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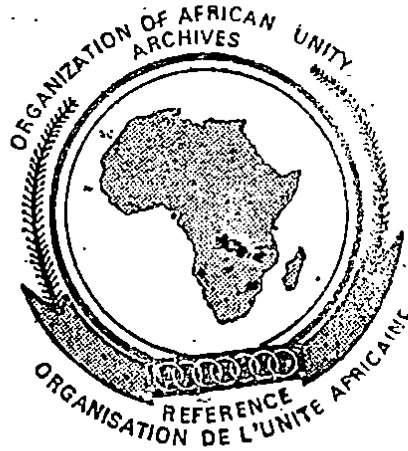
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African Charter of
Human And Peoples' Rights.



CM-1068

MICROFICHE

African Charter of Human And Peoples' Rights

I. Genesis

Decision 115(XVI)Rev.1 requested the Secretary-General of the Organisation of African Unity to organise a restricted meeting of experts with a view to preparing a Preliminary Draft of the African Charter of Human and Peoples' Rights. This Charter should, particularly, provide for the establishment of organs for the promotion and protection of Human and Peoples' Rights.

II. Meeting of Experts for the Preparation of a Preliminary Draft of the African Charter of Human and Peoples' Rights (Dakar, Senegal, 28 November to 8 December 1979)

Pursuant to this decision, the OAU Secretary General, at the invitation of the Senegalese Government brought together in Dakar, from 28 November to 8 December 1979, African Legal experts to prepare a Preliminary Draft of the African Charter of Human and People's Rights.

This Preliminary Draft was based on a principle idea: the African Charter should reflect the African conception of Human Rights. Consequently, it seemed necessary:

- to give a place of choice to the principle of non-discrimination in the enumeration of recognised and protected rights;
- to lay emphasis on the rules relating to the objectives of the OAU as defined in Article 2 of the Charter of the Organisation of African Unity and particularly on the duty of solidarity and cooperation on state sovereignty and the struggle against foreign domination;
- to state Peoples' rights beside individuals rights;

- to determine the duties of each person towards the communities in which he lives and more particularly towards the family and the state;
- to show that African values, as well as morals still have an important place in our societies;
- to give economic, social and cultural rights the place they deserve.

This initiative distinguishes the African Charter of Human and Peoples' Rights from the conventions already adopted in other regions.

The Draft Charter prepared by the meeting of experts comprises two main parts: on the one hand "Rights and Duties" and on the other "Measures of Safeguard."

III. Ministerial Meeting of the OAU on the Draft African Charter of Human and People's Rights (Banjul, The Gambia, 9-15 June 1980)

Convened by the OAU Secretary General on the invitation of the Gambian Government, a Ministerial meeting was held in Banjul, The Gambia, from 9 to 15 June 1980 to consider the Preliminary Draft African Charter of Human and Peoples' Rights.

It should be stressed that during the discussions of this meeting, grouping 38 member countries of the Organisation, the exchange of views were frank and cordial. Efforts were made to arrive at solutions whenever there were difficult problems. This showed the common will to adopt an African Charter of Human and Peoples' Rights meeting the needs and realities of Africa and taking into consideration the political differences of the various regimes.

The conference did its work seriously. It devoted to each clause the necessary time for a full and in-depth study. Unfortunately, it could not consider the whole of the Preliminary Draft Charter, owing to lack of time. Only the Preamble and eleven (11) articles were adopted.

Conclusion

The Secretary General of the OAU will, invite again, as soon as possible, ministers of member states to meet and complete their work.

We are pleased to announce to the Council that the Government of the Republic of The Gambia has generously offered to host in Banjul the meeting for the second time.

The Secretary General of the OAU would like to recommend to the Council of Ministers:

- 1) to take note of this interim report;
- 2) to thank the Government of the Gambia for its second invitation;
- 3) to urge all the Member States to send delegations to the second ministerial meeting;
- 4) to urge the Member States who have remarks to make on the Preliminary Draft Charter to transmit them to the General Secretariat as soon as possible.



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