

African Commission on Human and Peoples' Rights

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The African Commission is tasked with promoting and protecting human rights by interpreting the African Charter and considering individual complaints

Location: Banjul, The Gambia

Established: 1986

States: 53 Member States of the African Union (all except South Sudan)

Establishment

The African Commission on Human and Peoples' Rights ("Commission") was established under Article 30 of the African Charter on Human and Peoples' Rights ("African Charter"), and became operational on 21 October 1986. The Commission reports to the Assembly of Heads of State and Government of the African Union (AU).

Members

The 11 Commissioners serve in their personal capacities for six-year terms that may be renewed once. There are two ordinary sessions each year, usually in March/April and October/November, and also extraordinary sessions.

Jurisdiction

The Commission has jurisdiction over the rights set out in the African Charter. Its duties include examining national reports on the situation of human rights which each State is required to submit every other year, adopting resolutions and declarations, country visits, and adjudicating communications (complaints) submitted by Member States, individuals, and NGOs.

The Commission has also developed a system of "Special Measures," consisting of: (1) Special Rapporteurs to whom specific allegations of human rights violations in specific areas may be brought, and (2) Working Groups that monitor and investigate specific questions linked to the Commission's work.

With the creation of the African Court on Human and Peoples' Rights (under a protocol to the Charter adopted in 1998 which entered into force in January 2004), the Commission can also submit cases to the Court.

Admissibility

State Parties, individuals, or NGOs may bring communications to the Commission, alleging that a State Party has violated a provision of the Charter. When an individual or NGO submits a complaint to the Commission, they must first exhaust any domestic remedies which exist, "unless it is obvious to the Commission that the procedure

of achieving these remedies would be unduly prolonged.” Communications must be submitted within a reasonable time after local remedies were exhausted, must not be based exclusively on news from the mass media, and must not be written in a way which insults or disparages the State or the U. Individuals may request confidentiality.

Procedure

Applicants initiate a case through a letter of introduction. The Commission may decide to seize itself of the case, at which point the applicant is invited to provide submissions on admissibility, the State is given an opportunity to respond, and the applicant may file a reply. The Commission will then issue a decision on admissibility, and if the case is held to be admissible, the parties provide similar submissions and responses on the merits of the case.

Decisions on admissibility are usually made based solely on the written submissions, although the Commission may schedule an oral hearing. Oral hearings are more common at the merits stage, when they may be called by the Commission or requested by a party, although cases may be decided based solely on the written submissions.

Remedies

The African Charter does not specify the remedies which the Commission may recommend; rather, it empowers the Commission to make any recommendations it considers “useful” in a particular case. The Commission has made a wide range of recommendations, including publishing the Commission’s decision locally, the return of people expelled from their country, the protection of natural resources, urging the withdrawal of troops, urging changes in a State Party’s law, and urging the release of detainee. The Commission has also recommended provision of compensation to the victims of the violations; however, when it does so it does not specify the sum to be paid, but rather recommends that the State provide “adequate compensation”.

Enforcement

The African Charter does not contain any provision for enforcement of the Commission’s findings and recommendations, which are not formally binding on AU Member States. However, the Chairman publishes a record of the Commission’s activities, including its Views, which is then submitted to the Assembly (Activity Reports). Special Rapporteurs may also instigate a dialogue with the relevant governments, approach the press, and collaborate with their UN counterparts to help implement the Commission’s recommendations. Finally, the Commission can refer cases to the African Court on Human and Peoples’ Rights.

Cases

Between October 1996 and May 2010, the Commission decided 189 cases.

Court Documents

- [African Charter on Human and Peoples' Rights](#)
- [Rules of Procedure of the African Commission on Human and Peoples' Rights](#)
- [Protocol on the Statute of the African Court of Justice and Human Rights](#) (PDF)

Related Links

- [African Commission on Human and Peoples' Rights](#)
- [African Union](#)

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