

ACHPR/Res.100(XXXX)06: RESOLUTION ON THE ADOPTION OF THE LILONGWE DECLARATION ON ACCESSING LEGAL ASSISTANCE IN THE CRIMINAL JUSTICE SYSTEM

The African Commission on Human and Peoples' Rights meeting at its 40th Ordinary Session, held in Banjul, The Gambia, from 15 - 29 November 2006;

Recalling its mandate under Article 45(b) of the African Charter on Human and Peoples' Rights (the Charter) "to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African states may base their legislation";

Recalling Articles 7 and 26 of the Charter, which guarantee the right to a fair trial and legal counsel before independent courts;

Recalling its Resolution on the *Right to Recourse and Fair Trial*, adopted at its 11th Ordinary Session in Tunis, Tunisia in 1992;

Recalling further its resolution on the *Respect and Strengthening of the Independence of the Judiciary*, adopted at its 19th Ordinary Session in Ouagadougou, Burkina Faso in 1996;

Recognising its resolution on the *Right to Fair Trial and Legal Assistance in Africa*, adopted at its 26th Ordinary Session in Rwanda in 1999;

Recalling the *Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa*, adopted in 2001;

Concerned with the continued lack of legal aid in most parts of Africa and its adverse impact on the right to access to justice in Africa;

1. **SUPPORTS** the *Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa*, adopted by the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and other Service Providers, Lilongwe, Malawi, November 2004;
2. **URGES** all stakeholders to make every effort to make these declarations widely known in Africa and invites State Parties to the Charter to take into account the principles in the Declaration when formulating policies and domestic legislation;
3. **APPEALS** to Member States to take all necessary measures in order to uphold their obligations under the Charter and other international instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* providing for the right to fair trial and access to justice;
4. **CALLS** on Members States to extend their full collaboration with the mandate of the Special Rapporteur on Prisons and Conditions of

Detention in Africa in monitoring prisons and conditions of detention in Africa.