

**ACHPR/Res.108(XXXXI)07:RESOLUTION REITERATING THE IMPORTANCE OF COMPLIANCE WITH REPORTING OBLIGATIONS UNDER THE AFRICAN CHARTER**

*The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 41<sup>st</sup> Ordinary Session in Accra, Ghana, from 16 – 30 May 2007:-*

**Recalling** that Article 62 of the African Charter on Human and Peoples' Rights (the African Charter) provides that “Each State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter,”

**Recalling further** its recommendation on Periodic Reports, in which it requested the Assembly of Heads of State and Government of the African Union (AU) then Organisation of African Unity (OAU) to entrust it with the mandate to examine the periodic reports of States submitted under Article 62 of the African Charter, taken at its 3<sup>rd</sup> Ordinary Session held from 18 – 28 April 1988 in Libreville, Gabon,

**Considering** that the Assembly of Heads of State and Government of the AU (the Assembly) at its 24th Ordinary Session, authorised the African Commission to examine State Reports submitted in accordance with Article 62 of the African Charter,

**Recalling** the African Commission's adoption, at its 4<sup>th</sup> Ordinary Session in October 1991, of the “Guidelines for States Periodic Reports,” in which it outlined the form and content of periodic reports that States Parties are required to submit pursuant to Article 62 of the Charter,

**Concerned** that a large number of States Parties to the African Charter continue to lag behind in their reporting obligations under Article 62 of the African Charter,

**Recalling further** the African Commission's decision in November 1995 in which it recommended to States Parties to combine several overdue reports in one report with a view to facilitating compliance with the reporting obligation,

**Reaffirming** that all States Parties have the duty to fulfil the obligations they have undertaken under the African Charter,

**Noting** that, by its Resolution AHG/Res. 198 (XV), the 30<sup>th</sup> Ordinary Session of the Assembly of the AU (1994) reaffirmed the need for Member States to take concrete measures towards the effective implementation of the provisions of the African Charter,

**Convinced** that compliance by States Parties with their obligations under the African Charter and with the recommendations of the African Commission will enhance the work of the Commission, improve the conditions of the population under their jurisdiction, and contribute to the promotion of the rule of law in Africa,

**Recognising** that the promotion and protection mandate of the African Commission will not be achieved without the co-operation of State Parties:

1. **Congratulates** the following States Parties to the African Charter; which have complied and are up-to-date with their reporting obligations under Article 62 of the African Charter and encourages them to continue in the same way: Algeria, Cameroon, Central African Republic, Libya, Mauritania, Nigeria, Kenya, Rwanda, Seychelles, South Africa, Uganda, Zambia, and Zimbabwe,
2. **Urges** the following States Parties to the African Charter, which have never submitted any Periodic Report to the African Commission since its inception, to honour their obligations under the African Charter to submit and present their respective Initial and/or Periodic Reports without any further delay: Angola, Botswana, Comoros, Cote d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Guinea Bissau, Liberia, Madagascar, Malawi, Sao Tome and Principe, Sierra Leone, and Somalia,.
3. **Encourages** the following States Parties to the African Charter, which have submitted one or more Periodic Reports but still owe more reports, to submit their respective reports without any delay: Benin, Burkina Faso, Burundi, Cape Verde, Chad, Congo- Brazzaville, Democratic Republic of Congo, Egypt, Gambia, Ghana, Guinea, Lesotho, Mali, Mauritius, Mozambique, Namibia, Niger, Saharawi Arab Democratic Republic, Senegal, Sudan, Swaziland, Tanzania, Togo, and Tunisia,
4. **Decides** to submit, at every session of the Assembly, an updated report and list of States Parties to the African Charter that continue to default in their reporting obligations;
5. **Requests** all States Parties to the African Charter to endeavour to comply with the provisions of the African Charter and the recommendations of the African Commission;
6. **Calls on** the Assembly to urge those Member States who owe reports under Article 62 of the African Charter to submit the same to the African Commission;
7. **Requests** the Assembly to monitor closely the implementation of this Resolution.