

**The African Commission on Human and Peoples' Rights (ACHPR):  
New Challenges and Opportunities for Human Rights Promotion and Protection**

*International Conference Organized by the ACHPR, The Nordic Africa Institute,  
CODESRIA and The Swedish NGO Foundation for Human Rights  
In Collaboration with SIDA & NORAD*

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This conference will discuss the new challenges facing the African Commission on Human and Peoples' Rights in the promotion and protection of human rights in Africa, as the human rights situation is becoming more complex, and as the political and institutional landscape in Africa is also undergoing a renewal.

**Background**

The ACHPR is Africa's most important human rights body. It was established in July 1987, less than one year after the African Charter on Human and Peoples' rights came into force. The establishment of the Commission was provided for by the Charter, that also determined its mandate; that is to:

- **promote and protect** human & peoples' rights in Africa
- **cooperate with other institutions concerned with the promotion and protection of human and peoples' rights**
- interpret the African Charter
- **perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.**

Since its establishment, the **African** Commission has held ordinary sessions regularly, in a number of countries around the continent, which has both made it known to Africans and enhanced the promotion of human rights. One measure of the growing credibility of the ACHPR is the significant, steady increase in the numbers of States and international and African civil society organizations that attend its sessions.

Sixteen years after its establishment, how has the ACHPR been fulfilling its mandate?

What has it achieved?

What have so far been the major challenges that it has had to confront?

What are the new challenges facing the **African Commission within the African Union**?

How is it going to relate to the African Union, its new parent body, and what roles is it going to play in relation to the New Partnership for African Development, NEPAD, the African Court of Human Rights, the International Criminal Court, the ITCR, the Special Court in Sierra Leone, the TRCs, the reinvented traditional systems such as the ‘Gacaca’ courts in Rwanda, and the other courts that are likely to be established in other countries in the region? How is it going to work with, and how can it benefit from the work of the constantly growing numbers of civil society organizations that are involved in the protection or promotion of human rights?

These and many other questions show that the **African Commission** is at a very critical juncture in its life. A number of formal and informal evaluations of the **African commission** and its work have been conducted, many of which have shown that it has succeeded in establishing, beyond any doubt, its relevance to the promotion and protection of human rights on the continent.

Some of the issues that have generated a lot of debates in and around the **African Commission** have been those of its autonomy, both financial and political, and its effectiveness. Institutional autonomy has also been partly linked to the autonomy of the Commissioners themselves, several of whom are senior civil servants in their respective governments; there have even been cases of Commissioners being ambassadors of their countries in other African countries, or government ministers, which may make it difficult for the **African Commission** to take certain positions. The effectiveness of its work has sometimes been reduced by the limited amount of resources available for some of its operations, such as the work of the Special Rapporteurs. The fragility of its financial base is still a major handicap for the **African Commission**.

On the other hand, although it still needs to further consolidate its financial base, being largely dependent on how relevant and it has been successful in raising the funds required for its ordinary sessions, thanks to the goodwill of governments such as those of the Sweden, Denmark, and other Nordic and non-Nordic countries, and to the organizational and diplomatic skills of the Commission's Chair and its Secretary. Much has also been achieved in terms of improving the procedures of the African Commission, adopting additional protocols such as the one on women's rights, and other substantive issues.

The regional and global contexts in which the **African** Commission is trying to fulfill its mandate have however changed quite significantly. The political landscape has changed quite significantly since the **African** Commission was established. Many of the **Member States** of the **AU** are now operating more pluralistic political systems, holding elections with observers who include the **AU**, and are challenged by the local media and civil society organisations that are becoming more and more competent and confident as watchdogs of human and peoples rights and liberties. In almost all African countries, new constitutional **and/or** electoral Commissions have been established. The issue of accountability for human rights abuses is higher and higher in both national and regional political agendas, as shown by the establishment of truth commissions and human rights courts. The transformation of the OAU into the AU with higher political ambitions and the importance given to democratic governance issues in the NEPAD framework, indicate the fundamental role that today a body like the ACHPR can play in Africa.

However, the proliferation of armed conflicts with horrendous human rights violations, the spread and deepening of poverty, and the spread of HIV/AIDS, all of which are associated with serious human rights violations, **call for** the need for further and more creative ways of interpreting the African Charter, **in order to better promote and protect** human rights in Africa.

For all these reasons, it is important to review the work of the African Commission and examine ways of further strengthening it and enabling it to fulfill its mandate more effectively under these **new** and still rapidly changing circumstances.

## **Objectives**

The main objective of the Conference **is to brainstorm on ways and means of better promoting and protecting human and peoples' rights in Africa by among other things, strengthening the continent's main human rights institution, the ACHPR.**

The specific objectives are:

- to review the work of the **African** Commission against the background of the new challenges posed by the changing political and institutional landscape in Africa,
- explore ways of enhancing the institutional autonomy of the Commission, as well as the visibility and the effectiveness of its human rights promotion and protection work in the context of **the AU including NEPAD, CSSDCA, Peace and Security Council etc... as well as** the growing number of international and special courts (including the Gacaca courts in Rwanda)
- to reflect on the best ways of supporting the ACHPR, increasing the support from the Nordic countries, and **strengthening** the financial base of ACHPR

## **Participants**

The conference will bring together the ACHPR's chair, some commissioners, the Secretary to the Commission, the Commission of the African Union, **the planning, policy and projects coordinator of the Secretariat of the Commission**, representatives of a selected number of **AU Member States**, other regional organisations, and civil society organisations from Africa, international human rights organisations, other regional human rights bodies in Asia, Latin America and Europe, representatives of Nordic governments and human rights centres and organisations, and a selected number of experts, who will include academics and practitioners.

## **Format**

The number of participants is estimated at 30, very carefully selected people. The aim is to make this a very **high profile** conference. Experts will be commissioned to write

background papers on five key topics, and the discussions of the conference will be structured around the presentations of the experts who have prepared the background documents.