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"The Banjul appeal to African States and Peoples on
the promotion and protection of human rights"

Document submitted by the International Movement for Fraternal Union
among Races and Peoples

THE BANJUL APPEAL TO AFRICAN STATES AND
PEOPLES ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
BY
THE PARTICIPANTS OF THE SEMINAR ON THE JUDICIARY
AND HUMAN RIGHTS IN AFRICA OF THE
AFRICAN ASSOCIATION OF INTERNATIONAL LAW,
BANJUL, 17TH NOVEMBER 1989

For the past thirty years, Africa has been liberating itself from colonialism, imperial domination and exploitation. That struggle has just witnessed another victory with the imminent attainment of political independence and self-determination by the peoples of Namibia. The struggle for the liberation of South Africa continues.

Over the past three decades and more, there have been gross violations of peoples fundamental rights and basic freedoms and denial of justice in various parts of the African continent. The social and economic conditions of the African have not only remained stagnant but have in recent years become worse and regressive.

In an effort to stem these violations, and to arrest further deterioration of the situation, African States adopted in 1981 the African Charter on Human and Peoples' Rights under which they made a solemn undertaking to achieve the total liberation of Africa, to guarantee the full dignity and freedoms of the African peoples, to eliminate colonialism, neo-colonialism, apartheid, and all forms of discrimination, and to promote and guarantee the independence of the judiciary.

Despite this solemn undertaking, the peoples of Africa continue to suffer daily from violations of their fundamental rights and basic freedoms as well as discrimination and inhuman treatment in all forms and ramifications. The judiciaries in some African countries have become instruments of repression and the independence and integrity of the judiciary have been greatly undermined.

We, the jurists and human rights advocates participating in the Seminar on the Judiciary and Human Rights in Africa organized in Banjul, The Gambia, from 13th - 17th November, 1989, by the African Association of International Law in co-operation with the African Commission on Human and Peoples Rights and the African Centre for Democracy and Human Rights Studies, Banjul.

Firmly believe that the time has come for the African continent to develop a culture of respect for human rights, human dignity, humane treatment of all human beings, as well as the principles of democracy.

We hereby issue this solemn Appeal to all African States and Peoples:

1. To take appropriate measures to democratize the national polity and institutions as a pre-condition and fundamental basis for the full enjoyment of the civil, political, socio-economic and cultural rights embodied in the African Charter on Human and Peoples Rights.
2. To take appropriate measures to promote and raise the level of consciousness of the African peoples as a pre-requisite to their understanding and appreciation of their fundamental rights and basic freedoms; and to disseminate information on human rights within the national societies and introduce and encourage the teaching of human rights at the various levels of the educational and professional systems.
3. In the promotion and protection of human rights, special attention should be paid by States, public authorities and bodies, and Non-Government Organizations to the situation of women, the children, the aged, and other disadvantaged groups within the society.
4. Since the independence and effectiveness of the judiciary at the municipal level is a pre-condition to the effective guarantee of human rights, all African States should take appropriate measures to guarantee the absolute independence and integrity of the Judiciary and observe the principles and guidelines for the independence of the Judiciary adopted by the General Assembly of the United Nations. States should also desist in the use of extra-judicial tribunals which undermined the role, independence, and integrity of the Judiciary.

5. Access to the courts and other judicial and legal bodies is a vital component in the guarantee of the fundamental rights of the African peoples. Adequate legal aid should therefore be made available to the poor and under-privileged in every society in order to guarantee their right to fair treatment and justice.
6. To introduce measures and encourage the creation and effective functioning of independent bodies, and non-Governmental organisations for the promotion and protection of human rights at the national, regional, and sub-regional levels.
7. To take appropriate measures to ensure that every African knows of the existence of the African Charter on Human and Peoples' Rights, its provisions and stipulations, and the roles and functions of the African Commission on Human and Peoples' Rights.
8. To ensure the independence and autonomy of the African Commission on Human and Peoples Rights, and take appropriate measures to give all material, human and financial resources to the Commission to enable it discharge its responsibilities effectively.
9. To guarantee the protection, well-being and security of refugees, migrants and stateless persons, and to adopt national legislation and international conventions as provided under the African Charter on Human and Peoples' Rights to grant asylum to people who escape to their territories to avoid persecution by other States.
10. To adopt effective measures, including municipal legislation, to ensure and guarantee a satisfactory and secure environment favourable to the development of their peoples.
11. In the adoption of economic and social policies, such as Structural Adjustment Programmes, states should have due regard to the need to protect and guarantee ~~the~~ economic, social, political, and cultural rights of their peoples.
12. Appeals to states which have ratified the African Charter on Human and Peoples' Rights to adopt appropriate municipal legislation to give effect to ~~the~~ provisions of the Charter in the national laws; also

appeals to the. States that have not yet ratified the Charter to do so as soon as possible.

13. Immediate steps should be taken to promote, if necessary in collaboration with non-Governmental bodies and associations, the translation into African languages and the dissemination as widely as possible of the African Charter on Human and Peoples' Rights.
14. Appeals to non-Governmental organizations and associations as well as voluntary agencies to be more actively involved in the dissemination of information on the African Charter on Human and Peoples' Rights, and in ensuring its promotion and implementation.

BANJUL, 17TH NOVEMBER 1989