Final Communiqué of the 36th Ordinary Session of the African Commission on Human and Peoples' Rights

1. The African Commission on Human and Peoples’ Rights held its 36th Ordinary Session in Dakar, Republic of Senegal, from the 23rd November to 7th December 2004 under the Chairmanship of Commissioner Salamata Sawadogo, Chairperson of this Commission.

The Session was preceded by the NGO Forum which took place from 20 to 22 November 2004 where NGOs prepared their contributions to the 36th Ordinary Session.

2. The following Members participated at this Session:
   • Commissioner Yassir S. A. El Hassan, Vice-Chairperson;
   • 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 Mmasenono Monageng; and
   • Commissioner Bahame Tom Mukirya Nyanduga.

3. After having welcomed the participants to the 36th Ordinary Session of the African Commission, the Chairperson Salamata Sawadogo, on behalf of the Members of the African Commission and on her own behalf, thanked His Excellency Maître Abdoulaye Wade, President of the Republic of Senegal and the people of Senegal, who kindly accepted to host the present session in Dakar.

In her opening address the Chairperson underscored the important role played by Senegal both in the drafting and ratification process of the African Charter on Human and Peoples’ Rights and in the activities of the African Commission. She welcomed the increasing number of participants at the Sessions of the African Commission. The Chairperson also reminded the State Parties of their obligation to implement the provisions of the African Charter, including the presentation of their Initial/Periodic Reports in conformity with Article 62 of the African Charter. Finally, the Chairperson urged State Parties, which have not already done so, to ratify, as early as possible, the Protocol on the Establishment of an African Court on Human and Peoples’ Rights and the Protocol on the Rights of Women in Africa.

4. The Prime Minister of Senegal, His Excellency Macky Sall, on behalf of His Excellency Maître Abdoulaye Wade opened the 36th Ordinary Session. In his speech, His Excellency the Prime Minister deplored the serious human rights violations in certain countries in spite of the appeals launched by the international community. Mr. Macky Sall urged the State Parties to implement the legal instruments that they have ratified. He lauded the entry into force of the Protocol on the Establishment of an African Court on Human and People’s Rights, which, he said, will inspire a new dynamism in the protection of human rights in Africa.

5. In his address delivered on behalf of the delegates of State Parties, His Excellency Mr. Hamadi Ould Meïmou, High Commissioner of Human Rights of the Islamic Republic of Mauritania, expressed his
gratitude to the Government of Senegal for having hosted the 36th Ordinary Session of the African Commission. He intimated that poverty eradication, access to health care, to education and socio-economic and cultural rights should be considered as important as civil and political rights. In conclusion, he urged the African Commission to remain the custodian of the respect for human rights and to develop its dialogue with the State Parties and its other partners.

6. His Excellency, Ambassador Emile Ognimba, Director of Political Affairs of the Commission of the African Union, representative of His Excellency Mr. Alpha Omar Konaré, Chairperson of the Commission of the African Union, pointed out that the human rights situation has seriously deteriorated in certain parts of the Continent. In this context, he intimated that the Commission of the African Union was committed to providing its total support to the African Commission to enable it to adequately implement its mandate. With regard to the merger of the African Court of Human and Peoples’ Rights and the African Court of Justice, he pointed out that this decision had been made in order to rationalise utilisation of resources. In conclusion, he urged the African Commission to draw up a sensitization strategy to promote gender equality and the rapid ratification of the Protocol on the Rights of Women in Africa.

7. Mr. Togbui Agboli K. F. Agokoli IV of the National Human Rights Commission of Togo, Representative of the Community of National Human Rights Institutions, recalling the persistence of human rights violations on the Continent in spite of all the efforts being made, invited the African Commission and its partners to seek rapid solutions to the conflicts, which are undermining enjoyment of human rights in the Continent. He further requested the African Commission to strengthen its relations with the Coordination of National Institutions. Finally, he reiterated the willingness of the National Institutions to work in collaboration with the African Commission to ensure the improved promotion and protection of human rights in Africa.

8. Mr. Sidiki Kaba, Chairperson of the International Federation for Human Rights (FIDH), representative of the NGO Community, lauded the role played by the African Commission in establishing a fruitful dialogue with the State Parties and Civil Society. Deploring however the deteriorating human rights situation in Africa, he urged all the Parties to embark on a general mobilisation in order to put an end to the numerous human rights violations all over the Continent. In conclusion, he requested the African Commission to made greater efforts in the quest for solutions to the problems of refugees and displaced persons and in the process of setting up the African Court on Human and Peoples’ Rights.

9. Their Excellencies Presidents Abdoulaye Wade and Paul Kagame of the Republic of Senegal and of the Republic of Rwanda respectively, graced of their august presence, the public session of 25th November 2004. In their respective addresses to the session, they reiterated their commitment to human rights and delivered messages of congratulation and encouragement to Members of the African Commission. Presidents Wade and Kagame took the commitment to sensitisise their colleagues on the necessity of allocating adequate resources to the African Commission.

