



**ORGANIZATION OF
AFRICAN UNITY**

Secretariat
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منظمة الوحدة الافريقية
السكرتاريه
ص. ب. ٣٢٤٣

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SECOND ACTIVITY REPORT OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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A. Period covered by the Report

The First Activity Report of the African Commission on Human and Peoples' Rights was adopted by the Commission on 28th April, 1988 and covered the activities of the Commission from its inception to that date. This report, the second one, relates to the period 29th April, 1988 to June, 1989.

B. Status of Ratification

2. The Chairman has on behalf of the Commission written to all non-States parties urging them to ratify the African Charter on Human and People's Rights.

3. The list of States that have ratified or adhered to the African Charter on Human and People's Rights is attached to this Report as Annex I.

C. Sessions and Agendas

4. The Commission has had two Ordinary Sessions and one Extraordinary Session since its first Activity Report was adopted.

- the Fourth Ordinary Session was held in Cairo, Egypt from 17th to 26th October, 1988;
- the Fifth Ordinary Session was held in Benghazi, Libyan Arab Jamahiriya, from 3rd to 14th April, 1989;
- the Extraordinary Session, which was the very first Extraordinary Session held by the Commission, took place in Banjul from June to 1989.

5. The Agendas of all these sessions are attached to this Report as Annex II.

D. Membership and Attendance

6. The composition of the African Commission on Human and Peoples' Rights has not changed to date. The founder members still constitute the Commission. The list of members of the Commission is attached to this Report as Annex III.

7. Attendance at sessions has been very good:

- at the Fourth Ordinary Session, Mr. Alioune Blondin Beye was absent with apology;
- at the Fifth Ordinary Session, Mr. Grace Ibingira was absent with apology;
- at the First Extraordinary Session.....

8. The OAU Assistant Secretary-General, Dr. Sylvestre NSANZIMANA, attended all the sessions and gave invaluable advice and information on administrative and political matters.

E. Officers of the Commission

9. Mr. Isaac Nguema remains Chairman of the Commission and Dr. Ibrahim Ali Badawi El Sheikh remains Vice-Chairman.

10. On 10 February, 1989, the Secretary-General of the OAU appointed Mr. Jean Ngabishema Mutsinzi the Secretary of the Commission in place of Mrs. Esther Tchouta-Moussa who retained her erstwhile dual post as the Chief Legal Adviser of the OAU. This change followed the designation of Banjul, The Gambia, as the Commission's Headquarters by the Twenty-fourth Ordinary Session of the Assembly of Heads of State and Government of the OAU held on 25 to 28 May, 1988. The members expressed their gratitude to Mrs. Tchouta Moussa for the satisfactory service she rendered to the Commission during her term of office.

F. Adoption of the Activity Report

11. On June, 1989, at its sitting, the Commission considered the draft of this second Activity Report. After discussions resulting in amendments to the Activity Report, covering a period during which three sessions were held successively in Cairo, Benghazi and Banjul, was adopted by the Commission.

G. Periodic Reports

12. At their Twenty-fourth Ordinary Session the Heads of State and Government, on the commission's recommendation, entrusted the commission with the task of examining periodic reports submitted by States Parties pursuant to Article 62 of the Charter and also authorised the Commission to prepare and deliver general guidelines on the form and contents of the periodic reports.

13. At its Fourth Ordinary Session, Mr. C.L.O. Mubanga Chipoya, who had been appointed Rapporteur for the preparation of the General Guidelines, submitted his report which was considered complete by the Commission. The "Guidelines for National Periodic Reports" is attached to this Report as Annex IV.

14. It was decided by the Commission that, in order not to discourage State parties by delivering to them the "Guidelines" in its entirety and with all its complexity, the Guidelines would not be given to the States parties in one piece. The method adopted was to deliver guidelines to State parties piece meal and in reasonable and well considered doses in order to attract prompt, clear and precise responses.

15. The Chairman has on the direction of the Commission despatched memoranda to State Parties requesting the submission of their initial respective periodic reports within a specified time and replies are being awaited by the Commission.

H. Promotional Activities

(a) Seminars

16. In keeping with an item in their programme of action dealing with seminars, symposia, etc... a good number of Commissioners were invited to and attended seminars and workshops where they made useful contributions to discussions, debates and analyses on human and peoples' rights issues.

17. Important seminars or workshops at which some Commissioners were present were:

- in Banjul, Gambia where members participated in a training course on "Developing national strategies and mechanisms for the promotion and protection of human rights in Africa" "jointly with the United Nations Centre for Human Rights and the Gambia Government.

- in Cairo, Egypt where.....

- in Dakar, Senegal where

18. The Commission on Human and Peoples' Rights intends to organise a seminar of its own as soon as its budget permits.

(b) Publications

19. The Secretary-General of the OAU has been asked by the Commission to print and disseminate its first Activity Report in the three working languages. Printing appears to be underway at the appropriate department of the OAU.

