

AFRICAN UNION

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### **NOTE TO EDITORS ON AFRICA HUMAN RIGHTS DAY, 21 October 2017**

**Significance of the Day:** 36 years ago, the continent's main text on human and peoples' rights – the African Charter on Human and Peoples' Rights – came into force, institutionalising and formalizing Africa's commitment to the promotion and protection of human rights on the continent.

**Progress to date:** Since the adoption of the Charter, significant progress has been made at national, regional and continental levels. A number of institutions dedicated to the promotion and protection of human rights have been established and the related normative framework enriched, with the adoption of the African Charter on the Rights and Welfare of the Child, as well as a number of protocols, including the Protocol to the Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

**The African Commission on Human and Peoples Rights (ACHPR)**, which is provided for in Article 30 of the African Charter, became operational in November 1987. The celebration of the 30th Anniversary of ACHPR will take place in Banjul, The Gambia, from 1 to 4 November 2017. The ACHPR is comprised of 11 (eleven) Commissioners. The principal mandate of the ACHPR is to promote and protect human rights on the continent, and also to provide interpretation of provisions of the Charter. The protection mandate of the ACHPR enables it to receive complaints from individuals, NGOs and Member States regarding alleged violations of one or more of the rights in the Charter. Following consideration of complaints, the ACHPR is empowered to make recommendations to the State Party concerned, and further to the AU Assembly, on measures that can be undertaken to redress these violations. The protective mandate of the ACHPR is exercised through promotion visits to Member States. A number of Special Rapporteurs have been appointed, focusing on Freedom of Expression and Access to Information; Prisons, Conditions of Detention and Policing in Africa; Prevention of Torture in Africa; Refugees, Asylum Seekers, Migrants and Internally Displaced Persons; and on Women. As an outcome of visits by Special Rapporteurs to Member States, the ACHPR makes recommendations on measures for strengthening state efforts at implementing human rights promotion and protection. The Charter also requires each State party to submit a report to the Commission every 2 (two) years on legislative and other measures that it is taking to give effect to the rights and freedoms in the

Charter. The ACHPR reviews these reports and issues recommendations to the State. These recommendations are known as Concluding Observations.

**The African Court on Human and Peoples' Rights (AfCHPR)** was established by the African Union as a continental body to ensure the protection of human rights in Africa. The AfCHPR was established by the Protocol to the Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. The Protocol was adopted by member states of the then OAU in June 1998, and came into force in 2004. The AfCHPR is based in Arusha, Tanzania. The Court is comprised of 11 (eleven) Judges, nationals of Member States of the AU. The principal mandate of the Court is to receive cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the establishment of the Court, and any other relevant human rights instrument ratified by the State Party concerned. Cases considered by the AfCHPR may be submitted by Non-governmental Organisations (NGOs) with observer status before the ACHPR, as well as by individuals from Member States that have made a declaration accepting the jurisdiction of the Court. As at July, 2017, 30 (thirty) Member States were party to the Protocol, 8 (eight) of which have made a declaration recognising its competence to receive cases from NGOs and individuals. The Court delivered its first judgement in 2009. As at 30th August 2017, the Court had received 147 (one hundred and forty-seven) cases and finalised 32 (thirty-two) cases.

**The African Committee of Experts on the Rights and Welfare of the Child (ACERWC)** was established in accordance with the African Charter on the Rights and Welfare of the Child (also known as the African Children's Charter). The African Children's Charter, which was adopted by OAU Heads of State and Government on the 11 July 1990, came into force on 29 November 1999. The Charter provides for an 11 (eleven) member committee of experts. The mandate of the ACERWC is to promote and protect human rights, to monitor implementation of the rights enshrined in the Charter and to interpret the provisions of the Charter at the request of a State Party, an AU institution, or any other person or institution recognised by the AU. Since its establishment, the ACERWC has undertaken a number of promotional activities, including investigative missions in Member States where alleged violations of child rights have been reported. It has also received several State Party Reports on the child right situation and, following review of these reports, has issued Concluding Observations highlighting major issues of concern and recommendations to State Parties on measures that can be implemented to redress these violations. In 2016, the Committee developed a 25-year agenda, namely Agenda 2040, fostering an Africa fit for children, with the aim of restoring the dignity of the African child through assessing the achievement and challenges faced in the effective achievement of the rights in the Children's Charter.

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