

**ACHPR/Res.151 (XLVI) 09: RESOLUTION ON THE NEED FOR THE CONDUCT OF A STUDY ON THE FREEDOM OF ASSOCIATION IN AFRICA**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 46<sup>th</sup> Ordinary Session from 11 to 25 November 2009, in Banjul, the Gambia*

**CONSIDERING** the provisions of Article 9 of the African Charter on Human and Peoples' Rights on the acknowledgement to all persons the right to express and disseminate their opinions in accordance with the laws and regulations;

**CONSIDERING** that Article 10 of the African Charter recognizes that every person has the right to free association with other persons;

**RECALLING** that Article 25 of the African Charter makes it a binding duty of the States to promote and ensure the respect of the rights and freedoms contained in the Charter;

**NOTING** that Article 45(a) of the African Charter mandates the African Commission "to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights" with a view to promote human and peoples' rights on the continent;

**BEARING IN MIND** the « Grand Bay Declaration and Action Plan » adopted by the first Ministerial Conference of the Organization of African Unity on Human Rights in Africa held from 12 to 16 April 1999 in Grand Bay (Mauritius) ;

**RECALLING** the « Kigali Declaration » adopted by the first Ministerial Conference of the African Union on Human Rights in Africa, held on 8<sup>th</sup> May 2003 in Kigali (Rwanda);

**CONSCIOUS** of the fact that the guarantee of the right to free association is the security for democracy and development for African countries;

**REAFFIRMING** that the guarantee of the freedom of association is intrinsically related to the right to assemble freely with others as stipulated in Article 11 of the African Charter and in other international and regional human rights instruments;

**CONVINCED** of the crucial role of human rights defenders in ensuring the maintenance of the principles of equality, peace, liberty, dignity, justice, solidarity and democracy in African societies;

**CONVINCED ALSO** that violations of the freedom of association of human rights defenders put democratic values at risk in our African societies, in particular the guarantee of the respect for the promotion and protection of human rights and fundamental freedoms in Africa;

**DETERMINED** to ensure the promotion, the realization and protection of human rights with the view to safeguarding full and free enjoyment of human rights on the African continent;

**UNDERSCORING** the obligation of every African State to ensure the protection of all persons living under their jurisdiction;

**CONVINCED** that the conduct of a continent-wide study on the freedom of association in Africa shall contribute to the improvement of the precarious human rights situation on the continent;

**DECIDES :**

1. To initiate a study on the laws governing freedom of association and practices that violate freedom of association in Africa;
2. To ensure a wider dissemination of the said study;
3. To take effective measures to ensure that the States take into account the outcomes and findings of the said study.