

Concept Note on the Working Methods Workshop of the African Commission on Human and Peoples Rights (ACHPR)

26 – 27 September 2008

Ouagadougou, Burkina Faso

Introduction

The African Commission on Human and Peoples' Rights (ACHPR) was established in 1987 with the principal mandate of promoting and protecting human and peoples' rights on the continent. Over the past twenty-one years, the ACHPR has undertaken various measures to effectively execute its mandate. In the discharge of this mandate, the ACHPR has been faced with different challenges and difficulties, some so severe as to threaten its very existence, such as lack of resources (human, financial and material), probably reflecting lack of support from political leadership.

In the light of these challenges, the ACHPR developed different approaches to ensure the effective discharge of its mandate. From 1988 the ACHPR adopted an initial Plan of Action which ran from 1988 to 1992. That was followed by the adoption of three other plans: a Plan of Action (1992-1996), the Mauritius Plan of Action (1996-2001), and the Strategic Plan (2003-2006). The current Strategic Plan covers the period 2008-2012. All these Strategic Plans are aimed at meeting the specific challenges of the time and ensuring the effective promotion and protection of human rights observance.

The ACHPR also adopted other working modalities, including allocating responsibilities for particular State Parties to selected members of the ACHPR, for purposes of promoting and monitoring human rights.

Another approach adopted by the ACHPR is the establishment of Special Mechanisms, to spearhead promotional and protection activities in selected areas. The Special Mechanisms compose Special Rapporteurs, Working Groups, one Committee and, more latterly one Focal Point. While the first Special Rapporteur was appointed in 1994, the Focal Point was established in November 2007. To date the ACHPR has 11 Special Mechanisms (4 Special Rapporteurs, 5 Working Groups, 1 Committee, and 1 Focal Point) to deal with specific thematic human rights issues which are particularly concerning to the ACHPR.

Other working methods adopted to enhance the performance of the ACHPR include the granting of Observer Status and Affiliate Status to NGOs and NHRIs, respectively; the receipt and examination of State Reports; the undertaking of promotion and fact-finding missions to State Parties, and the consideration of

communications brought before the ACHPR alleging breach of Charter-based rights.

These approaches have informed the modus operandi of the ACHPR over the past two decades, and have contributed immensely to the impact of the ACHPR on the human rights agenda in Africa.

With the establishment of the African Union in 2002 the operational context of the ACHPR has changed drastically - human rights have been placed at the centre of the Continental political and economic development strategy; other AU organs with a human rights component in their mandate have been established; there is increased determination on the part of partners to work with the ACHPR; and a more positive disposition by State Parties towards supporting and cooperating with the ACHPR is quite evident (vide: the increase in funding for the ACHPR, the increase in the number of State Reports submitted to the ACHPR for examination, the increase in the number of States Parties accepting promotional and fact-finding missions in their Nation States, among others).

In the light of this, it is imperative for the ACHPR to take stock of its achievements/successes, examine the new challenges and difficulties, and review the human rights situation on the continent under this new dispensation. It is also time for the ACHPR to adopt a new way of doing things, to capitalize on the emerging advantages and minimize the new threats, especially through strategically working with other AU Organs and collaborating with other stakeholders, to effectively discharge its mandate.

The Workshop will provide the ACHPR with an opportunity to identify its comparative advantages in the field of human rights, and also to discuss ways and means of building upon these advantages, while at the same time encouraging other human rights Organs and Institutions to enhance their own human rights advantages. The areas of comparative advantage of the ACHPR could include: promotion of human rights, protection of human rights, and examination of State Reports.

This Workshop thus is an opportunity for the ACHPR to identify the ways and means through which it can improve its working methods and enhance its service delivery, and ensure that it efficiently and effectively discharges its mandate under the Charter.

Overall objective

To examine the working methods of the ACHPR in light of the changed human rights terrain in order to enhance the effective discharge of the mandate of the ACHPR.

Expected Outcome

Concrete ways identified and agreed to ensure the effective discharge of the ACHPR's mandate.

Participants

- Commissioners
- Members of the Secretariat
- Resource Persons

Methodology

- The Workshop will have presentations and be facilitated by two Resource Persons who are experts on the African Human Rights system – Prof Shadrack Gutto and Professor EVO Dankwa.
- The Chairperson will open The Workshop by providing the justification for the workshop and the need for a new approach/working method.
- The Secretariat will then present a document that traces the work of the ACHPR for the past 21 years, highlighting the different approaches that have been adopted over the years to enhance the work of the ACHPR, and looking at the gains scored and difficulties encountered from the different modus operandi.
- The Secretariat will also make suggestions on how some of these challenges can be dealt with and what new approaches could be adopted.
- The Commissioners will then discuss the issues raised by both the Chairperson and the Secretariat, under the facilitation of the Resource Persons.
- The Commissioners are strongly urged to discuss the challenges and propose new and improved working methods.
- The Resource Persons will facilitate the debates/proceedings and make suggestions, with a view to coming up with concrete recommendations.
- The issues raised during the discussions will then be gathered and clustered into baskets of issues in line with the comparative advantages of the ACHPR: promotion of human rights, protection of human rights, and examination of state reports.
- Participants will work in small groups/committees, organized around different themes (probably on the comparative advantage of the ACHPR) to be agreed upon, and these groups will report back to Plenary.
- Legal Officers shall be assigned to work with each Group, and each Group shall appoint a Commissioner to serve as Rapporteur, to present its conclusions to Plenary.

AU DECISIONS – BACKDROPS FOR THE WORKSHOP

It is expected that at the end of this Workshop, the elements required for the implementation of the following decisions of the African Union Heads of States and Government would have been addressed:

- Decision AHG/Dec. 3(XXXVII), the Assembly of the African Union Heads of States and Government, which called upon the African Commission “*to pursue reflection on the strengthening of the African system for the promotion and protection of Human and Peoples’ Rights to enable it to effectively meet the needs of the African population within the context of the African Union, and submit a report thereon as early as possible*”.
- Decision Assembly/AU/Dec.8(XI), adopted at the last Summit held in Sham El Sheik, Egypt, in July 2008, which requested the ACHPR to “*prepare a Paper on how the African Commission works, with a view to enhancing stakeholders’ understanding of its working methods and operational modalities*”.