10. The Session was attended by five hundred and sixty seven (567) participants from twenty nine (29) State Parties, seven (7) National Human Rights Institutions, four (4) International Organisations, one hundred and thirty seven (137) African and International Non-Governmental Organisations.
11. State delegates and representatives of National Human Rights Institutions made statements on the human rights situation in their countries. Representatives of NGOs also made declaration on the human rights situation in different African countries, more particularly, Côte d’Ivoire, Sudan, Burundi and the Democratic Republic of Congo.


13. The Members of the African Commission on Human and Peoples’ Rights presented their reports on the activities carried out during the intersession period.

The Special Rapporteurs on Prisons and Conditions of Detention, the Rights of Women in Africa, Human Rights Defenders in Africa and Refugees, Asylum seekers and Internally Displaced Persons in Africa presented their Activity Reports. The Focal Points on the right to Freedom of Expression in Africa as well as the Prevention of Torture, Cruel, Inhuman or Degrading Treatment in Africa, presented their intersession reports. The Chairperson of the Working Group on Indigenous Populations/Communities also presented the Activity Report of the group. All the reports are available at the Secretariat of the African Commission and on its website at www.achpr.org.

14. The African Commission granted Affiliate Status to the following National Human Rights Institutions:

- The National Human Rights Commission of Kenya;

The total number of National Human Rights Institutions granted Affiliate Status by the African Commission is 17.

15. The African Commission also granted Observer Status to the following Non Governmental Organisations:

- The Association des Femmes Juristes (Burkina Faso);
- The African Union Club (Côte d’Ivoire);
- The Observatoire Burundais des Prisons (Burundi);
- Action Aid (The Gambia);
- African Regional Council for Mental Health (Zambia).

The total number of NGOs granted Observer Status with the African Commission is 319.

16. The African Commission considered the topics relative to the ratification of the Protocol on the Establishment of an African Court on Human and Peoples’ Rights and the one on the Rights of Women in Africa.

The African Commission mandated its Bureau to meet the Chairperson of the African Union and the Chairperson of the Commission of the African Union in order to draw their kind attention on the necessity to review the decision of the Assembly of Heads of State and Government of the African Union(AHG/AU) on the merger of the African Court on Human and Peoples’ Rights and the African
Court of Justice in light of the legal and practical implications of this merger on the effective establishment of the African Court on Human and Peoples’ Rights.

17. The African Commission further deliberated on its relations with certain organs and structures of the African Union in conformity with the decision of the Assembly/AU/Dec.11(II).

18. The African Commission attaches great importance in the organisation of seminars and conferences on thematic issues. In its strategic plan (2003-2006) the African Commission earmarked 19 seminars. The African Commission has reiterated its decision to organise the seminars earmarked. It plans to organise in 2005, seminars on the following themes:

• Refugees and Internally Displaced Persons in Africa; and
• Contemporary forms of Slavery.

It commended the offer made by some partners to contribute to the organisation of these seminars.

19. The African Commission considered forty-five (45) Communications. It took a decision on seizure on eight (8) Communications, took a decision on admissibility on five (5) and three (3) on the merits. Furthermore, it considered twenty-nine (29) other communications and decided to defer its decision on these communications to the 37th Ordinary Session for additional information from the parties.

20. The African Commission adopted the procedure on the notification of its decisions and mission reports, as well as the procedure of adoption of its mission reports. In this regard the African Commission decided to notify its decisions to all parties to communications as soon as they are taken and in the same vein remind them to adhere to the provisions of article 59 of the African Charter prohibiting the publication of these decisions until the AHG/AU has authorised.

The African Commission decided to adopt Mission Reports before sending them to State Parties visited for their comments. The African Commission further decided to grant State Parties 3 months for the submission of their comments and if need be, an extension of 3 months.

21. The African Commission also adopted Resolutions on:
• The mandate and the appointment of the Special Rapporteur on Freedom of Expression in Africa;
• The mandate of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced in Africa;
• Economic, Social and Cultural Rights in Africa.

22. The African Commission appointed Commissioner Andrew R. Chigovera as Special Rapporteur on Freedom of Expression in Africa for a period of six months corresponding with the remaining term of his mandate.

23. In spite of the determination to finish its work during the Session the African Commission could not exhaust it. To this date there are 17 pending Mission Reports for consideration and adoption. In view of the high number of Mission Reports and the urgency to consider and adopt them in order to forward them to the state parties visited, the African Commission decided to hold an Extra Ordinary Session from 15th to 19th March 2005 in Addis Ababa, Ethiopia. The African Commission will also consider some communications which are ready.
24. The 37th Ordinary Session of the African Commission on Human and Peoples’ Rights will be held from the 27th April to 11th May 2005, in Banjul, The Gambia.

25. The African Commission wishes to express its profound gratitude and sincere thanks to the Government of Senegal for the facilities placed at its disposal and for the warm welcome and hospitality accorded to the participants during the 36th Ordinary Session.


Done the 7th December 2004 in Dakar.