

**ACHPR/Res.97(XXXX)06: RESOLUTION ON THE IMPORTANCE OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS BY STATES PARTIES**

*The African Commission on Human and Peoples' Rights, meeting at its 40<sup>th</sup> Ordinary Session in Banjul, the Gambia, from 15 - 29 November 2006,*

**Considering** that the mandate of protection of human and peoples' rights entrusted to it by the African Charter on Human and Peoples' Rights implies *inter alia* the receipt and consideration of Communications in light of the provisions of the Charter and making findings on their violations or otherwise, with a view to safeguarding the enjoyment of human and peoples' rights and fundamental freedoms and providing redress for breaches thereof;

**Considering** also that in the process of achievement of the above-mentioned mandate deriving from the provisions of Articles 45(2) and 47-58 of the African Charter on Human and Peoples' Rights, the Commission makes recommendations on the basis of communications brought before it by individuals, groups of individuals and state parties alleging violations of human and peoples' rights;

**Noting** that State Parties in ratifying without any reservation, the African Charter on Human and Peoples' Rights have thus agreed to accept the authority and the essential role of the Commission in the promotion and protection of Human and Peoples' Rights throughout Africa;

**Noting** in addition that the member states of the African Union have solemnly reaffirmed their adherence to the principles enunciated by the Universal Declaration of Human Rights as well as to the African Charter on Human and Peoples' Rights and that the latter adherence was renewed through Articles 3d, g, h, k; 4h, l, m, o, p; 9(1) b, e & 23(2) of the Constitutive Act, establishing the African Union;

**Noting** further, by its Resolution AHG/Res. 198 (XV), of the Thirtieth Ordinary Session of the Assembly of Heads of State and Government (1994) reaffirmed the need for Member States to take concrete measures towards the effective implementation of the provision of the African Charter on Human and Peoples' Rights;

**Recalling** that the Vienna Declaration of 25 June 1993 and its programme of action – for which Member States of the African Union (then Organisation of African Unity) have actively participated in the elaboration and adhere to – calls upon the African Community to proceed in carrying human rights closer to their prime subject: the human being, and that the said process is the one followed by the African Commission on Human and Peoples' Rights by making recommendations to concerned States to provide remedies for the victims within their jurisdictions;

**Convinced** that compliance of State Parties to its recommendations will contribute to the enhancement of the work of the Commission as well as to the improvement of the conditions of the population under their jurisdiction and also contribute to the promotion and enhancement of the rule of law in Africa;

**Recalling** further that the Commission would not properly achieve its mission of promotion and protection of human and peoples' rights without the co-operation of state parties;

1. **CONGRATULATES** those State Parties who have complied with its recommendations and encourage them to continue in the same way;
2. **CALLS UPON** all state parties to the African Charter on Human and Peoples' Rights to respect without delay the recommendations of the Commission;
3. **DECIDES** (without prejudice to the provisions of Articles 58 and 59 of the Charter) to submit at every session of the Executive Council a report on the situation of the compliance with its recommendations by the State Parties (annexed to its Annual Activity Report);
4. **REQUESTS** all State Parties to the African Charter on Human and Peoples' Rights to indicate the measures taken and/or the obstacles in implementing the recommendations of the African Commission within a maximum period of ninety (90) days starting from the date of notification of the recommendations.