

41st Ordinary Session of the African Commission on Human and Peoples' Rights, Accra, Ghana

Daily Session Briefing to the Headquarters of the African Union – 18 May 2007

The Chairperson welcomed delegates and participants to the third day of the 41st Session. She thanked State Parties that have submitted their periodic reports and reminded other states to submit theirs. She informed delegates that the day would be spent hearing and considering the initial reports of Kenya and Zambia.

The Kenya initial report was delivered by the Minister of Justice and Constitutional Affairs, the Honourable Martha Karua. She thanked the Chairperson and the Government and peoples of Ghana for hosting the 41st Ordinary Session. She also congratulated Ghana on their 50th anniversary. The Minister started by saying that Kenya had ratified the African Charter in 1992, and had not submitted any previous reports due to political problems the country had been facing. The delegate gave some general information about Kenya and a brief description of the legal, cultural and political background in the country. Kenya, she said has carried out a wide-ranging programme of constitutional and legislative reform. Information was also given on recent legislative developments and international treaties and conventions ratified by the state.

The delegation then received questions from members of the Commission. Commissioner Mumba Malila, Commissioner responsible for human rights promotion in Kenya, led the questions. Commissioner Mumba Malila noted that Kenya had not yet domesticated the African Charter to be part of the laws of Kenya. He appealed to the Kenya government to look into the issue to make sure that the Charter is part of the laws of Kenya. Nonetheless, the Commissioner applauded the state for having submitted its initial report, and reiterated the value of dialogue between the Commission and States Parties to the Charter as regards the human rights situation within the state.

In the afternoon, the Commission convened to consider the initial report of Zambia, which was delivered by the Permanent Secretary in

the Ministry of Justice, Mrs Gertrude Kalulu-Imbwae. The Zambian delegate informed the Commission that to get a true reflection of the human rights situation in the country, though the Ministry of Justice had been in charge of drafting the initial report, the government had involved all sectors of civil society. He also informed the Commission that some of the obligations in the African Charter have been incorporated in the Zambian legislation.

The delegate then answered questions led by Commissioner Pansy Tlakula, Commissioner responsible for human rights promotion in Zambia who sought clarification and further information. Commissioner Pansy Tlakula wanted to know why Zambia had taken such a long time to send its reports. She also noted that Zambia had not mentioned anything on freedom of expression in its reports. She particularly wanted to know what the Zambian government was doing to reconcile section 23(4) of the Zambian Constitution which allows discrimination in the area of customary law in contradiction with Article 11 of the Zambian constitution which prohibits discrimination of any kind.

The day ended by an invitation to a banquet by the Honourable Joe Garty, the Attorney General and Minister of Justice for Ghana.