



HUMAN RIGHTS FACTSHEET WHAT YOU MUST KNOW ABOUT

The African Commission on Human and Peoples' Rights (ACHPR)

06 November 2023

What is ACHPR?

ACHPR stands for African Commission on Human and Peoples' Rights (the African Commission), which is a regional human rights body established by the African Charter on Human and Peoples' Rights (the African Charter). It was created in 1987 and is tasked with promoting and protecting human rights in Africa. The African Commission is composed of 11 commissioners who are elected by the African Union and serve in their personal capacity. The commission receives and examines complaints of human rights violations, conducts country visits, and issues recommendations and reports on human rights issues in Africa. Its main objective is to ensure the respect for and promotion of human rights and fundamental freedoms on the continent.

What is the legal foundation for the African Commission.

The African Commission derives its legal foundation from the African Charter, which was adopted by the Organization of African Unity (now the African Union) in 1981 and entered into force in 1986. The charter sets out the rights and freedoms to be

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protected in Africa, as well as the mandate and functions of the ACHPR. It serves as the primary legal instrument for the promotion and protection of human rights on the African continent.

How does it fit in the African Human Rights Mechanisms.

The African Commission works closely with other African human rights mechanisms, such as the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child. It collaborates with these bodies to ensure the effective promotion and protection of human rights in Africa.

Overall, the African Commission plays a vital role in advancing human rights in Africa by monitoring compliance with the African Charter, addressing human rights violations, and promoting dialogue and cooperation among African states to improve human rights standards on the continent.

What has the ACHPR accomplished since its establishment.

The African Commission on Human and Peoples' Rights (ACHPR) was established on November 2, 1987, in Addis Ababa, Ethiopia to promote and protect human rights on the African continent. Since its inception, the ACHPR has made significant contributions to the development of human rights standards and norms in Africa.

The ACHPR has established several mechanisms to monitor and promote human rights in Africa, including special rapporteurs, working groups, and committees.

Here are some of the accomplishments of the ACHPR since its establishment:

The ACHPR has developed and adopted several human rights instruments, including the African Charter on Human and Peoples' Rights, which is a legally binding treaty that sets out the rights and freedoms that all people in Africa are entitled to. An example of a right recognized by the African Charter on Human and Peoples' Rights is the right to life, which is protected by Article 4 of the Charter⁴. Another example is the right to freedom of expression, which is protected by Article 9 of the Charter. The Charter also recognizes the right to work, the right to education, the right to health, and the right to a clean environment, among others.

The ACHPR has established several mechanisms to monitor and promote human rights in Africa, including special rapporteurs, working groups, and committees. Example, the Special Rapporteur on Freedom of Expression and Access to Information in Africa is responsible for promoting and protecting freedom of expression and access to information in Africa.

The ACHPR established several Working Groups to address specific human rights issues in Africa. Example, the Working Group on Economic, Social, and Cultural Rights which is responsible for promoting and protecting economic, social, and cultural rights in Africa.

The ACHPR has issued numerous decisions and resolutions on human rights issues in Africa, which have helped to clarify and strengthen human rights protections on the continent.

Here are some examples of these decisions and resolutions:

Resolution on the Human Rights Situation in the Republic of the Sudan: This resolution was adopted by the ACHPR in June 2023 and expressed concern about the serious deterioration of the human rights situation in the Republic of the Sudan as a result of the continuation of the war that broke out on April 15, 2023.

Resolution on the Situation of Human Rights in the Kingdom of Eswatini: This resolution was adopted by the ACHPR in June 2023 and expressed concern about the situation of human rights in the Kingdom of Eswatini, including the use of excessive force by security forces against peaceful protesters.

Resolution on Business and Human Rights in Africa: This resolution was adopted by the ACHPR in March 2023 and called on African states to take measures to ensure that businesses operating in Africa respect human rights and the environment.

Resolution on the Appointment of Expert Members of the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV: This resolution was adopted by the ACHPR in June 2023 and appointed expert members to the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV.

The ACHPR has played an important role in promoting democracy, good governance, and the rule of law in Africa.

Here are some examples of its efforts:

Resolution on the Situation of Human Rights Defenders in Africa: This resolution was adopted by the ACHPR in November 2020 and called on African states to take measures to protect human rights defenders and ensure that they can carry out their work without fear of reprisals.

Resolution on the Right to Participate in Government: This resolution was adopted by the ACHPR in November 2019 and emphasized the importance of the right to participate in government as a fundamental human right.

Resolution on the Right to Freedom of Association: This resolution was adopted by the ACHPR in November 2018 and called on African states to respect and protect the right to freedom of association.

The ACHPR has worked closely with civil society organizations, national human rights institutions, and other stakeholders to promote and protect human rights in Africa.

Here are some examples of its efforts:

The ACHPR has collaborated with civil society organizations to promote and protect human rights in Africa. For example, the ACHPR has worked with the African Centre for Democracy and Human Rights Studies to organize training programs for human rights defenders in Africa.

The ACHPR has worked with national human rights institutions to promote and protect human rights in Africa. For example, the ACHPR has collaborated with the National Human Rights Commission of Nigeria to promote human rights education and awareness in Nigeria.

