

African Union – ACHPR- 35th session – Banjul – may 2004

**RESOLUTION ON THE PROTECTION OF HUMAN RIGHTS
DEFENDERS IN AFRICA**

The African Commission on Human and Peoples' Rights meeting at its 35th Ordinary Session held from 21st May to 4th June 2004, in Banjul, The Gambia;

Recognising the crucial contribution of the work of human rights defenders in promoting human rights, democracy and the rule of law in Africa;

Seriously concerned about the persistence of violations targeting individuals and members of their families, groups or organisations working to promote and protect human and peoples' rights and by the growing risks faced by human rights defenders in Africa;

Noting with deep concern that impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders;

Recalling that it is entrusted by the African Charter on Human and Peoples' Rights with the mandate to promote human and peoples' rights and ensure their protection in Africa;

Reaffirming the importance of the observance of the purposes and principles of the African Charter for the promotion and protection of all human rights and fundamental freedoms for human rights defenders and all persons on the continent;

Bearing in mind the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders);

Mindful that in the Grand Bay (Mauritius) Declaration, the Organisation of African Unity called on Member States "to take appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa";

Mindful that the Kigali Declaration recognises "the important role that the human rights defenders play in the promotion and protection of human rights in Africa"

Recalling its decision to include on its agenda the situation of human rights defenders and to nominate a Special Rapporteur on human rights defenders;

1. ***Now decides to appoint*** a Special Rapporteur on Human Rights Defenders in Africa for a period of two years with the following mandate -:

- a. To seek, receive, examine and to act upon information on the situation of human rights defenders in Africa;
 - b. To submit reports at every ordinary session of the African Commission on the situation of human rights defenders in Africa;
 - c. To cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders, human rights defenders and other stake holders;
 - d. To develop and recommend effective strategies to better protect human rights defenders and to follow up on his/her recommendations;
 - e. To raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa
2. ***Further decides*** to nominate Commissioner Jainaba Johm as Special Rapporteur on Human Rights Defenders in Africa for the current duration of her mandate within the African Commission;
 3. ***Reiterates*** its support for the work carried out by human rights defenders in Africa;
 4. ***Calls upon*** Member States to promote and give full effect to the UN Declaration on Human Rights Defenders, to take all necessary measures to ensure the protection of human rights defenders and to include information on measures taken to protect human rights defenders in their periodic reports;
 5. ***Invites*** its members to mainstream the issue of human rights defenders in their activities;
 6. ***Urges*** Member States to co-operate with and assist the Special Rapporteur in the performance of his/her tasks and to provide all necessary information for the fulfilment of his/her mandate;
 7. ***Requests*** the African Union to provide adequate resources, assistance and support in the implementation of this Resolution.

Done in Banjul, The Gambia, 4th June 2004

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**RESOLUTION ON THE SITUATION OF HUMAN RIGHTS
IN COTE D’IVOIRE**

The African Commission on Human and Peoples’ Rights at its 35th Ordinary Session held in Banjul from 21st May to 4th June 2004, in Banjul, The Gambia;

Considering the provisions of the Constitutive Act of the African Union, the Charter of the United Nations, as well as those of the African Charter on Human and Peoples’ Rights (African Charter), and other regional and international human rights and international humanitarian law treaties, to which the Republic of Cote d’Ivoire is a party;

Deploring the events of 24th to 26th March 2004, which were marked by shootings, wounding and massacres of innocent civilians;

Welcoming with appreciation the Government’s statement that a Commission of enquiry will be set up;

Considering the findings of the Commission of Inquiry of the Office of the United Nations High Commission for Human rights which found the Government authorities responsible for the March 2004 gross human rights violations;

Considering the grave concerns expressed on 27 May 2004, by the Peace and Security Council of the African Union , at the situation prevailing in Cote d’Ivoire and its repercussions on peace and security, stability for the country and for the entire sub-region;

Deeply concerned over the deadlock in the implementation of the Linas-Marcoussis Agreement and the continuing deterioration of the situation in Côte d’Ivoire and the impunity enjoyed by perpetrators of gross human rights violations against civilians since 1999;

