Final Communique of the 34th Ordinary Session of the African Commission on Human and Peoples' Rights

From 6th to 20th November 2003

1. The African Commission on Human and Peoples’ Rights (ACHPR) held its 34th Ordinary Session in Banjul, Republic of The Gambia, from 6th to 20th November 2003, under the chairmanship of Commissioner Salamata Sawadogo.

2. The following Members attended the Session:

Commissioner Yassir S. A. El Hassan, Vice-Chairman;
Commissioner Mohammed A. Ould Babana;
Commissioner Kamel Rezag Bara;
Commissioner Andrew R. Chigovera;
Commissioner Vera M. Chirwa;
Commissioner Emmanuel V.O. Dankwa;
Commissioner Jainaba Johm;
Commissioner Angela Melo;
Commissioner Sanji M. Monageng, and
Commissioner Bahame Tom Mukirya Nyanduga.

3. The Session was officially opened by H.E. Mrs Isatou NJIE SAIDY, Vice-President of the Republic of The Gambia. In her opening statement, the Vice-President, on behalf of her Government, extended a warm welcome to all the delegates to the 34th Ordinary Session. The Vice-President congratulated the African Commission on Human and Peoples’ Rights for the excellent work it has done since its inception and urged the latter to look into ways and means of playing its role fully in the promotion and protection of human and peoples’ rights.

H.E. Mrs Isatou Njie Saidy, Vice-President of the Republic of The Gambia, also took this opportunity to make an appeal to the States Parties to the African Charter on Human and Peoples’ Rights to ratify the Protocol establishing an African Court on Human and Peoples’ Rights and the Protocol relating to the Rights of Women for their entry into force as soon as possible. In Conclusion, the Vice-President declared the 34th Ordinary Session open and wished the session full success in its deliberations.

4. The Chairman, Kamel Rezag Bara, on behalf of the African Commission on Human and Peoples’ Rights, welcomed the three new Members of the Commission who were elected by the Assembly of the Heads of State and Government in Maputo, Mozambique, in July 2003, and expressed his sincere gratitude to Commissioners Badawi, Pityana and Ben Salem for their significant contribution to the work of the African Commission on Human and Peoples’ Rights during their term of office.

Turning to Non Governmental Organizations, the Chairman Kamel Rezag Bara expressed his satisfaction at the outcome of their Forum held prior to the 34th Ordinary Session.

Regarding the Protocols to the African Charter on the Rights of Women in Africa and the Establishment of the African Court on Human and Peoples’ Rights, Chairman Rezag Bara reiterated his appeal to the States Parties, Intergovernmental Organisations and NGOs to support the signing and the ratification of these instruments with a view of their entry into force expeditiously.
5. Honourable Mame Bassine Niang, Minister/Commissioner for Human Rights in Senegal, made a statement on behalf of the States Parties represented at the 34th Ordinary Session. In her statement, Mrs Mame Bassine Niang welcomed the adoption of the Protocol relating to the Rights of Women and indicated the importance that Senegal attaches to the Protocol establishing an African Court on Human and Peoples’ Rights. She also urged Member States of the African Union to sign and ratify these instruments with a view to speeding up their entry into force.

6. Mrs Julia Joiner, Commissioner for Political Affairs of the Commission of the African Union, underlined that one of the essential mandates of the African Union is, in accordance with Articles 3 and 4 of its Constitutive Act, to enhance the welfare of African peoples and to ensure respect for their human dignity and the promotion and protection of human rights on the continent.

7. Mrs Hannah Forster, Executive Director for the Centre for Democracy and Human Rights Studies, speaking as the representative of NGOs, recalled that during its meeting held from 3rd to 5th November 2003, the NGO Forum addressed many issues relating to the general situation of human rights in Africa. She called upon the African Commission on Human and Peoples’ Rights to pay more attention to the women and the children who are the first victims of many forms of abuse.

