

The African Commission on Human and Peoples' Rights: At the Forefront of Advancing Human Rights

The African Commission on Human and Peoples' Rights (ACHPR) commits to the principles and values of the African Charter and relies on State Parties and other stakeholders in the effective execution of its mandate, because human right is our collective responsibility!

ESTABLISHMENT

The African Commission on Human and Peoples' Rights (the ACHPR) is a quasi-judicial body established under Article 30 of the African Charter on Human and Peoples' Rights (the African Charter or Charter) to promote human and people's rights and ensure their protection throughout Africa. The ACHPR became operational in 1987, and is supported by a secretariat which is based at the ACHPR's seat in Banjul, the Gambia. It was inaugurated on 12 June 1989.

MEMBERS

The ACHPR has 11 commissioners, who are elected by secret ballot by the African Union Assembly of Heads of State and Government (HOSG) from a list nominated by State Parties to the Charter. The Commissioners are elected for a renewable term of 6 years. The ACHPR elects its own bureau, the Chairperson and Deputy-Chairperson, from among the Commissioners for a two-year term.

MANDATE, FUNCTIONS AND PROCEDURES OF THE ACHPR

The mandate of the ACHPR is spelled out in Articles 45 and 46 of the African Charter: the promotion of human and peoples' rights; the protection of human and peoples' rights; the interpretation of the African

Charter; and any other tasks which may be entrusted to it by the Assembly of HOSG.

Within the framework of its promotional mandate, the functions of the ACHPR are to collect documents, undertake studies and research on African problems in the field of human and peoples' rights, organize seminars, and consider periodic reports submitted by State Parties under Article 62 of the African Charter. The ACHPR also undertakes fact-finding missions to State Parties on its own initiative or at the request of AU Policy Organs.

The ACHPR collaborates with African and International Institutions through Resolution (ACHPR / Res.30 (XXIV)98: Resolution on the Co-operation between the ACHPR and non-governmental organisations (NGO)s having observer status with the ACHPR, and Resolution ACHPR/31(XXIV) 98 on the Granting of Affiliate Status to NHRIs in Africa, adopted in 1998, respectively (485 NGOs, 24 NHRIs).

In accordance with Rule 25, read together with Rules 26 and 27 of the ACHPR's Rules, the ACHPR holds two Ordinary Sessions a year and may also hold extra-ordinary sessions.

Under Article 62 of the African Charter, read together with Rule 73 of the ACHPR's Rules, State Parties are required to submit reports to the ACHPR every two years on the legislative or other measures they have taken to give effect to the Charter-guaranteed rights.

Subsidiary Mechanisms (Special Rapporteurs, Committees and Working Groups)

To facilitate implementation of its mandate, the ACHPR has established special mechanisms to focus on different thematic areas that are of special concern to the ACHPR's work. This is in line with Rules 23 and 24 of the ACHPR's Rules of Procedure. This strategy has proved to be an excellent working tool, which also enables the ACHPR to have a better understanding of the human rights situation on the continent. Since its inception, the ACHPR has established fifteen (15) Special Mechanisms: (5 Special Rapporteurs; 7 Working Groups and 3 Committees) as follows:

1. Special Rapporteur on the Rights of Women in Africa (1999);
2. Special Rapporteur on Prisons and Places of Detention in Africa (1996); revised to Special Rapporteur on Prisons and Places of Detention and Policing in Africa (2015);
3. Special Rapporteur on Human Rights Defenders in Africa (2004);
4. Special Rapporteur on Freedom of Expression and Access to Information in Africa (2004);
5. Special Rapporteur for Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa (2004);
6. Working Group on Indigenous Populations/Communities in Africa (2000);
7. Working Group on Economic, Social and Cultural Rights in Africa (2004);
8. Working Group on Specific Issues (2004);
9. Working Group on Death Penalty (2005), revised to Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa (2012);
10. Working Group on Older Persons and People with Disabilities in Africa (2007);
11. Working Group on Extractive Industries and Human Rights Violations in Africa (2009);
12. Working Group on Communications (2011);
13. Committee for the Prevention of Torture in Af-

rica, previously Robben Island Guidelines Committee (2004);

14. Committee for the Protection of the Rights of People Living with HIV(PLHIV) and those at Risk (2010);
15. Advisory Committee on Budget and Staff Matters (2009).

OVERARCHING ACHIEVEMENTS OF THE ACHPR

The Protection Mandate

The protection mandate of the ACHPR is largely composed of complaints of violations of human and peoples' rights contained in the Charter. These complaints, which are generally referred to as Communications, can be brought by individuals and NGOs against State Parties to the Charter or by a State Party against another. The Communications Procedure has three progressive stages: Seizure, Admissibility and Merits. To date, the ACHPR has received five hundred and eighty-one (581) Communications, out of which it has finalised three hundred and ninety-two (392), and transferred three (3) to the African Court on Human and Peoples' Rights (the Court). There are currently one hundred and seventy-six (176) Communications pending before the ACHPR. Most of these cases have been brought by individuals and NGOs, while there have been three (3) Inter-State Communications since inception.

Within the framework of its role of interpreting the provisions of the African Charter, the ACHPR has adopted principles, declarations, guidelines, and soft laws, amongst others: Grand Bay (Mauritius) Declaration and Plan of Action (Grand Bay Declaration); Kigali Declaration; Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa (Ouagadougou Declaration), and Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa ('the Luanda Guidelines').

Within its broad mandate of promoting and protecting human rights, the ACHPR has also adopted Resolutions on specific country situations, thematic issues or specific human rights violations. See <http://www.achpr.org/search/?q=Resolutions>

Other overarching achievements of the ACHPR include:

- i. Interpreting the provisions of the Charter;
- ii. Creation of a constructive and strategic partnership between human rights stakeholders;
- iii. Key strides in the development of the human rights jurisprudence e.g. SERAC Case on Socio economic rights, Endorois Case on Indigenous Peoples Rights;
- iv. Human rights now a common discourse in Africa;
- v. Key to the creation of the African Court;
- vi. Holding State Parties accountable to their obligations under the Charter;
- vii. Resolutions, Letters of Appeal, Concluding observations issued and published have positively increased the level of engagement between State Parties and the ACHPR as well as its processes, procedures and sessions;
- viii. Increase in the number of State Parties that attend the Sessions of the Commission;
- ix. Increase in the submission of State Reports by Member States.

Challenges to the working of the Court include budgetary and human resource constraints, inadequate implementation of ACHPR recommendations, non-ratification of key human rights instruments and the need for authorization by State Parties before undertaking missions.

HUMAN RIGHTS - OUR COLLECTIVE RESPONSIBILITY!

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