

DAY 6

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

Daily Briefing to the Headquarters of the African Union – 21st May 2007

The day commenced with the Chairperson welcoming His Royal Highness, Prince David Dlamini, Minister of Justice and Constitutional Affairs, from the Kingdom of Swaziland to deliver a statement from his government. The Minister thanked the Chairperson and the Government and Peoples of Ghana for hosting the 41st Ordinary Session. He also congratulated Ghana on their 50th Anniversary. His Royal Highness gave some general information about the Kingdom of Swaziland and a brief description of the legal, cultural and political background of the country. The Kingdom of Swaziland, he said, has carried out a wide-ranging programme of constitutional and legislative reform.

His Royal Highness said that Swaziland's constitution is a living document with a chapter on human rights. This, he argued, gives citizens of the Kingdom of Swaziland an opportunity to seek redress through the courts when their human rights are violated.

The next item on the agenda dealt with the relationship and cooperation between national human rights institutions, NGOs and the African Commission. The Vice Chairperson, Yassir El-Hassan, introduced this item. He reminded NGOs and national human rights institutions of their obligation to submit their activity reports every two years to the Commission. He also appealed to the states to provide a conducive administrative atmosphere for NGOs and national human rights institutions to do their work on human rights. He also appealed to the NGOs to work more closely with the Commission. Finally, he thanked NGOs who have always supported and cooperated with the African Commission in the fulfilment of their mandate to promote and protect human rights in the continent.

The National Human Rights Commissions of Burkina Faso and Togo made statements on this item. This was immediately followed by consideration of applications for Affiliate Status and Observer Status. The following NGOs were granted Observer Status by the Commission: *African Women Organisation in the Diaspora (AWODO)*, *Zimbabwe Association of Doctors for Human Rights*, *Zimbabwe Exiles Forum*, *Federation of Women Lawyers Kenya*, and *the Centre for Democratic Governance in Burkina Faso*. *The applications of the following NGOs were deferred to the next session: Kinderdof International Displacement Monitoring Centre in Geneva, Switzerland.*

The next item on the agenda was the presentation of the activity report of Commissioners for the inter-session period. Dr. Angela Mello, Special

Rapporteur on the Rights of Women in Africa was the first to present her inter-sessional report. Amongst other issues, her report looked the status of ratification amongst African States of the Protocol to the African Charter on the Rights of Women in Africa

Commissioner Reine Alapini Gansou, Special Rapporteur on Human Rights Defenders in Africa presented her reports. She addressed a number of issues including the issue of joint missions. She stated that the main problem encountered by her was the difficulty of the African Commission in getting authorisations to carry out her missions.

Speaking on the situation in Ethiopia, she informed the Commission that Ethiopia was identified as one of the countries where the rights of human rights defenders are being violated. She concluded by adding that a letter was sent to Ethiopia last year requesting a promotional visit by the Special Rapporteur, but the Ethiopian Government had still not responded to her letter.

This was followed by some states that wished to exercise their right to reply. In the case of Zimbabwe the delegate said that the case of Zimbabwe was placed in proper context when the Honourable Minister of Justice, Patrick Chinamasa, presented the periodic report and that more information would be sent to the Commission in due time. He went on by saying that Zimbabwe does not violate the rights of any human rights defender who act within the law. He added that Zimbabwe suffers from the situation where people just exaggerate the situation in the country to gain the sympathy from the Commission. He finished by saying that all persons within Zimbabwean territory would be subject to Zimbabwean laws, and anyone who calls himself a human right defender that violates the law, will face the law like anyone else that broke the law.

Tunisia and Ethiopia also exercised their right to reply. In the case of Ethiopia, the representative, Girma Kassaye, stated that the government of Ethiopia did not receive any letter from the Commission and if it did, they would have replied to Commissioner Alapini Gansou's request for a promotional visit. He stated that the Government of Ethiopia is not aware of the recommendations made by the Commission at the 40th Session held in Banjul, The Gambia. Concerning the statement made by NGOs that trials are still continuing after the elections, he said that this is a normal practice in Ethiopia and argued that there is no way a trial can be a violation of human rights.

Commissioner Pansy Tlakula, the Special Rapporteur on Freedom of Expression in Africa presented her activity report, followed by Commissioner Sanji Monageng, the Chairperson of the Working Group on the Implementation of the Robben Island Guidelines.

The session was adjourned to the following day.