The ACHPR has worked with other stakeholders to promote and protect human rights in Africa. For example, the ACHPR has collaborated with the African Union to promote democracy, good governance, and the rule of law in Africa.

What is the role of NGOs in the work of African Commission on Human and Peoples' Rights

NGOs play a significant role in the activities of the African Commission on Human and Peoples' Rights. They primarily draw the attention of the Commission to violations of the Charter, bring communications on behalf of individuals, monitor states' compliance with the Charter, and help to increase awareness about the Commission's activities by organizing conferences and other activities. NGOs participate in the Commission's public sessions and engage with the reporting procedure by submitting shadow reports and popularizing concluding observations. Since 1988, the Commission has been granting observer status to NGOs. NGOs having observer status with the Commission are required to submit a report of their activities every two years.

How do ordinary people benefit in the ACHPR

Ordinary people benefit from the ACHPR's work in several ways. The Commission provides a platform for individuals and groups to submit complaints of human rights violations, which can lead to redress for victims. The ACHPR also conducts investigations into human rights abuses and makes recommendations to states on how to improve their human rights records. Additionally, the Commission engages with civil society organizations, including NGOs, to promote awareness of human rights issues and to encourage public participation in the promotion and protection of human rights.

What key resolutions were made about Zimbabwe in the last ACHPR

The African Commission on Human and Peoples' Rights (ACHPR) has previously adopted a resolution on the human rights situation in Zimbabwe at its 66th Ordinary Session held virtually from July 13 to August 7, 2020. The resolution expressed concern over the human rights situation in Zimbabwe and called on the government to take measures to address the issues raised and further condemns the reports of human rights violations, including the rights to freedom of expression, association, and assembly.

The Commission called on the Government of Zimbabwe to, among other things, ensure that measures taken by its law enforcement agents do not lead to violations of fundamental rights and freedoms, including expression, association, and assembly.

How has Zimbabwe Human Rights Association interacted with the African Commission?

The Zimbabwe Human Rights Association (ZimRights) has observer status with the African Commission. ZimRights has been actively involved in the promotion and protection of human rights in Zimbabwe and has submitted several reports to the ACHPR on the human rights situation in the country. The organization has also participated in the Commission's public sessions and engaged with the reporting procedure by submitting shadow reports and popularizing concluding observations.

The Zimbabwe Human Rights Association, (ZimRights) and the International Commission of Jurist, submitted a letter to the Chairperson of the African's Commission on Human and Peoples' Rights Working Group appealing for urgent intervention for the protection of the rights to health and life in Zimbabwe.

Read full letter here:

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17 February 2021 To: Hon. Commissioner Mudford Zachariah ...
<https://www.icj.org/wp-content/uploads/2021/02/ZimRights-ICJ-Letter-to-ACHPR-1.pdf>

What highlights came from the 77th Session of the ACHPR

The African Commission on Human and Peoples' Rights held its 77th Ordinary Session from 20 October to 9 November 2023 in Arusha, Tanzania. The Commission deliberated on trending human rights issues especially matters arising from statements from various stakeholders on the human rights situation in Africa, the commission deliberated these issues with Specialized Institutions, as well as Non-Governmental Organizations (NGOs)

During the session, the commission held panel discussions on various issues, and topics including:

State reports.

Special mechanisms reports.

Intersection activity reports, 22-27 October.

Appointments.

Commissioner roles/functions renewal.

The situation of Human Rights Defenders in Africa.

Joint Panel of the ACHPR and the African Court on Human and Peoples' Rights under the Joint Roadmap on Complementarity.

Joint Launch of the African Guiding Principles on the Human Rights of all migrants, refugees and asylum Seekers and the Study on the African responses on migration.

Launch of the Study on the use of force by law enforcement officers and prison guards: Presentation of the Training tool on the use of force.

Launch of the Newsletter on Maputo@20: A Celebration of 20 Years of the Rights of Women and Girls in Africa.

Joint Launch of the Report on the Jurisprudence on Article 5 of the African Charter and CPTA's 2023 Newsletter.

What can ordinary people do to advance the work of the ACHPR

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Ordinary people can play a significant role in advancing the work of the African Commission on Human and Peoples' Rights (ACHPR). Here are some ways:

Stay informed: Ordinary people can stay informed about human rights issues in their communities and countries by reading news articles, reports, and other relevant materials. This will help them to identify human rights violations and to take action to address them.

Report human rights abuses: Ordinary people can report human rights abuses to the ACHPR by submitting complaints through NGOs or directly to the Commission. The ACHPR provides a platform for individuals and groups to submit complaints of human rights violations, which can lead to redress for victims.

Participate in public sessions: Ordinary people can participate in the ACHPR's public sessions and engage with the reporting procedure by submitting shadow reports and popularizing concluding observations. This will help to increase awareness about human rights issues and to encourage public participation in the promotion and protection of human rights.

Engage with civil society organizations: Ordinary people can engage with civil society organizations, including NGOs, to promote awareness of human rights issues and to encourage public participation in the promotion and protection of human rights.

Issued by the ZimRights Information Department

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