8. The following new Members of the African Commission on Human and Peoples’ Rights who were elected in July 2003 by the Assembly of the Heads of State and Government of the African Union, took oath after the opening ceremony:

- Commissioner Mohammed Abdellahi Ould Babana;
- Commissioner Sanji Mmasenono Monageng; and
- Commissioner Bahame Tom Mukirya Nyanduga.

9. The African Commission on Human and Peoples’ Rights then elected its new Bureau as follows:

- Mrs Salamata Sawadogo, Chairperson, and
- Mr. Yassir S. A. El Hassan : Vice-Chairman.

10. Several States Delegates, representatives of National Human Rights Institutions and Non Governmental Organizations and other guests made statements during the session.

11. Twenty six (26) States Parties; five (5) National Institutions of Human Rights; seven (7) International Organizations, eighty two (82) African and International Non Governmental Organizations and other guests attended the session, bringing the total to two hundred forty one (241) participants.

12. Pursuant to Article 62 of the African Charter, the Republic of Senegal and the Democratic Republic of Congo presented their periodic and initial reports respectively. The Commission considered the reports and adopted the relevant concluding observations.

13. The Members of the African Commission on Human and Peoples’ Rights presented their intersession activity reports. Commissioner Vera Mlangazuwa Chirwa, Special Rapporteur on prisons and conditions of detention in Africa, also presented her report.
14. The African Commission on Human and Peoples’ Rights granted observer status to the following Non Governmental Organizations:

- Réseau Africain pour le Développement Intégré (Niger);
- Zimbabwe Human Rights NGO Forum (Zimbabwe);
- Center for the Study of Violence and Reconciliation (South Africa);
- Association pour le Développement Humain en Mauritanie (Mauritania);
- Afrique 3ème Millénaire Cercle de Réflexion (Benin);

15. The African Commission on Human and Peoples’ Rights also considered issues pertaining to the protection of human rights defenders, refugees and displaced persons, as well as strategies for the expeditious ratification of the Protocols on the establishment of an African Court on Human and Peoples’ Rights and on the Rights of Women in Africa. In addition, the African Commission on Human and Peoples’ Rights addressed its cooperation with the various organs and structures of the African Union, including NEPAD and CSSDCA.

16. The Members of the African Commission on Human and Peoples’ Rights adopted the report of the fact-finding mission to Zimbabwe and the promotional reports on Côte d’Ivoire, Seychelles, Niger, Djibouti and Libya.

17. The Commission reiterated its decision to organize two seminars in 2004 on the following themes:

- Economic and social rights,
- Refugees and Displaced Persons in Africa.

18. The African Commission on Human and Peoples’ Rights considered forty two (42) communications. It was seized of eleven (11) new communications and took four (4) decisions on admissibility and three (3) others on merits.


22. The African Commission on Human and Peoples’ Rights adopted the following Resolutions on the following issues:

- The Renewal of the Term of the Special Rapporteur on the Rights of Women in Africa for two years.
- The “Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reform in Africa”
• Indigenous populations/Communities

23. The African Commission on Human and Peoples’ Rights has decided to appoint:
• Commissioner Chigovera, as focal point on Freedom of Expression in Africa;
• Commissioner John, as focal point on Human Rights Defenders in Africa.
• Commissioners Chigovera and Rezag Bara, as Members of the Working Group on the issues of Indigenous Populations/ communities.
• Commissioner Monageng, as focal point on Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa;
• Commissioner Nyanduga, as focal point on Refugees and Displaced Persons in Africa;

24. The African Commission on Human and Peoples’ Rights wishes to express its deep gratitude to the Government of The Gambia for the facilities put at its disposal and the warm welcome and hospitality extended to the participants, which contributed to the smooth running and success of the deliberations of the 34th Ordinary Session.

25. Following the invitation of the Republic of Senegal, the 35th Ordinary Session of the Commission will be held from 3rd to 17th May 2004 in Dakar, Senegal.

26. The 34th Ordinary Session was closed on 20th November 2003 in Banjul, Republic of The Gambia.

27. The Chairperson of the Commission held a Press Conference after the closing ceremony.

Done at Banjul, The Gambia, on 20th November 2003