Recalling the missions carried out by the African Commission from 2nd to 4th April 2001 and from 24th to 26th April 2003;

Considering the initiative of the United Nations High Commission for Human Rights to set up a Commissioner to investigate the human rights violations perpetrated since the beginning of the crisis in Côte d’Ivoire;

Noting the laudable role of ECOWAS in its efforts to bring peace to Côte d’Ivoire and the efforts of the President of the African Union Commission to facilitate an effective re-launch of the peace process in Côte d’Ivoire and, more particularly, to contribute to the

promotion of dialogue and understanding among the leaders of the countries of the region;

1. ***Deploras*** the grave and rampant human rights violations committed against the civilian populations, such as summary and arbitrary executions, torture and arbitrary detention and disappearances;
2. ***Requests*** the President of the Republic of Cote d'Ivoire, National Reconciliation Government and all Ivorian political parties to implement the Linas-Marcoussis agreement;
3. ***Urges*** the Ivorian authorities to spare no efforts in ensuring that the perpetrators of the violation of human rights during the period of 24th to 26th March 2004 and any other violations perpetrated are brought to justice and the victims and their families appropriately compensated;
4. ***Calls upon*** the Ivorian Government to ensure full compliance with the provisions of the African Charter on Human & Peoples' Rights and other international human rights instruments.
5. ***Undertakes*** to send a fact-finding mission to investigate human rights violations committed in Cote d'Ivoire since the beginning of the crisis.

Done in Banjul, The Gambia, 4th June 2004

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**RESOLUTION ON THE SITUATION OF HUMAN RIGHTS
IN DARFUR, SUDAN**

The African Commission on Human and Peoples' Rights at its 35th Ordinary Session held in Banjul from 21st May to 4th June 2004, in Banjul, The Gambia

Considering the provisions of the Constitutive Act of the African Union, the Charter of the United Nations, as well as those of the African Charter on Human and Peoples' Rights (African Charter), and other regional and international human rights and international humanitarian treaties, to which the Sudan is a party;

Mindful that, Sudan, as a State Party to the aforementioned instruments, is legally bound to fully and effectively implement the provisions of these instruments and respect the human rights and fundamental freedoms set therein without discrimination on any grounds;

Recalling the report of the UN High Commissioner for Human Rights, Situation of Human Rights in the Darfur region of the Sudan, 7th May 2004;

Deeply concerned over the prevailing situation in Darfur, particularly the continuing humanitarian crisis and the reported human rights violations committed in that region since the beginning of the crisis such as the mass killings, sexual violence as a means of warfare and the abduction of women and children;

Alarmed by the large number of internally displaced persons and the continuing exodus of refugees mainly from Darfur;

Recalling the Resolution on Sudan adopted by the African Commission on Human and Peoples' Rights at its 17th Ordinary session in Lome, Togo;

Recalling the decision on the crisis in the Darfur region of Sudan, adopted by the Peace and Security Council of the African Union on the 25th May 2004, urging the Parties to fully and scrupulously implement the Humanitarian Ceasefire Agreement signed on 8 April 2004, in N'djamena, Chad, between the Government of Sudan (GoS), the Sudan Liberation Movement/Army (SLM/A), and the Justice and Equality Movement (JEM);

Mindful of the mandate of the African Commission in terms of the Charter to “promote human and peoples' rights and ensure their protection in Africa” and especially in a situation of serious or massive violation of human and peoples' rights (Article 58 (1));

1. *Deplores* the ongoing gross human rights violations in the Darfur region of Sudan;

2. ***Calls upon*** all parties to the armed conflict to immediately cease using military force to interfere with the delivery of humanitarian assistance to the civilian population and to allow such assistance to be delivered unhindered;
3. ***Welcomes*** the announcement by the Sudanese authorities of their decision to allow and facilitate access of humanitarian agencies and organizations and the deployment of observers from the African Union and the international community to Darfur, as well as to facilitate the return of IDPs and refugees;
4. ***Further welcomes*** the announcement by the Sudanese Government of their decision to allow and facilitate access of a fact-finding mission of the African Commission;
5. ***Accepts*** to send a fact-finding mission to Darfur to investigate reports on human rights violations in Darfur and to report back to it.

