

ACHPR/Res.21(XIX)96: RESOLUTION ON THE RESPECT AND THE STRENGTHENING OF THE INDEPENDENCE OF THE JUDICIARY

The African Commission on Human and Peoples' Rights, meeting at its Nineteenth Ordinary Session held from 26 March to 4 April 1996 in Ouagadougou, Burkina Faso;

Noting that justice is an integral part of human rights and a necessary condition for democracy,

Considering the importance and the role of the judiciary, not only in the quest for the maintenance of social equilibrium, but also in the economic development of African countries,

Recognising the need for African countries to have a strong and independent judiciary enjoying the confidence of the people for sustainable democracy and development,

Considering the need to train lawyers in human rights in order to enable them apply judiciously international human rights instruments:

1. CALLS UPON African countries to:
 - repeal all legislation which are inconsistent with the principles of respect of the independence of the judiciary, especially with regard to the appointment and posting of judges;
 - provide, with the assistance of the international community, the judiciary with sufficient resources in order to enable the legal system fulfil its function;
 - provide judges with decent living and working conditions to enable them maintain their independence and realise their full potential;
 - incorporate in their legal systems, universal principles establishing the independence of the judiciary, especially with regard to security of tenure;
 - refrain from taking any action which may threaten directly or indirectly the independence and the security of judges and magistrates.
2. URGES African judges to organise nationally and regionally, periodic meetings in order to exchange experience and evaluate efforts undertaken in various countries to bring about an efficient and independent judiciary.