20. At its Fifth Session the Commission decided to establish an "African Review on Human and Peoples' Rights". The Commissioners welcomed with gratitude the news that UNESCO had granted the Commission a subvention for the publication.

(c) Notable Anniversaries

21. The Commission had urged all members to participate in the celebrations of the Fortieth Anniversary of the Universal Declaration of Human Rights held on 10 December, 1988. On that date the Chairman on behalf of the Commission, made a solemn declaration at a press conference in Libreville, Gabon. The solemn declaration is attached to this report as Annex V.

22. The Commission passed a resolution at its Fourth Session recommending that all Member States of the Organisation of African Unity adopt 1st October of each year for celebrating the African Day on Human and Peoples' Rights. The resolution is attached to this Report as Annex VI.

(d) Human Rights Committees

23. At its Fourth Session the Commission adopted a resolution recommending the setting up by States Parties of committees on Human and Peoples' Rights at national and regional levels. The resolution is attached to this report as Annex VII.

(e) Educational Measures

24. The Commission is fully aware of the promotional value of education and information in the field of Human and Peoples' Rights. Therefore, at its Fifth Session it made recommendations:

- for the teaching of Human and Peoples' Rights in schools at all levels;
- the broadcast of human rights programmes on radio and television;
- the establishment of national and regional human rights institutes devoted to study and research and the dissemination of knowledge on the subject matter of human and peoples' rights and the duties of citizens.

25. The resolution concerned is attached to this report as Annex VII.

I. OBSERVERS

26. In pursuance of Rules 76 and 77 of its Rules of Procedure, the Commission has granted certain non-governmental organizations observer status and has in fact granted audience to some of their representatives. The criteria for admitting observers are clear and flexible and serious non-governmental organizations concerned with human rights are welcome especially if they submit with their applications a resume of their activities and supporting documentation to the Commission's Secretariat.

27. The NGO's which have so far been granted observer status are in the list attached to this report as Annex IX.

J. Protective Activities

(a) Introduction of Charter into Constitutions and Laws:

28. During discussions at its Fifth Session it became clear that due to divergent legal systems, the ratification of international charters or treaties does not result in the automatic application of the terms and provisions of such charters to the domestic laws of some ratifying States. Again it was felt that if the provisions of the African Charter on Human and Peoples' Rights dealing with rights and duties, were integrated into the constitutions and general laws of States Parties, greater uniformity would be achieved and the protection of human rights would also be reinforced.

29. The Commission, therefore, recommended the introduction of Articles 1 - 29 of the Charter into the Constitutions and laws of States Parties where the latter have not yet done so or do not have equivalent legal provisions. The Recommendation is attached to this Report as Annex X.

(b) Communications

30. "Communications" are complaints concerning violations of human and peoples' rights. It is believed that when the promotional activities of the Commission attain sufficient impact thus enhancing the popular awareness of human and peoples' rights as well as the Commission itself, the consideration of communications will become one of the main pre-occupations of the Commission.

31. At its Fourth Session the Commission settled ten cases. The decisions for the time being, remain confidential in conformity with Article 59 of the Charter on Human and Peoples' Rights.

32. It is worth mentioning here, that a communication that is not levelled against a State party to the Charter is not admissible and will not be considered by the Commission on the merits.

33. At its Fifth Session the Commission appointed five Rapporteurs from among its members to deal with certain communications received by the Secretariat, which should in the near future translate the communications in the working languages and despatch them to the Rapporteurs concerned for action.

34. In the same session the commission considered five pending cases and took preliminary or other decisions on each of them.

K. Other Activities

(a) Matters relating to Burundi

35. At its Fourth Session upon the request of the Republic of Burundi which has not ratified the Charter, the Commission heard statements from a Burundi Government envoy on the massive massacres which took place in that country in August, 1988. On 10 February, 1989, the Commission through its Chairman and Commissioner Yousoupha Ndiaye, requested His Excellency President Moussa Traore, Current Chairman of the OAU:

- to consider sending a delegation of the Commission to Burundi to conduct an in depth study of the human rights situation in Burundi;
- to urge the Government of Burundi to take steps to ratify the Charter.

36. However, no information has yet been received as to Burundi's reaction regarding the said requests.

(b) Inauguration of Commission's Headquarters

37.

LIST OF ANNEXES
TO SECOND ACTIVITY REPORT

- I. List of States Parties.
- II. Agendas (3) of Sessions.
- III. List of Commission Members.
- IV. Guidance on National Periodic Reports.
- V. Solemn declaration of Chairman on Fortieth Anniversary of Universal declaration of Human Rights.
- VI. Resolution on African Day of Human and Peoples' Rights.
- VII. Resolution of establishing national and Regional Committees on Human Rights.
- VIII. Resolution on some modalities for promoting Human and Peoples' Rights.
- IX. List of NGO's granted observer status.
- X. Resolution on Introducing Charter into Constitution and laws.