Done in Banjul, The Gambia, 4th June 2004

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**RESOLUTION ON THE SITUATION OF HUMAN RIGHTS
IN NIGERIA**

The African Commission on Human and Peoples Rights at its 35th Ordinary Session held from 21st May to 4th June 2004, in Banjul, The Gambia.

Considering the provisions of the Constitutive Act of the African Union, the Charter of the United Nations, as well as those of the African Charter on Human and Peoples' Rights and other regional and international human rights and international humanitarian law treaties to which the Republic of Nigeria is a party;

Deeply concerned over the prevailing situation in the Northern States of Nigeria, particularly the recent ethnic and religious violence in Yelwa, Plateau State and Kano State respectively in May 2004;

Alarmed by the large number of internally displaced persons and enormous loss of life as a result of the recent ethnic and religious violence;

Recalling the declarations of the United Nations Secretary-General on May 10, 2004 urging the Nigerian Government to ensure the security of individuals and property and to promote reconciliation in conformity with the principles of the rule of law;

Mindful of the mandate of the African Commission in terms of the Charter to promote and protect human and peoples rights

1. *Deplores* the grave and rampant human rights violations committed against the civilian populations in the Northern part of Nigeria
2. *Urges* the Nigerian Government to bring the perpetrators of any human rights violation to justice, and to compensate victims and their families;
3. *Calls upon* the Nigerian Government to ensure full compliance with the provisions of the African Charter on Human and Peoples Rights and other international human rights instruments;
4. *Decides* to send a fact-finding mission to investigate all human rights violations committed in the northern part of Nigeria.

Done in Banjul, The Gambia, 4th June 2004

African Union – ACHPR- 35th session – Banjul – may 2004

**RESOLUTION ON THE SITUATION
OF WOMEN AND CHILDREN IN AFRICA**

The African Commission on Human and Peoples' Rights during its 35th ordinary session held from 21st May to 4th June 2004 in Banjul, The Gambia,

Considering the provisions of the UN Convention on the elimination of all Forms of Discrimination Against Women and other regional and international human rights treaties relating to the rights of women;

Recalling that the Assembly of Heads of State and Government of the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa at its 2nd Ordinary Session held in July 2003 in Maputo, Mozambique;

Noting that the African Charter on the Rights and Welfare of the Child entered into force on 29th November 1989;

Noting further that the 11 Members of the African Committee of Experts on the Rights and Welfare of the Child were elected by OAU Member States at the 37th Ordinary Session of the OAU Assembly of Heads of States and Governments held in Lusaka, Zambia in July 2001;

Considering that the situation of the women and children in Africa needs to be thoroughly addressed;

Considering that women and children are victims of multiple human rights violations;

Considering deportation, slavery, child trafficking and the proliferation of street children in some countries of our continent;

Considering the persistence of traditional practices that are harmful to women and children in some African countries (“talibes” children and genital mutilation);

Concerned about widespread poverty among women and the stigmatization of women and children with HIV/AIDS;

1. **Urges** member states of the African Union to ratify the Protocol to the African Charter on the Rights of Women in Africa in order to facilitate its entry into force;

2. **Urges** all AU member states to ratify the United Nations Convention against All Forms of Discrimination against Women, and member states that have ratified it with reservations to withdraw them;
3. **Launches** an appeal to Member States to incorporate the above-mentioned international instrument into their national laws;
4. **Urges** member states to set up a special protection mechanism for women and children in war zones;
5. **Appeals** to member states to disarm and demobilize child soldiers, and put in place a system for their social reintegration;
6. **Appeals** to Member States to implement programmes to fight against HIV/AIDS;
7. **Appeals** to Member States to devise a system to help women benefit from social security.

Done in Banjul, The Gambia, 4th June 2004