



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

## A Guide For Advocates

### What Is The ACHPR?

The African Commission on Human and Peoples' Rights was established by the Organization of Africa Union, the predecessor to the Africa Union through the African Charter on Human and Peoples Rights entered into force in October 1986.

It's one of the eight organs of the Africa Union.

The commission monitors the implementation of the charter and the protocol to the Charter commonly referred to as Maputo Protocol.

All 54 African States are parties to the Charter.

The Commission was formally installed for the first time on 2 November 1987 and is based in Banjul, Gambia.

The Commission meets twice a year: usually in March or April and in October or November once in Banjul and the other may be in any African state. The commission also holds extraordinary sessions when necessary.

### What Is The Composition of the Commission?

The commission comprises up to eleven members elected by the African Union Assembly of Heads of State from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights who serve in their own capacity for six-year or four-year renewable terms.

### What Is The Mandate of the Commission?

The commission promotes and protects human rights, interprets the African Charter on Human and Peoples' Rights, receives biennial state reports and provides observations and recommendations based on state report and NGO statements.

It also receives and acts on individual and interstate communications after exhaustion of all local remedies.

The Commission also conducts country inquiries and Adopt General Comments on human rights.

## Special Mechanisms

The Commission has the authority to create subsidiary mechanisms such as special rapporteurs, committees, and working groups.

Some of the Special Mechanisms Include:

### Special Rapporteurs

1. Special Rapporteur on Freedom of Expression and Access to Information
2. Special Rapporteur on Human Rights Defenders
3. Special Rapporteur on the Rights of Women

### Working Groups

1. Working Group on Economic, Social and Cultural Rights
2. Working Group on the Death Penalty
3. Working Group on Fair Trial
4. Working Group on Communications

### Committees and Study Groups

1. Committee for the Prevention of Torture in Africa
2. Committee on the Protection of the Rights of People Living With HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV
3. Study Group on Freedom of Association

### Useful Resources

- [www.achpr.org](http://www.achpr.org)
- [www.africa-union.org](http://www.africa-union.org)
- <https://www.crin.org/en/guides/un-international-system/regional-mechanisms/african-commission-human-and-peoples-rights>
- <http://www.nayakenya.org/wp-content/uploads/2015/03/Alternative-Report-to-the-African-Commission.pdf>

## What are the Opportunities for Engagement for CSOs and Young People:

1. Submitting alternative/shadow reports when their states report to the commission
2. Bring cases of human rights violation under the complaint's mechanism
3. Participate in preparation of State Report through consultation with state
4. Support Special Procedures and Mechanism by providing information, data, recommendations, feedback on report etc. and participating in country inquiries and visits
5. Attending the session and briefing the commissioners one on one

## What are some relevant instruments on Sexual and Reproductive Health and Rights?

1. The Commission has over the years developed, issued or adopted several instruments including Protocols, Declarations, General Comments, Concluding Observations, Resolutions that can be used for international and (sub) national led advocacy.
2. Maputo protocol on Women's Rights which provides right to accessing safe abortion
3. General Comment No. 2 on Article 14.1 (a), (b), (c) and (f) and Article 14. 2 (a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (women's right and access to abortion)
4. Concluding Observation on Uganda to take measures to pass a specific law domesticating the Maputo Protocol
5. Resolution 275 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity