in the Charter and thus securing peace, stability and development in Africa.
7. The seminar considers it advisable that the OAU takes initiative to revise the Charter including the possibility of creating an African Human Rights Court. Such revisions should be carried out by the adoption of additional protocols under Article 66 of the Charter. The seminar looks upon such a revision as a move towards strengthening the work of the Commission as well as a response to developments occurring since the adoption of the Charter.
  8. The seminar presumes that after adopting the African Charter and creating an independent Commission, the Assembly of Heads of State and Government of the OAU shall see to it that the Commission's recommendations are responded to, that they are published and that just satisfaction is afforded to injured parties;
  9. The seminar underlines the importance of the African Commission taking advantage as it shall consider appropriate, or relevant universal and regional mechanisms established to promote and protect human rights;
  10. The seminar, aware of the links existing between human rights and international humanitarian law, wishes to underscore the need to disseminate and implement the provisions of international humanitarian law applicable in time of armed conflicts;
  11. The seminar calls upon all contracting parties to instruments relating to international humanitarian law to adopt adequate measures at the national level to ensure the implementation of the provisions of international humanitarian law. Such measures are necessary for the protection of human beings in time of armed conflicts.

## **ANNEX VII**

### **Final Report of the African Conference on “The Journalist and human rights in Africa”**

**Tunis, Tunisia**

**31 October - 1 November 1992**

An African Conference on the Theme “The Journalist and Human Rights in Africa” was organised in Tunis, Tunisia from 31<sup>st</sup> October to 1<sup>st</sup> November 1992 by the Association of Tunisian Journalists in collaboration with the International Organisation of Journalists, the African Commission on Human and Peoples’ Rights and the United Nations Centre for Human Rights within the framework of the African regional preparatory meeting for the World Conference on Human Rights.

The agenda of the conference dealt with four (4) items:

- The state of the press in Africa and the problem encountered by journalists in the discharge of their professional duties
- The role of the African journalist in the world human rights programme and the African Charter on Human and Peoples’ Rights

The opening session was attended by Messrs Fathi Houidi, Secretary of State at the Prime Minister’s Office responsible for information within the government, John Pace, representative of the United Nations Organisation, Gerard Gatinot, Secretary General of the International Organisation of Journalists, Lee Woodyer, Human Rights Officer at the International Federation of Journalists, Ibrahim Badawi, Chairman of the African Commission on Human and Peoples’ Rights, Ambassador Fouad Badaoui, representative of the Union of African Journalists and Mohamed Ben Salah, President of the Association of Tunisian Journalists.

The proceedings were attended by representatives of several organisations of journalists in African countries as well as many Tunisian journalists and correspondents in international press organisations.

A group of Tunisian and African experts presented papers during this conference.

1. During the discussion of item 1 (State of the press and problems encountered by journalists in the discharge of their professional duties), the participants noted that the press in Africa suffers from many handicaps especially the lack of freedom of expression and impartial and objective information as is the case in most third world countries.

The speakers emphasize the following points:

- i) Need to respect the right of the citizen to impartial information, provide the journalist with the appropriate working conditions and enable him or her to freely exercise his or her profession so as to be able to meet the expectations of the public;
- ii) Put an end to the international monopolisation of the media which violates the principles enshrined in the universal declaration of human rights;
- iii) Ensure the independence of African press agencies and national radio-television bodies and, their autonomy of action in the area of information as public bodies whilst strengthening them to enable them ensure coverage of current events in the continent instead of relying exclusively on foreign agencies;
- iv) Promulgate national legislation and adopt international resolutions capable of halting the expansion of multinationals and preventing them from monopolising the media and appropriating national information organs;
- v) Facilitate the tasks of journalists and enable them get access to sources of information and do their work professionally, free from interventions and pressures and within the framework of freedom and objectivity provide them, simultaneously, with the requisite protection to carry out their mission of informing in the manner expected of them by the African citizen and as dictated by their duty as journalists.

In this spirit, the participants expressed their solidarity with imprisoned or persecuted journalists and called for their release and full restoration of their rights.

- vi) Guarantee the rights of journalists to form their own trade unions at the level of each country;
- vii) Calls on all competent local and international parties to facilitate this task and envisage setting up regional unions of journalists with the aim of protecting the press and journalists and safeguarding the right to impartial information, freedom of expression, communication and association;
- viii) Guarantee the rights of the female journalists as well as actual equality between the latter and her other colleagues, and offer her better prospects in terms of professional training and promotion in the career;

The participants also considered item II (Development and human rights).

They laid particular emphasis on the following:

- i) Development should be perceived as an integral part of human rights from which it could not be dissociated and as such development and human rights should therefore be guaranteed concomitantly and similarly;
- ii) Need to apprehend human rights in their global dimension including the rights of the individual and the rights of the communities; from this view point, it is imperative to guarantee the rights of the human being as an individual within a

- single community and guarantee, simultaneously the rights of the community at the international level;
- iii) Ensure access to technology by all peoples as a key element for the dissemination of human rights;
  - iv) Consider development as not being exclusively aimed at economic enrichment but also the promotion of the human being at all levels, thus making it necessary to recognise the right of the individual to development and happiness within the same community as well as the right of each community to development and prosperity within the international community;
  - v) Consider that man is the key element in the creation of wealth. Promulgate national legislation and adopt international resolutions for preserving human resources and guaranteeing these rights at both local and international levels;
  - vi) Ensure that the system of visas does not constitute an obstacle to the freedom of movement of persons as enshrined in the universal declaration of human rights.

The participants then went on to consider item III the media and the serious problems encountered by the African such as the question of women, epidemics, illiteracy and refugees).

In this respect they emphasised the following points:

- i) Need for governments, international organisations and the OAU to treat problems with all the requisite interest, and devise comprehensive strategies to resolve them whilst on the overriding need for scientific research and collective effort to address medically, socially and psychologically the problem of AIDS as well as other serious diseases;
- ii) Urge the UN and subsidiary organs and specialised Agencies (WHO, UNDP, UNESCO, UNWR) as well as the OAU to devise an effective information strategy for dealing with these problems and involve the media and journalists in the preparation and implementation of this strategy.

The participants ended their proceedings by discussing item IV (role of journalists in the World human rights programme and the implementation of the African Charter on human and peoples' rights).

Their intervention centred on the following points:

- i) Adoption of international human rights concepts as defined concretely in the universal declaration of human rights;
- ii) Support the African Commission on Human and Peoples' Rights through the OAU and UN so as to provide it with the means to devise and implement a durable and large scale information strategy allowing African media to publicise the African Charter on human and peoples' rights;

- iii) Appeal to journalists and the media to monitor international action in the area of human rights and ensure that these rights are respected and that the regimes in place comply with them as pledged in ratifying the relevant international conventions and the African Charter;
- iv) Celebrate African human rights day on 21 October of every year as an occasion to disseminate human rights principles and evaluate the degree of compliance with these principles;
- v) Ensure freedom of the press and expression and allow journalists to discharge their duties of promotion of human rights whilst carrying out this mission which is fraught with risk;
- vi) Institute an African Journalist and Press freedom Day to be celebrated throughout the continent;
- vii) Put in place national mechanisms for monitoring compliance with human rights at the regional level within the African continent, forge links between the different mechanisms, journalists' organisations and the media to enable them play their rightful role in the promotion and protection of the rights of the African;
- viii) Co-operate with international journalists' organisations and those dealing with the protection of human rights so as to ensure strict application of the World Programme of Human and Peoples' Rights.

The participants expressed their thanks to the experts who were kind enough to introduce the various topics of discussion on the agenda, as well as to all those who contributed to the organisation and success of the conference.



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# Chapter Six Sixth Annual Activity Report of the African Commission 1992 - 1993

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